

# Town of Salisbury, Massachusetts



*Melinda Morrison, CMC, CMMC, Town Clerk*  
*Lynne Karpenko, Assistant Town Clerk*

May 22, 2023

To Whom It May Concern:

At a legal meeting of the registered voters of the Town of Salisbury, held at the Salisbury Elementary School on May 15, 2023 the meeting was called to order at 7:30 p.m. with a quorum being present of 125 registered voters. The following action was taken under Article Nine:

## ARTICLE NINE

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter 168, Parks and Recreation Commission, as outlined below, or to take any other action relative thereto:

### Chapter 168. Parks and Recreation Commission

#### Section 1. Establishment; composition

- a. There is hereby established a Parks and Recreation Commission. Such Commission shall consist of five members, who shall be residents of the Town, and who shall serve without compensation.

#### Section 2. Appointment; term; officers; filling of vacancies; removal of members

- a. The members of the Commission shall be appointed by the Town Moderator in accordance with the provisions of Section 3-3(c) of the Town Charter. Members shall be appointed for initial terms as follows: one Member for one year; one Member for two years; one Member for three years; one Member for four years; and one Member for five years. At the expiration of the initial term, Members shall be appointed for five-year terms, to commence on July 1 and end on June 30.
- b. The Commission shall annually organize by electing one their members as chairperson, one as vice-chairperson, and one as secretary.
- c. A vacancy in the Commission shall be filled in like manner for the remainder of the unexpired term.
- d. A member of the Commission may be removed in accordance with the provisions of Section 7-7 of the Town Charter.

#### Section 3. Powers, duties and responsibilities generally

- a. Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section 4-3 of the Town Charter, The Commission shall be charged with the control, management and operation of the Town's public parks and recreation areas and facilities, and shall work in conjunction with the Department of Public Works to ensure that the Town's playgrounds, ballfields, indoor and outdoor recreation areas, and the Town Common are properly maintained and preserved for appropriate use by the public. (\*)

#### Section 4. Acquisition and management of playgrounds

- a. The Commission may acquire land within the Town, in fee or otherwise, by gift, purchase, or by the right of eminent domain, or may lease the land and prepare, equip and maintain it or any other land belonging to the Town and suitable for the purpose, as a public playground, contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section 4-3 of the Town Charter.

#### Section 5. Adoption of rules, policies and regulations

- a. Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section 4-3 of the Town Charter, The Commission shall have the power to adopt rules, policies and regulations for the proper conduct of public park and recreation activities, areas and facilities in the Town.

#### Section 6. Annual report

- a. The Commission shall, within 30 days of the end of each fiscal year, file an annual report with the Town Manager.

*5 Beach Road, Salisbury, MA 01952*  
*978-462-7591 · fax: 978-462-4176*  
*email: townclerk@salisburyma.gov*

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## Section 7. Solicitation, receipt of gifts

- a. The Commission may solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for temporary or permanent use for parks and recreation purposes.

## Section 8. Permits and fees

- a. Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section 4-3 of the Town Charter, The Commission shall have the sole authority to issue permits for activities on any land designated for parks and recreational use, including the Town Common, requiring a separate permit for each activity taking place, and may delegate such authority to the Director of the Department of Public Works in their sole discretion.
- b. The Commission may charge a fee for the use of public parks and recreational space for private functions, according to a schedule of fees to be adopted and reviewed annually.
- c. All fees received by the Commission shall be deposited into the Parks and Recreation Revolving Fund and shall only be dispensed in accordance with a vote of the Commission, unless the Commission designates an individual, such as the Recreation and Community Events Director, to expend monies from said Fund.

## Section 9. Prohibited activities

- a. The following activities are strictly prohibited on parks and property reserved for recreational purposes:
  - (1) Destruction, defacement, removal, or disturbance of any sign, equipment, monument, marker, or planting
  - (2) Distribution or display of commercial advertising, soliciting any business, or any other commercial transaction, except in connection with sponsorship of a sports team or league, in connection with a permitted event, or in connection with an approved adopt-a-trail or similar sponsorship program.
  - (3) Operation of any device in violation of Section 170-4 of the Town's General Bylaws (Noise bylaw)
  - (4) Disorderly conduct
  - (5) Use of metal-detecting devices
  - (6) Non-permitted vehicles
  - (7) Mechanical rides or amusements, unless specifically permitted by the Commission
  - (8) Digging or disturbing the soil, except as permitted by the Commission
  - (9) Drinking alcoholic beverages, except in connection with a permitted event
  - (10) Climbing on fences
  - (11) Playing basketball, other sports activities and games between 10:00 PM and 8:00 AM, except in connection with a permitted event
  - (12) Using grills or making fires, except in connection with a permitted event
  - (13) Loitering, as defined by state law
  - (14) Smoking within 50 feet of the perimeter of any play structure, playground, basketball court, ballfield, or other organized use of property reserved for parks and recreational use
- b. Penalties and enforcement  
The Commission, Police Department and their designees are authorized to enforce this Bylaw. Violations of this Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaints pursuant to G.L. c. 40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D and Section 1-6 of the Town's General Bylaws. Violations of this Bylaw shall be subject to a fine of \$50.00. The Commission or their designee may also revoke any permit issued by the Commission following a violation of this Bylaw.

ON PETITION OF THE TOWN MANAGER

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**Warrant Advisory Committee unanimously voted to recommend approval**

**Motion: Charles Takesian Jr. I move that Article Nine be approved as herein stated**  
**Seconded**

**Motion to Amend:** Fred Knowles

I move to amend Article Nine, Section 9 a. (10) by striking the words "trees and"  
The amendment was seconded and carried

**Motion to Amend:** Ronalee Ray-Parrott

1. I move to amend Article 9, section 2d. by changing "Section 7-10" to Section 7-7"
2. I move to amend Article 9 section 3b (\*renumbered to 3(a) see below). by adding the following to the beginning of the section: "Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section4-3 of the Town Charter,"
3. I move to amend Article 9 section 9 4a. by adding the following at the end of this section "contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section4-3 of the Town Charter."
4. I move to amend Article 9 section 5a. by adding the following to the beginning of the section: "Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section4-3 of the Town Charter,"
5. I move to amend Article 9 section 8a. by adding the following to the beginning of the section: "Contingent upon the delegation of authority granted under section 4-2(g) of the Town Charter, and in accordance with Section4-3 of the Town Charter,"
6. I move to amend Article 9 a.(2) by deleting this Section in its entirety and inserting in place thereof the following: "Section 9 a.(2) Distribution or display of commercial advertising, soliciting any business, or any other commercial transaction, except in connection with sponsorship of a sports team or league, in connection with a permitted event, or in connection with an approved adopt-a-trail or similar sponsorship program."
7. I move to amend Article 9 a.(8) by deleting this section in its entirety and inserting in place thereof the following: "Section 9 a.(8) Digging or disturbing the soil, except as permitted by the Commission."

**These amendments were seconded and carried by majority vote**

**The main motion as amended was seconded, voted on and carried by majority.**

A true copy attest:

Melinda J. Morrison, Town Clerk

\*Section 3(a) approved at the May 15, 2023 Annual Town Meeting was disapproved by the Attorney General's Office and therefore removed and section 3(b) was renumbered to section 3(a)

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