

ANNUAL TOWN MEETING

MAY 9, 1995

Voters of the Town of Boxford met at the Masconomet Regional High School Auditorium on Tuesday, May 9, 1995. Moderator DeWitt T. Minich called the Annual Town Meeting to order at 7:33 p.m. Retiring Town Counsel, Donald Scutierra, was recognized for his many years of distinguished service to the Town. The articles of the warrant were disposed of as follows:

ARTICLE 1. To accept and place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to receive and place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed.

ARTICLE 2. To see if the Town will vote to set the annual curbside solid waste collection fee at \$1.00 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1996; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to set the annual curbside solid waste collection fee at \$1.20 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1996.

An amendment to set the annual curbside solid waste collection fee at \$1.00 per 32 gallon bag or container was defeated by hand count vote, 165 in favor, 232 opposed.

Finance Committee recommended adoption of this article.

ARTICLE 3. To see if the Town will vote the following sums to fund the Roadside Collection Solid Waste and Recycling Enterprise Fund for Fiscal Year 1996, to be expended under the direction of the Board of Health:

Expenses, Contract:	\$ 134,375.00
Expenses, sticker printing:	4,200.00
Expenses, education/mailing:	<u>1,000.00</u>
Total:	\$ 139,575.00

and that \$139,575 be raised as follows: \$120,950 from enterprise fund receipts; and (\$18,625) be raised and appropriated or transferred from other available funds; or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, the following sums to fund the Roadside Collection Solid Waste and Recycling Enterprise Fund for Fiscal Year 1996, to be expended under the direction of the Board of Health:

Expenses, Contract:	\$ 134,375.00
Expenses, sticker	4,200.00
Expenses, education	<u>1,000.00</u>
Total:	\$ 139,575.00

and that \$139,575 be raised from enterprise fund receipts.
Finance Committee recommended adoption of this article.

ARTICLE 4. To see if the Town will authorize the establishment of a Recycling Revolving Account as authorized by Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Health and used for the deposit of receipts and fees collected on recyclable materials; said recyclable materials to be determined by a joint vote of the Board of Health and Recycling Committee and to be in compliance with all state health regulations; and, further, to allow the Board of Health, or the Recycling Committee with the approval of the Board of Health, to expend funds not to exceed \$60,000 for Fiscal Year 1996 from said account for the operation and maintenance of the Town Recycling Center; said authorization to be contingent upon the creation of specific recycling fees by the Board of Health for construction and demolition materials, tires and other materials banned from disposal in the landfill; and contingent upon an annual report from the Board of Health to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Recycling Revolving Account as authorized by Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Health and used for the deposit of receipts and fees collected on recyclable materials; said recyclable materials to be determined by a joint vote of the Board of Health and Recycling Committee and to be in compliance with all state health regulations; and, further, to allow the Board of Health, or the Recycling Committee with the approval of the Board of Health, to expend funds not to exceed \$15,000 for Fiscal Year 1996 from said account for the operation and maintenance of the Town Recycling Center; said authorization to be contingent upon the creation of specific recycling fees by the Board of Health for construction and demolition materials, tires and other materials banned from disposal in the landfill; and contingent upon an annual report from the Board of Health to the Town on the total receipts and expenditures of the Account each fiscal year.

Finance Committee recommended adoption of this article.

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ARTICLE 5. To see if the Town will vote to amend various portions of Article 5 of its bylaws, known as the Personnel Bylaw, by amending Section 9, "Position Classes: Salary, Wages and Pay Matrix" and replacing it with the Classification and Pay Matrix as submitted by the Personnel Board as printed in this warrant; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend various portions of Article 5 of the Town bylaws, known as the Personnel Bylaw, by amending Section 9, "Position Classes: Salary, Wages and Pay Matrix" and replacing it with the Classification and Pay Matrix as submitted by the Personnel Board as printed in this warrant.

Finance Committee recommended adoption of this article.

ARTICLE 6. To see if the Town will vote to amend portions of Article 5 of its bylaws, known as the Personnel Bylaw, by amending Section 6, subsection 5-6-10, "Personal Leave" by adding the following: "Regular, full-time employees not defined as management or department heads shall be eligible for two days of personal leave during each fiscal year. Such leave during each fiscal year shall not be taken in less than 4-hour increments, and may not be accrued;" or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend portions of Article 5 of the Town bylaws, known as the Personnel Bylaw, by amending Section 6, subsection 5-6-10, "Personal Leave" by adding the following: "Regular, full-time employees not defined as management or department heads shall be eligible for two days of personal leave during each fiscal year. Such leave during each fiscal year shall not be taken in less than 4-hour increments, and may not be accrued."

Finance Committee recommended adoption of this article.

ARTICLE 7. To see if the Town will vote to appropriate \$9,377.74 of Wetlands Fees Collected during FY 1994 and FY 1995 and deposited in the Wetlands Protection Fund; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate \$9,377.74 of Wetlands Fees Collected during FY 1994 and FY 1995 and deposited in the Wetlands Protection Fund.

Finance Committee recommended adoption of this article.

ARTICLE 8. To see if the Town will vote to upgrade the position of Fire Chief to permanent, full-time, regular employee (40 hours per week); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the article to read "to upgrade the position of Fire Chief to regular, full-time employee (40 hours per week)."

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to upgrade the position of Fire Chief to regular, full-time employee (40 hours per week).

Finance Committee recommended adoption of this article.

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Following the vote on Article 12, Article 8 was reconsidered as follows:

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to rescind and reconsider the vote on Article 8.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to upgrade the position of Fire Chief to regular, full-time employee.

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$22,500 to additionally fund the first year of a full-time Fire Chief, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$22,500 to additionally fund the first year of a full-time Fire Chief, said funds to be spent under the direction of the Board of Selectmen. Finance Committee recommended adoption of this article.

ARTICLE 10. To see if the Town will authorize the establishment of a Printing Revolving Account as authorized by Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Selectmen and used for the deposit of receipts and fees collected on the sale of, printed official documents as required by law by several of the elected and appointed committees, commissions, and boards; to expend funds not to exceed \$ 5,000 for Fiscal Year 1996 from said account for the costs to the Town for printing; and contingent upon an annual report from the Board of Selectmen to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Printing Revolving Account as authorized by Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Selectmen and used for the deposit of receipts and fees collected on the sale of printed official documents as required by law by several of the elected and appointed committees, commissions, and boards; to expend funds not to exceed \$ 5,000 for Fiscal Year 1996 from said account for the costs to the Town for printing; and contingent upon an annual report from the Board of Selectmen to the Town on the total receipts and expenditures of the Account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 11. To see if the Town will vote to authorize the establishment of a Library Photocopy machine revolving account as authorized by Chapter 44, Section 53E 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Library Trustees and used for the deposit of receipts collected

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through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and, further, to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1996 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Library Photocopy machine revolving account as authorized by Chapter 44, Section 53B 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Library Trustees and used for the deposit of receipts collected through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and, further, to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1996 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 12. To act on the proposed budget and see what sums of money the Town will vote to raise and appropriate, or transfer from available funds, for the use of several departments for fiscal year 1996, to wit: General Government, Finance, Public Safety, Education, Town Maintenance and all other necessary proper expenses during said fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to increase the "Town Clerk - All Other" account from \$15,830 to \$20,137.

Upon motion made and duly seconded, an amendment to "zero out" the Council on Aging was defeated by majority voice vote.

Upon motion made and duly seconded, an amendment to the Board of Health budget was defeated by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$457,503 for General Government.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$254,314 for Finance.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$1,066,984 for Public Safety.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to increase the "Library - All Other" account from \$51,346 to \$53,095.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$6,538,730 for Education.

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through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and, further, to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1996 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Library Photocopy machine revolving account as authorized by Chapter 44, Section 53B 1/2 of the Massachusetts General Laws, said account to be under the direction of the Board of Library Trustees and used for the deposit of receipts collected through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and, further, to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1996 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 12. To act on the proposed budget and see what sums of money the Town will vote to raise and appropriate, or transfer from available funds, for the use of several departments for fiscal year 1996, to wit: General Government, Finance, Public Safety, Education, Town Maintenance and all other necessary proper expenses during said fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to increase the "Town Clerk - All Other" account from \$15,830 to \$20,137.

Upon motion made and duly seconded, an amendment to "zero out" the Council on Aging was defeated by majority voice vote.

Upon motion made and duly seconded, an amendment to the Board of Health budget was defeated by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$457,503 for General Government.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$254,314 for Finance.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$1,066,984 for Public Safety.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to increase the "Library - All Other" account from \$51,241 to \$53,095.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$6,538,730 for Education.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$440,435 for Town Maintenance.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$56,416 for Inspectors.

Upon motion made and duly seconded, it was VOTED, by majority voice vote to raise and appropriate the sum of \$532,359 for Insurance and Pensions.

Total Budget to be Raised and Appropriated = \$9,346,741.
Finance Committee recommended adoption of this article.

NOTE: At this time, we anticipate that Articles 13, 15, and 16 will be offered as "contingent appropriations." This means that although the appropriation for a specific article could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 13. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new Pumper to replace Engine #5 for the Fire Department, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$190,000 to fund the purchase of a new Pumper to replace Engine #1 for the Fire Department, said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon the successful passage of a Proposition 2 1/2 override ballot question.
Finance Committee recommended adoption of this article.

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$2400 to fund the retrofitting of Engine #5 to become a large diameter hose vehicle replacing Engine #1; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$2400 to fund the retrofitting of Engine #5 to become a large diameter hose vehicle replacing Engine #1.
Finance Committee recommended adoption of this article.

ARTICLE 15. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new grass mowing machine for the Department of Public Works, and to authorize the Board of Selectmen to trade or dispose of any existing mowers in any manner which they deem advisable,

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said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded Article 15 was defeated by majority voice vote.

Finance Committee recommended against this article.

ARTICLE 16. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$60,000 for costs estimated for repairs associated with the previous use of Johnson Field and its surrounding area as a sanitary landfill, said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the article to read "\$25,000 for costs estimated."

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$25,000 for costs estimated for the plans and initial construction for repairs associated with the previous use of Johnson Field and its surrounding area as a sanitary landfill, said funds to be spent under the direction of the Board of Health, said appropriation to be fully contingent upon the successful passage of a Proposition 1/2 override ballot question.

ARTICLE 17. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow through notes or bond, a sum of money to authorize the Board of Selectmen to purchase or take by eminent domain a parcel of land for school and/or playground purposes, owned by John A. Christopher, Trustee of the Carr Way Realty Trust, as shown on a plan of land entitled, "Definitive Subdivision Plan of Land in Boxford, MA, prepared for Motnerak Limited Partnership, showing Carr Way and Lot 1, October 12, 1988," containing 3.07 acres, more or less, said plan recorded in Essex South Registry of Deeds in Plan Book 294, Plan 67; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 417 in favor and 15 opposed, to borrow the sum of \$160,000 to authorize the Board of Selectmen to purchase or take by eminent domain a parcel of land for school and/or playground purposes, owned by John A. Christopher, Trustee of the Carr Way Realty Trust, as shown on a plan of land entitled, "Definitive Subdivision Plan of Land in Boxford, MA, prepared for Motnerak Limited Partnership, showing Carr Way and Lot 1, October 12, 1988," containing 3.07 acres, more or less, said plan recorded in Essex South Registry of Deeds in Plan Book 294, Plan 67.

Finance Committee recommended adoption of this article.

A 2/3 vote was required.

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 NOTE: At this time, we anticipate that Article 18 will be offered as a "contingent appropriation." This means that although the appropriation for the article could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 18. To see if the Town will vote to borrow a sum of money to fund the architectural, designer and engineering services and to fund related permits and expenses necessary to obtain the required approvals for the expansion and renovations of the Cole and Spofford Pond Elementary Schools; said funds to be expended under the direction of the School Building Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 334 in favor and 37 opposed, to borrow a sum of money to fund the architectural, designer and engineering services and to fund related permits and expenses necessary to obtain the required approvals for the expansion and renovations of the Cole and Spofford Pond Elementary Schools; said funds to be expended under the direction of the School Building Committee, said appropriation to be fully contingent upon the successful passage of a Proposition 2 1/2 override ballot question.

Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to rescind and reconsider the vote on Article 18.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 333 in favor and 33 opposed, to borrow a sum of money equal to \$330,000 to fund the architectural, designer and engineering services and to fund related permits and expenses necessary to obtain the required approvals for the expansion and renovations of the Cole and Spofford Pond Elementary Schools; said funds to be expended under the direction of the School Building Committee, said appropriation to be fully contingent upon the successful passage of a Proposition 2 1/2 override ballot question.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to adjourn the meeting at 11:01 p.m. to a time certain, Wednesday, May 10, at 7:30 p.m. in the Masconomet Regional High School auditorium.

Registered voters attending the meeting were 509.

SPECIAL TOWN MEETING

MAY 9, 1995

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, May 9, 1995. Moderator DeWitt T. Minich called the Special Town Meeting to order at 7:17 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the ground water testing and related engineering costs, for well sites at the Cole and Spofford Pond Elementary Schools; said funds to be spent under the direction of the School Building Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 1.

ARTICLE 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to survey and prepare site plans for a portion of the Town owned land off Spofford Road and/or to engage a design firm, and equipment and personnel necessary to conduct certain testing necessary to assist in the evaluation of feasibility of an expansion to the Police Station and the construction of a new Town Hall on town owned property off Spofford Road, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$6,000 to fund a survey and to fund the preparation of site plans for a portion of the Town owned land off Spofford Road and/or to engage a design firm, and equipment and personnel necessary to conduct certain testing necessary to assist in the evaluation of feasibility of an expansion to the Police Station and the construction of a new Town Hall on town owned property off Spofford Road, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,165 to pay the balance due by the Town to the North Shore Regional Vocational High School, pursuant to their FY 1995 Assessment to the Town, certified by them; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$30,165 to pay the balance due by the Town to the North Shore Regional Vocational High School, pursuant to their FY 1995 Assessment to the Town, certified by them.

Finance Committee recommended adoption of this article.

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ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the scarifying and/or paving of roads in the Town; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$75,000 to fund the scarifying and/or paving of roads in the Town; said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the construction of drainage works projects; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$25,000 to fund the construction of drainage works projects; said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 6. To see if the Town will vote to appropriate the sum of \$304,529 for highway maintenance and construction in anticipation of state aid allotment, said monies predicated on state reimbursement of the following: Chapter 85, Section 2A, Acts of 1994, \$304,529 (MA#35457 Second Apportionment); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate the sum of \$304,529 for highway maintenance and construction in anticipation of state aid allotment, said monies predicated on state reimbursement of the following: Chapter 85, Section 2A, Acts of 1994, \$304,529 (MA#35457 Second Apportionment).

Finance Committee recommended adoption of this article.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the final cost for the repair of the Stiles Pond Dam, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$28,000 to fund the final cost for the repair of the Stiles Pond Dam, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Special Town Meeting - May 9, 1995

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to adjourn the Special Town Meeting at 7:33 p.m.

Registered voters attending the meeting were 130. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

Patricia Shields
Patricia Shields
Town Clerk

TRANSFERS:

Article 2 (from free cash to Board of Selectmen)	\$ 6,000
Article 3 (from free cash to North Shore Regional Vocational High School)	30,165
Article 4 (from free cash to scarify/pave roads)	75,000
Article 5 (from free cash to drainage projects)	25,000
Article 7 (from free cash to Stiles Pond Dam)	28,000

TOTAL TO BE TRANSFERRED

\$164,165

APPROPRIATIONS:

Article 6 (for highway maintenance and construction predicated upon state reimbursement, Chapter 85)	\$304,529
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TOTAL TO BE APPROPRIATED

\$304,529

ADJOURNED ANNUAL TOWN MEETING

May 10, 1995

Moderator DeWitt T. Minich called the second session of the Boxford Annual Town Meeting to order at 7:31 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 19. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to purchase and equip two new police cruisers, with new radios, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$48,398 to purchase and equip two new police cruisers, with new radios, and to authorize the Board of Selectmen to trade or dispose of any existing vehicles in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow, the sum of \$100,000 for the purpose of remediating failing residential subsurface sewage disposal systems and underground fuel storage tanks, pursuant to Massachusetts General Laws Chapter 111, Section 127B 1/2; the sum to be borrowed and repaid by recipients through the betterment procedure pursuant to Chapter 111, Section 127B 1/2 and Massachusetts General Laws Chapter 80; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 20.

Finance Committee did not recommend adoption of this article.

ARTICLE 21. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$21,000 for protective action on Boxford ponds, including watershed zoning overlay districts for Hovey's, Stiles and Baldpate Ponds, said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$21,000 for protective action on Boxford ponds, including watershed zoning overlay districts for Hovey's, Stiles and Baldpate Ponds, said funds to be spent under the direction of the Board of Health.

Finance Committee did not recommend adoption of this article.

Adjourned Annual Town Meeting - May 10, 1995

ARTICLE 22. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the construction of a new recycling transfer shed, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$15,000 to fund the construction of a new recycling transfer shed, said funds to be spent under the direction of the Board of Selectmen
Finance Committee recommended adoption of this article.

ARTICLE 23. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new photocopy machine for the Town Hall, and to authorize the Board of Selectmen to trade or dispose of the existing Town Hall copy machine in any manner they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$15,000 to fund the purchase of a new photocopy machine for the Town Hall, and to authorize the Board of Selectmen to trade or dispose of the existing Town Hall copy machine in any manner they deem advisable, said funds to be spent under the direction of the Board of Selectmen.
Finance Committee recommended adoption of this article.

ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$150,000 to the Finance Committee Reserve Fund, said funds to be spent under the direction of the Finance Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority show of hands, to amend the article from \$150,000 to \$100,000.
Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$100,000 to the Finance Committee Reserve Fund, said funds to be spent under the direction of the Finance Committee.
Finance Committee recommended adoption of this article.

ARTICLE 25. To see if the Town will vote to authorize the Selectmen to sell a parcel of Town-owned land off Main Street, at the intersection of Glendale Road, consisting of 1.5 acres, identified as Assessors Map 13, Group 3, Parcel 25; with the condition that said parcel is sold with a Conservation Restriction pursuant to MGL Chapter 184, Section 31, and cannot be built upon; provided the proposed purchaser provides to the Town a plan which is recordable in the Essex South Registry of Deeds; or take any other action thereon.

Upon motion made and duly seconded, Article 25 was defeated by hand count vote, 31 in favor and 168 opposed.
Finance Committee recommended adoption of this article.
(The night of Town Meeting, the Finance Committee recommended against adoption of this article.)

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ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the New England Telephone and Telegraph Company and Massachusetts Electric Company for the purpose of providing for the transmission of intelligence and electricity, such easement locations being more particularly described below, in, on and over a certain parcel of land being Town owned land as shown on a sketch on file with the Town Clerk and entitled: "Sketch of Proposed Pole Line Easement in Boxford, Mass. from Town of Boxford to New England Telephone and Telegraph Company, Robert G. Goodwin, Registered Land Surveyor, 82 Central Street, Andover, Mass., Scale 1"=40', Date: Jan. 30, 1995;" or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to authorize the Board of Selectmen to grant an easement to the New England Telephone and Telegraph Company and Massachusetts Electric Company for the purpose of providing for the transmission of intelligence and electricity, such easement locations being more particularly described below, in, on and over a certain parcel of land being Town owned land as shown on a sketch on file with the Town Clerk and entitled: "Sketch of Proposed Pole Line Easement in Boxford, Mass. from Town of Boxford to New England Telephone and Telegraph Company, Robert G. Goodwin, Registered Land Surveyor, 82 Central Street, Andover, Mass., Scale 1"=40', Date: Jan. 30, 1995."

Finance Committee recommended adoption of this article.

ARTICLE 27. To see if the Town will vote to petition the General Court to pass legislation to establish a "Boxford Land Bank," the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing town administered affordable housing, funded by a temporary fee of up to 2% on real estate transfers; said fee to be collected for a period of twenty years, or until 75% of the town's remaining buildable land has been developed, whichever is sooner; said Land Bank to be administered by the "Boxford Land Bank Commission," consisting of representatives appointed by the Board of Selectmen; or take any other action thereon.

A motion made and duly seconded to pass over this article was defeated by a hand count vote, 92 in favor and 102 opposed.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 123 in favor and 85 opposed, to petition the General Court to pass legislation to establish a "Boxford Land Bank," the purpose of which is to acquire real estate interests for conservation or preservation of open spaces, wetlands, water resource areas, wild life areas, and for the purpose of providing town administered affordable housing, funded by a temporary fee of up to 2% on real estate transfers; said fee to be collected for a period of twenty years, or until 75% of the town's remaining buildable land has been developed, whichever is sooner; said Land Bank to be administered by the "Boxford Land Bank Commission," consisting of representatives appointed by the Board of Selectmen

Finance Committee did not recommend adoption of this article.

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ARTICLE 28. To see if the Town will vote to amend Article 1, Section 1-1-1 so that it shall read as follows: "The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the 4th Tuesday in October on an annual basis"; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 1, Section 1-1-1 so that it shall read as follows: "The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the 4th Tuesday in October on an annual basis."

Finance Committee recommended adoption of this article.

ARTICLE 29. To see if the Town will vote to accept an increase from \$20,000 to \$40,000 in the qualifying gross receipts from all sources of income in the previous year, pursuant to MGL Chapter 59, Section 5, Clause 41A, which allows an elderly taxpayer to postpone payment of all or a portion of his or her real estate taxes each year at 8 percent simple interest per annum, provided the aggregate of deferred taxes and interest does not exceed 50 percent of the taxpayer's proportional share of the fair cash value of the property; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept an increase from \$20,000 to \$40,000 in the qualifying gross receipts from all sources of income in the previous year, pursuant to MGL Chapter 59, Section 5, Clause 41A, which allows an elderly taxpayer to postpone payment of all or a portion of his or her real estate taxes each year at 8 percent simple interest per annum, provided the aggregate of deferred taxes and interest does not exceed 50 percent of the taxpayer's proportional share of the fair cash value of the property.

Finance Committee recommended adoption of this article.

ARTICLE 30. To see if the Town will vote to add the following new ARTICLE FOURTEEN to the General Bylaws as follows:

DRIVEWAY/CURB CUT PERMIT

Section 1. Definitions

- 14-1-1 Driveway: A private road, logging road, temporary access for construction, logging or testing, and any other privately owned access to and egress from a way.
- 14-1-2 Public Way: A road laid out by a public agency, or dedicated to public use or laid out for public use or maintained as a public way.
- 14-1-3 Way: Any public or private road laid out under the authority of statute, dedicated to the public use, or any place to which the public has a right of access as an invitee or licensee to operate a motor vehicle.

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Section 2. Purposes

- 14-2-1 To provide a uniform practice in the design and construction of entrances and exits;
- 14-2-2 To provide the necessary drainage;
- 14-2-3 To provide a safe access and egress.

Section 3. Permits

14-3-1 Any property owner desiring to gain access to a way, or desiring to alter, change or close an existing driveway, shall do so only in accordance with the provisions of a permit issued by the Superintendent of Public Works. The Driveway/Curb Cut Permit shall precede the issuance of any building, well, septic permit or common driveway special permit.

14-3-2 Application

- 1. Before beginning construction, the property owner or his duly authorized agent shall make written application on forms available at the DPW Garage, Town Hall and the Building Inspector's office, to the Superintendent of Public Works.

(a) The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features. A fee of \$10.00 shall be paid to the Town of Boxford upon submission of the application.

(b) An engineer's plan, or clear sketch, drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed and showing the following:

- 1. Any driveway that is to be created, altered or closed.
- 2. The location of the driveway in relation to the lots' front and side property lines.
- 3. Details on drainage and topography.
- 4. The location of existing driveways and intersections located within 200' of the proposed driveway.
- 5. The location and description of trees over 1 inches in diameter and location and nature of any wall at the proposed driveway site.

14-3-3 Processing

- 1. The Superintendent of Public Works shall take action on driveway/curb cut applications within 10 working days of receipt of the application.

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Section 4. Design Requirements

- 14-4-1 Entrances on state highways shall conform to the Massachusetts Department of Public Works standards and regulations.
- 14-4-2 Unless the topography of the land prohibits, driveways shall not be sited within 40 feet of an intersection, or directly opposite an existing driveway, due to potential safety hazards.
- 14-4-3 If construction of the driveway requires the removal of trees or the breaking of a stone wall on or adjacent to the road dedication, this must be noted on the plan and the applicant must receive the consent of the Planning Board under the Commonwealth of Massachusetts Scenic Roads Act prior to the issuance of a driveway/curb cut permit.
- 14-4-4 Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.
- 14-4-5 Driveways shall be so constructed so that water from the driveway shall not drain onto the road.
1. The driveway shall be constructed with a 3/8" per foot downward gradient from the edge of the road surface for a minimum distance of five (5) feet.
- 14-4-6 Culverts taking the place of roadside ditches, shall have a diameter of not less than twelve (12) inches. A larger diameter may be required. All culverts installed under any driveway shall become the property owner's responsibility for cleaning, maintenance and replacement; or take any other action thereon.

Upon motion made and duly seconded an amendment to the Article to delete Section 14-4-3 was defeated by hand count vote, 75 in favor and 93 opposed.

Upon motion made and duly seconded, the Article was defeated by hand count vote, 76 in favor and 105 opposed.

ARTICLE 31. To see if the Town will vote to accept the following as a public way: CARRIAGE HOUSE LANE from station 00+00 to 10+72.02 as shown on the plan entitled "As-Built Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision, Phase I, Boxford, MA, Owner - Baldpate Pond Limited Partnership, dated February 8, 1995; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Land Court Registration Office as Plan No. 29220E; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 31.

ARTICLE 32. To see if the Town will vote to accept the following as a public way: STANTON CIRCLE from station 0+00 to 9+79 as shown on a plan entitled "As-Built Subdivision Plan of Castlemere Estates, Stanton Circle, Boxford, MA, Owner - Castlemere Real

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Estate Trust; Engineer - Thomas E. Neve Associates, Inc., dated October 24, 1994, revised February 21, 1995". Subdivision plans recorded in the Essex South District Registry of Deeds, Plan Book 214, Plan 17; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept as a public way STANTON CIRCLE from station 0+00 to 9+79 as shown on a plan entitled "As-Built Subdivision Plan of Castlemere Estates, Stanton Circle, Boxford, MA, Owner - Castlemere Real Estate Trust; Engineer - Thomas E. Neve Associates, Inc., dated October 24, 1994, revised February 21, 1995". Subdivision plans recorded in the Essex South District Registry of Deeds, Plan Book 214, Plan 17.

ARTICLE 33. To see if the Town will vote to accept the following as a public way: BENNETT ROAD from station 0+00 to 15+00 as shown on a plan entitled "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, Owner - Arbella Crossing Realty Trust of 1993, dated February 21, 1995; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Essex South District Registry of Deeds, Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan #34498F; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 33.

ARTICLE 34. To see if the Town will vote to accept the following as a public way: DOLE HILL LANE from station 0+00 to 18+97.69 as shown on a plan entitled, "As-Built Plan of Dole Hill Acres, Dole Hill Lane, Boxford, MA, dated February 21, 1995, prepared for L.B.M. Realty Trust; Engineer - Thomas E. Neve Associates, Inc." and recorded in the Essex South District Registry of Deeds, Plan Book 262, Plan 69; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 34.

ARTICLE 35. To see if the Town will vote to accept the following as a public way: HUNTER'S ROAD from station 0+00 to 15+97.30 as shown on plan entitled "As-Built Plan & Profile, Hunter's Road, Boxford, MA, dated September 15, 1994; Engineer Hayes Engineering, Inc. 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 256, Plan 38; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 35.

ARTICLE 36. To see if the Town will vote to accept the following as public ways: CAHOON ROAD in its entirety and DANA ROAD from station 7+56.71 to 25+54.71 as shown on a plan entitled "As-Built Street Acceptance Plan of Cahoon Road & Dana Road of the Christmas Tree Farms Subdivision in Boxford, MA, prepared for Danforth/Carey & Co., Inc., dated December 14, 1993, Hancock Survey Associates,

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Inc.", to be recorded at the Essex South Registry of Deeds; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept as public ways: CAHOON ROAD in its entirety and DANA ROAD from station 7+56.71 to 25+54.71 as shown on a plan entitled "As-Built Street Acceptance Plan of Cahoon Road & Dana Road of the Christmas Tree Farms Subdivision in Boxford, MA, prepared for Danforth/Carey & Co., Inc., dated December 14, 1993, Hancock Survey Associates, Inc.", to be recorded at the Essex South Registry of Deeds.

ARTICLE 37. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a 35,000 G.V.W. diesel cab and chassis, with dump body, sander and radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicle in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$46,000 to fund the purchase of a 35,000 lb. G.V.W. diesel cab and chassis, with dump body, sander and radio, and to authorize the Board of Selectmen to trade or dispose of any existing vehicle in any manner which they deem advisable, said funds to be spent under the direction of the Board of Selectmen.

ARTICLE 38. To see if the Town will vote to add a second sentence to Section VI, B2, c2 of the Zoning Bylaw reading: "No land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Mass. Wetlands Protection Act, MGL, Chapter 131, Section 40 nor any land within 75 feet of such Wetland Resource Area may be counted towards the contiguous buildable area."; or take any other action thereon.

Explanation: The addition of this sentence will make the Zoning Bylaw conform to the Town's Wetland's Protection Bylaw 's prohibition against building within 75 feet of any Wetland.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 159 in favor and 12 opposed, to add a second sentence to Section VI, B2, c2 of the Zoning Bylaw reading: "In any lot created after the adoption of this amendment, no land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Mass. Wetlands Protection Act, MGL, Chapter 131, Section 40 nor any land within 75 feet of such Wetland Resource Area may be counted towards the contiguous buildable area."

A 2/3 vote was required.

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ARTICLE 39. To see if the Town will vote to amend Section VI B 4b 3 of the Zoning Bylaw by substituting the words "a minimum" for "up to a maximum" so that it will then read: "Each lot for residential use in an R/A Residential Agricultural District shall have a minimum depth of at least 50 feet along its minimum required frontage for a minimum of 200 contiguous feet along such frontage."; or take any other action thereon.

Explanation: The proposed words better capture the intent of the Bylaws than the present words.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section VI B 4b 3 of the Zoning Bylaw by substituting the words "a minimum" for "up to a maximum" so that it will then read: "Each lot for residential use in an R/A Residential Agricultural District shall have a minimum depth of at least 50 feet along its minimum required frontage for a minimum of 200 contiguous feet along such frontage."

A 2/3 vote was required.

ARTICLE 40. To see if the Town will vote to amend Section VI B, 4c 3 of the Zoning Bylaw by striking the second sentence (underlined) in its entirety. The Section now reads: "Each lot established under this section shall have adequate access, as determined by the Inspector of Buildings to the dwelling from its legal frontage. The section shall not apply to lots established before May 8, 1979, or after January 1, 1981, including those lots shown on plans endorsed by the Planning Board under Subdivision Control Law, or endorsed by Planning Board as not requiring approval, prior to May 8, 1979, and to those lots otherwise protected under Mass. General Laws, Chapter 40A. ; or take any other action thereon.

Explanation: The words in the second sentence are confusing and no longer required.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section VI B, 4c 3 of the Zoning Bylaw by striking the second sentence in its entirety. The Section now reads: "Each lot established under this section shall have adequate access, as determined by the Inspector of Buildings to the dwelling from its legal frontage."

A 2/3 vote was required.

ARTICLE 41. To see if the Town will vote to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows: (Note: The shaded areas represent the corrections and/or additions, the lined out areas represent deletions.)

Section 1: Purpose Par. 1 & 2

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Boxford by

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controlling activities deemed by its Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon wetland resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, wildlife habitat, rare species habitat including rare plant species, recreation and aesthetics (collectively, the wetland resource area values protected by this bylaw"). (1995)

The provisions of this bylaw, including any implementing regulations, can be and are intended to be more protective than the Massachusetts Wetland Protection Act, Chapter 131, Section 40 and Regulations thereunder, 310 CMR 10.00. (1995)

Section 2: Jurisdiction Par. 1

Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any lake, river, pond, stream, bank, vernal pool or estuary; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. (1995)

Section 4: Application for Permits and Requests for Determination Par. 3

The Commission is authorized to require the applicant to pay the reasonable costs and expenses for expert consultation deemed necessary by the Commission to review the application or request up to a maximum of \$2,500.00. Notice of intent, NOI, shall be filed with the Commission (CMB) or resource delineation. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date of the public hearing wherein the Commission declared its intention to seek expert consultation. (1995)

Section 6: Permits, Determinations, and Conditions Par. 1 & 5

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. (1995)

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The Commission in an appropriate case may combine the permit or other action on an application issued under this bylaw with the order of Conditions issued under the Wetlands Protection Act, G.L. Ch. 131, Section 40, and Regulations, 310 CMR 10.00. (1995)

Section 8: Definitions Par. 1-3 & Subsection (i)

The term "resource areas" shall include banks bordering wetlands, land under water and land subject to flooding. (1995)

The term "bank" shall include the land area which normally and confines a water body, the lower boundary being the mean low flow level, and the upper boundary being the first observable break in the slope of the mean annual flood level, whichever is higher. (1995)

The term "vernal pool" shall include a confined basin, dry or which, at least in most years, holds water for a minimum of continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. (1995)

The term "rare species" shall include, without limitation, vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the species in which they occur has been previously identified by the Division. (1995)

(i) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of water; (1995)

Section 9: Security Par. 1 & Subsection (a)

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the condition imposed hereunder thereunder (the said conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below: (1995)

(a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit. (1995)

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Section 10: Enforcement Par. 5

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$200 ~~\$300~~. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense. (1995)

Section 12: Relation to the Wetlands Protection Act Par. 1

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule ~~status statutes~~ and regulations thereunder independent of the Wetlands Protection Act, G.L. Ch. 131, Section 40 ~~and Regulations, 310 CMR 10.00 thereunder~~. (1995); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 41 by deleting paragraph 3 under Section 8, definition of vernal pools.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 1: Purpose Par. 1 & 2

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Boxford by controlling activities deemed by its Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, wildlife habitat, rare species habitat including rare plant species, recreation and aesthetics (collectively, the "resource area values protected by this bylaw"). (1995)

The provisions of this bylaw, including any implementing regulations, can be and are intended to be more protective than the Massachusetts Wetland Protection Act, Chapter 131, Section 40 and Regulations thereunder, 310 CMR 10.00. (1995)

Section 2: Jurisdiction Par. 1

Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any lake, river, pond, stream, bank, vernal pool; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. The Conservation

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Commission shall have jurisdiction over said resource areas whether or not they border surface waters. (1995)

Section 4: Application for Permits and Requests for Determination
Par. 3

The Commission is authorized to require the applicant to pay reasonable costs and expenses for expert consultation deemed necessary by the Commission to review the Notice of Intent (NOI), Request for Determination (RFD) or resource delineation. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date of the public hearing wherein the Commission declared its intention to seek expert consultation. (1995)

Section 6: Permits, Determinations, and Conditions Par. 1 & 5

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. (1995)

The Commission in an appropriate case may combine the permit or other action on an application issued under this bylaw with the order of Conditions issued under the Wetlands Protection Act, G.L. Ch. 131, Section 40, and Regulations, 310 CMR 10.00. (1995)

Section 8: Definitions Par. 1-3 & Subsection (1)

The term "resource areas" shall include banks, bordering vegetative wetlands, land under water and land subject to flooding. (1995)

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher. (1995)

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division. (1995)

- (1) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of water; (1995)

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Section 9: Security Par. 1 & Subsection (a)

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the condition imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below: (1995)

(a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit. (1995)

Section 10: Enforcement Par. 5

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense. (1995)

Section 12: Relation to the Wetlands Protection Act Par. 1

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes and regulations thereunder independent of the Wetlands Protection Act, G.L. Ch. 131, Section 40 and Regulations, 310 CMR 10.00 thereunder. (1995)

ARTICLE 42. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$102,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc devices, CD Rom drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the first year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$102,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc devices, CD Rom drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the first year of a five year technology plan for the Boxford Elementary Schools, said funds to be spent under the direction of the Boxford Elementary School Committee.

Finance Committee recommended adoption of this article.

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ARTICLE 43. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the updating of the 1961 Master Plan of the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$30,000 to fund the updating of the 1961 Master Plan of the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen.

An amendment to increase the total sum to \$50,000 was defeated by majority show of hands.

ARTICLE 44. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$7,500 to fund costs associated with further reduction of Town data on wells and septic systems into a computerized data base; said funds to be spent under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$7,500 to fund costs associated with further reduction of Town data on wells and septic systems into a computerized data base; said funds to be spent under the direction of the Board of Health.

Finance Committee did not recommend adoption of this article.

ARTICLE 45. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,500 for the purpose of participation in the Help for Abused Women and their Children (HAWC) program; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$1,500 for the purpose of participation in the Help for Abused Women and their Children (HAWC) program; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 46. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$13,766 for the support of the Tri-Town Council on Youth and Family Services, Inc.; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$13,766 for the support of the Tri-Town Council on Youth and Family Services, Inc.; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

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ARTICLE 47. To see if the Town will vote to withdraw from the Boxford-Wenham Health District, pursuant to the provisions of Massachusetts General Laws Chapter 111, Section 27A; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to withdraw from the Boxford-Wenham Health District, pursuant to the provisions of Massachusetts General Laws Chapter 111, Section 27A.

Finance Committee recommended adoption of this article.

ARTICLE 48. To see if the Town will vote to amend **ARTICLE 4**, Section 4-4-3 of the General Bylaws by replacing this section with the following:

4-4-3 After a two month grace period for new systems, the owner of the dwelling or business shall be assessed a penalty of fifty dollars for each false alarm other than those caused by faulty telephone service, electrical storms, or the town's main receiving console. Such penalty to be paid to the Town of Boxford. (1995); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 68 in favor and 45 opposed, to amend **ARTICLE 4**, Section 4-4-3 of the General Bylaws by replacing this section with the following:

4-4-3 After a two month grace period for new systems, the owner of the dwelling or business shall be assessed a penalty of fifty dollars for each false alarm other than those caused by faulty telephone service, electrical storms, or the town's main receiving console. Such penalty to be paid to the Town of Boxford. (1995).

Finance Committee recommended adoption of this article.

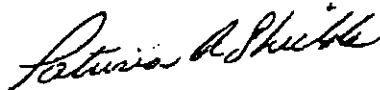
ARTICLE 49. To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve this Annual Town Meeting at 12:10 p.m.

Registered voters attending the meeting were 233. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:



Patricia Shields
Town Clerk

Adjourned Annual Town Meeting - May 10, 1995

TRANSFERS:

Article 21 (from free cash for ponds)	\$ 21,000.00
Article 22 (from free cash for recycling shed)	15,000.00
Article 23 (from free cash for photocopy machine)	15,000.00
Article 24 (from free cash to Finance Committee Reserve Fund)	100,000.00
Article 37 (from free cash for truck purchase)	46,000.00
Article 42 (from free cash for elementary school technology purchase)	102,000.00
Article 43 (from free cash for updating master plan)	30,000.00
Article 44 (from free cash for Board of Health computerized data base)	7,500.00
Article 45 (from free cash to HAWC)	1,500.00
Article 46 (from free cash to Tri-Town Council)	<u>13,766.00</u>

TOTAL TO BE TRANSFERRED: \$ 351,766.00

RAISE AND APPROPRIATE:

Article 9	\$ 22,500.00
Article 12	9,346,741.00
Article 13 (contingent upon successful passage of Prop. 2-1/2 override)	190,000.00
Article 14	2,400.00
Article 16 (contingent upon successful passage of Prop. 2-1/2 override)	25,000.00
Article 17 (contingent upon successful passage of Prop. 2-1/2 override)	160,000.00
Article 18 (contingent upon successful passage of Prop. 2-1/2 override)	330,000.00
Article 19	<u>48,398.00</u>

TOTAL TO BE RAISED AND APPROPRIATED: \$10,125,039.00

APPROPRIATIONS:

Article 3 (from Enterprise Fund Receipts)	\$ 139,575.00
Article 10 (from Wetlands Protection Fund)	<u>9,377.74</u>

TOTAL TO BE APPROPRIATED: \$ 148,952.74

SPECIAL TOWN MEETING

August 8, 1995

The voters of the Town of Boxford meet at Masconomet Regional High School on Tuesday, August 8, 1995. Moderator DeWitt T. Minich called the meeting to order at 7:32 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 1: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to pay bills or charges from prior fiscal years; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 1.

NOTE: At this time we anticipate that Article 2 will be offered as a "contingent appropriation." This means that although the appropriation for a specific article could be approved at the Special Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 1/2 override ballot question. Should the override question fail, the appropriation would be rendered null and void.

ARTICLE 2: To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen to borrow, an amount to enable the Conservation Commission to purchase for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL Chapter 40, Section 8C, a 21.15 acre parcel of land (more or less) located at the intersection of Main Street and Ipswich Roads, known as "Witch Hollow Farm;" said purchase to be contingent upon the approval by the Division of Conservation Services of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts for partial funding to the Town through the "Self-Help Grant"; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Mr. Badge Blackett, from the Trust for Public Lands, a non-voter, was allowed to speak before the Town Meeting by a unanimous voice vote.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 330 in favor and 28 opposed, to appropriate and authorize the Treasurer with the approval of the Selectmen, to borrow the sum of \$490,000 to enable the Conservation Commission to purchase for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL Chapter 40, Section 8C, a 17.334 acre parcel of land (more or less) located at the intersection of Main Street and Ipswich Roads, known as "Witch

Special Town Meeting - Town of Boxford - August 8, 1995

Hollow Farm;" said purchase to be contingent upon the approval by the Division of Conservation Services of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts for partial funding to the Town through the "Self-Help Grant", and that the Town and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary, on behalf of the Town of Boxford, to affect said purchase, said appropriation fully contingent upon successful passage of a Proposition 2 1/2 (so called) ballot question.

A two-thirds vote was required for passage of this Article.

ARTICLE 3: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be added to the Police Budget for FY1996, to fund the Town's share of the cost for the federal COPSFAST grant award to hire one additional full time police officer; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$12,019 to be added to the Police Budget for FY1996, to fund the Town's share of the cost for the federal COPSFAST grant award to hire one additional full time police officer.

ARTICLE 4: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to drill, construct and perform all associated testing on a test well for possible public water supply on Town owned property off Spofford Road intended to provide potable water for current and future municipal buildings located on that property; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 278 in favor and 42 opposed, to transfer from the Stabilization Fund the sum of \$30,000 to drill, construct and perform all associated testing on a test well for possible public water supply on Town owned property off Spofford Road intended to provide potable water for current and future municipal buildings located on that property; said funds to be expended under the direction of the Board of Selectmen.

A two-thirds vote was required for passage of this Article.

ARTICLE 5: To see if the Town will vote to amend the General Bylaws by adding the following new section under Article 3:

Special Town Meeting - Town of Boxford - August 8, 1995

Section 13 School Building Committee

3-13-1 There shall be a committee to study the requirements and needs of school building issues in the Town of Boxford, said committee to be known as the School Building Committee. Said committee shall manage school building projects as charged by the Town pursuant to votes of Town Meeting, and pursuant to any responsibilities under the Massachusetts General Laws.

3-13-2 The School Building Committee shall be comprised of nine members, appointed annually as follows: The School Committee shall appoint four members, one of whom shall be a member of the Board of Selectmen; the Board of Selectmen shall appoint five members, and of these five, one shall be a member of the School Committee and one shall be a member of the Finance Committee;

3-13-3 All members of the School Building Committee appointed and dutifully sworn in as of the effective date of this Section 13 shall retain their positions until the expiration of their term. The two new members shall be appointed as per section (2), and the terms of the new members shall expire on June 30 of the following year; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the General Bylaws by adding the following new section under Article 3:

Section 13 School Building Committee

3-13-1 There shall be a committee to study the requirements and needs of school building issues in the Town of Boxford, said committee to be known as the School Building Committee. Said committee shall manage school building projects as charged by the Town pursuant to votes of Town Meeting, and pursuant to any responsibilities under the Massachusetts General Laws.

3-13-2 The School Building Committee shall be comprised of nine members, appointed annually as follows: The School Committee shall appoint four members, and of these four members, at least one and no more than three shall be members of the School Committee; the Board of Selectmen shall appoint five members, and of these five, one shall be a member of the Board of Selectmen and one shall be a member of the Finance Committee;

3-13-3 All members of the School Building Committee appointed and dutifully sworn in as of the effective date of this Section 13 shall retain their positions until the expiration of their term. The two new members shall be appointed as per section (2), and the

Special Town Meeting - Town of Boxford - August 8, 1995

terms of the new members shall expire on June 30 of the following year.

ARTICLE 6: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be added to the Elementary School Budget for FY1996, to fund the hiring of a new second grade teacher position; or take any other action thereon.

The Finance Committee recommended against adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$25,402 to be added to the Elementary School Budget for FY1996, to fund the hiring of a new second grade teacher position.

ARTICLE 7: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to the FY 1996 budget of the Inspector of Buildings, to be added to the salary of the Inspector of Buildings; or take any other action thereon.

The Finance Committee recommended against adoption of this Article.

Upon motion made and duly seconded, Article 7 was defeated by majority voice vote.

ARTICLE 8: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the FY1996 portion of the contract between the Town and the Boxford Public Works Employees Association; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$5,510 to fund the FY1996 portion of the contract between the Town and the Boxford Public Works Employees Association.

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,519 to fund the FY1996 contract between the Town and the Executive Secretary; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$1,519 to fund the FY1996 contract between the Town and the Executive Secretary.

Special Town Meeting - Town of Boxford - August 8, 1995

ARTICLE 10: To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve this Special Town Meeting at 9:53 p.m.

Registered voters attending this meeting were 382. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

Patricia Shields

Patricia Shields
Town Clerk

TRANSFERS:	\$ 30,000
Article 4	
(From Stabilization Fund to Board	
of Selectmen--well drilling)	
Total to be Transferred	\$ 30,000
RAISE AND APPROPRIATE:	\$ 12,019
Article 3	25,402
Article 6	5,510
Article 8	<u>1,519</u>
Article 9	
Total to be Raised and	\$ 44,450
Appropriated	
APPROPRIATIONS	\$490,000
Article 2	
Total to be Appropriated	\$490,000