

SPECIAL TOWN MEETING

February 27, 1996

The voters of the Town of Boxford met at Masconomet Regional High School on Tuesday, February 27, 1996. Moderator DeWitt T. Minich called the meeting to order at 7:16 p.m. Carlyle Thomas, who passed away last week, was remembered for his thirty years of service to the Town, including the Finance Committee, Board of Selectmen, and the Board of Appeals. | The articles of the warrant were disposed of as follows:

ARTICLE 1: To see if the Town will vote to appropriate the sum of \$200,000 for highway maintenance and construction in anticipation of a state aid grant, said monies predicated on state approval of the following: Chapter 15 of the Acts of 1988, \$200,000; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate the sum of \$200,000 for highway maintenance and construction in anticipation of a state aid grant, said monies predicated on state approval of the following: Chapter 15 of the Acts of 1988, \$200,000.

ARTICLE 2: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the installation of a new sanitary waste disposal system and a new potable drinking water source at Camp Stepping Stone (aka Camp Sacajawea); said funds to be spent under the direction of the Board of Health; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$20,000 to fund the installation of a new sanitary waste disposal system and a new potable drinking water source at Camp Stepping Stone (also known as Camp Sacajawea); said funds to be spent under the direction of the Board of Health.

ARTICLE 3: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000 to be added to the Reserve Fund for FY1996; 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 \$100,000 to be added to the Reserve Fund for FY1996.

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ARTICLE 4: To see if the Town will vote to authorize the Board of Selectmen to enter into leases or contracts for the use of town land for agricultural leases authorized by the Board of Selectmen for a period of up to 5 years in length, pursuant to MGL Chapter 30B; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Board of Selectmen to enter into leases or contracts for the use of town land for agricultural leases authorized by the Board of Selectmen for a period of up to 5 years in length, pursuant to MGL Chapter 30B.

ARTICLE 5: To see if the Town will vote to authorize the Conservation Commission to enter into leases or contracts for the use of conservation land for agricultural leases authorized by the Conservation Commission for a period of up to 5 years in length, pursuant to MGL Chapter 30B; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Conservation Commission to enter into licenses for the use of conservation land for agricultural purposes authorized by the Conservation Commission for a period of up to 5 years in length, pursuant to MGL Chapter 30B.

ARTICLE 6: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund a Land Use Plan for the 81+/- acres of Town owned land near the intersection of Spofford Road and Ipswich Road; said funds to be spent 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 majority voice vote, to transfer from free cash the sum of \$40,000 to fund a Land Use Plan for the 81+/- acres of Town owned land near the intersection of Spofford Road and Ipswich Road; said funds to be spent under the direction of the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to establish the position of Director of Public Health for the Town of Boxford, said position to be appointed by and under the direction of the Board of Health, and subject to a salary established on the Pay Matrix level DH 5 to be effective July 1, 1996; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to establish the position of Director of Public Health for the Town of Boxford, said position to be appointed by and under the direction of the Board of Health, and subject to a salary established on the Pay Matrix level DH 5 to be effective July 1, 1996.

ARTICLE 8: The prohibition in the Town of Boxford of any brown bagging and/or consumption by any patron, customer, or other person of alcoholic and/or wine and/or beer and/or malt beverages on any premises within a B-1 Retail Business District or on any premises involving any use permitted in a B-1 Retail Business District (as defined in the Boxford Zoning Bylaw); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 161 in favor and 131 opposed, to amend Article 7 of the General Bylaws by inserting the following Section 5:

- 7-5-1 In the Town of Boxford, any brown bagging and/or consumption by any patron, customer, or other person of alcoholic and/or wine and/or beer and/or malt beverages on any premises operating with a common victualer's license within a B-1 Retail Business District (as defined in the Boxford Zoning Bylaw) is prohibited.
- 7-5-2 Whoever shall violate this bylaw shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense. Each separate container shall constitute a separate violation.
- 7-5-3 The enforcing officials shall be those persons designated by the Board of Selectmen and the law enforcement officials of the Town.

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund "Phase II" to complete the construction and irrigation work to the soccer field at the Boxford Sanitary Landfill; said construction to be proposed by the Recreation Committee with final plan to be approved by the Board of Health; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

The Finance Committee recommended adoption of this Article.

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Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$18,000 to fund the completion of the construction and the irrigation work of the new field at the Boxford Sanitary Landfill and to fund the startup costs of "Phase II" field construction; said construction to be proposed by the Recreation Committee with final plan to be approved by the Board of Health; said funds to be spent under the direction of the Board of Selectmen.

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NOTE: At this time we anticipate that Article 10 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.  
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ARTICLE 10: To see if the Town will vote to appropriate and raise by borrowing or otherwise a sum of money for constructing, originally equipping and furnishing additions to the Cole School and the Spofford Pond School and for remodeling, reconstructing or making extraordinary repairs to the present schools, including costs incidental and related to the projects; 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, 284 in favor and 20 opposed, that the sum of \$4,790,400 be hereby appropriated for constructing, originally equipping and furnishing additions to the Cole School and the Spofford Pond School and for remodeling, reconstructing or making extraordinary repairs to the present schools, including costs incidental and related thereto, and that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$4,790,400 under and pursuant to Chapter 44, Section 7 (3) and (3a), of the General Laws, or any other enabling authority which may include Chapter 645 of the Acts of 1948, as amended, and to issue bonds or notes of the Town therefor; 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.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve this Special Town Meeting at 9:12 p.m.

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Registered voters attending this meeting were 342. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

*Patricia Shields*  
Patricia Shields  
Town Clerk

TRANSFERS:

Article 2	\$ 20,000
(From Free Cash to Board of Health Camp Stepping Stone well/septic)	
Article 3	100,000
(From Free Cash to Reserve Fund)	
Article 6	40,000
(From Free Cash for Land Use Plan)	
Article 9	<u>18,000</u>
(From Free Cash for ballfields)	
Total to be Transferred	\$ 178,000

RAISE AND APPROPRIATE:

Article 10 (for schools	\$4,790,400
(contingent upon successful passage of Prop. 2-1/2 override)	
Total to be Raised and Appropriated	\$4,790,400

APPROPRIATIONS

Article 1	\$200,000
(for highway maintenance and construction predicated upon State reimbursement, Chapter 15)	
TOTAL TO BE APPROPRIATED	\$200,000

ANNUAL TOWN MEETING

MAY 14, 1996

Voters of the Town of Boxford met at the Masconomet Regional High School Auditorium on Tuesday, May 14, 1996. Moderator DeWitt T. Minich called the Annual Town Meeting to order at 7:47 p.m. Retiring Selectman, Richard Ulman, was presented with a key to the Town of Boxford to thank him for his many years of service to the Town. The articles of the warrant were disposed of as follows:

ARTICLE 1. 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.

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.

The Finance Committee recommended adoption of this article.

ARTICLE 2. To see if the Town will vote to set the annual curbside solid waste collection fee at \$1.35 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1997; 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 \$1.35 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1997.

An amendment to set the annual curbside solid waste collection fee at \$1.20 per 32 gallon bag or container was defeated by majority voice vote.

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 1997, to be expended under the direction of the Board of Health:

Expenses, Contract	\$141,579
Expenses sticker printing	4,200
Expenses, education mailing	1,000
Landfill operations	<u>\$ 17,656</u>
TOTAL	\$164,435

and that \$164,435 be raised from the enterprise fund receipts; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to set the following sums to fund the Roadside Collection Solid Waste and Recycling Enterprise Fund for Fiscal Year 1997, to be expended under the direction of the Board of Health:

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Expenses, Contract	\$141,579
Expenses sticker printing	4,200
Expenses, education mailing	1,000
Landfill operations	<u>\$ 17,656</u>
TOTAL	\$164,435

and that \$164,435 be raised from the 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 \$ 10,000 for Fiscal Year 1997 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 \$ 10,000 for Fiscal Year 1997 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 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.

Finance Committee recommended adoption of this article.

ARTICLE 6. To see if the Town will vote to appropriate \$5,612.50 of the Wetlands Fees collected during FY 1995 and FY 1996 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 \$5,612.00 of the Wetlands Fees collected during FY 1995 and FY 1996 and deposited in the Wetlands Protection Fund.

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 the sum of \$14,400 to fund the Town's share of the Cops Fast Award; 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 \$14,400 to fund the Town's share of the Cops Fast Award.

Finance Committee recommended adoption of this article.

ARTICLE 8. To see if the Town will amend Article Two, General Bylaws of the Town of Boxford by adding Section 9 as follows: The compensation for salaried elected officials will be established prior to their election. The Personnel Board will recommend a salary level to the Finance Committee for review. Recommended salary levels will be voted at the Town Meeting prior to the election for each position. A cost of living adjustment may be recommended by the Personnel Board for consideration by the Finance Committee in non election years; or take any other action thereon.

Upon motion made and duly seconded, Article 8 was defeated by a majority show of hands.

Finance Committee recommended adoption of this article.



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ARTICLE 9. To see if the Town will vote to change the position of Planning/Conservation Administrator to Conservation Administrator; said position to be appointed by the Board of Selectmen and subject to a salary established on the non-union Pay Matrix level DH 1; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to change the position of Planning/Conservation Administrator to Conservation Administrator; said position to be appointed by the Board of Selectmen and subject to a salary established on the non-union Pay Matrix level DH 1.

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 expended 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 as well as legal advertisements which are reimbursed to the Town; to expend funds not to exceed \$10,000 for Fiscal Year 1997 from said account for the costs to the Town for printing and reimbursable advertising; 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 expended 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 as well as legal advertisements which are reimbursed to the Town; to expend funds not to exceed \$10,000 for Fiscal Year 1997 from said account for the costs to the Town for printing and reimbursable advertising; 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 through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and, further to allow the Board

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of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1997 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 1997 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 1997, 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, an amendment to reduce the Selectmen's account to \$96,294 (transfer \$30,860 to legal counsel and include \$1,577 pay increase for executive secretary) was defeated by unanimous voice vote.

Upon motion made and duly seconded, an amendment to reduce the Selectmen's account to \$94,722 was defeated by hand count vote, 124 in favor and 125 opposed.

Upon motion made and duly seconded, an amendment to increase the Selectmen's account from \$125,582 to \$127,154 (to include executive secretary's pay increase) was defeated by hand count vote, 105 in favor and 127 opposed.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to increase Town Clerk-Salary account to \$26,297.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to increase Town Buildings Maintenance and Utilities account to \$84,973.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$515,239 for General Government.

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Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to increase Treasurer/Collector-Salary account to \$35,692.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$252,477 for Finance.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$1,148,166 for Public Safety.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$7,427,174 for Education.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to reduce the Landfill Operations account to \$19,441.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to increase DPW-Salary account to \$206,339.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$458,698 for Town Maintenance.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$67,345 for Inspectors.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote to reduce the Health Insurance account to \$352,000.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$516,000 for Insurance and Pensions.

Total Budget to be Raised and Appropriated = \$10,385,099.

Upon motion made and duly seconded, it was VOTED, by show of hands, to re-open General Government, Section I of the budget.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to increase Town Clerk-Salary account to \$35,000.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate \$523,942 for General Government.

Total Budget to be Raised and Appropriated = \$10,393,802.

Finance Committee recommended adoption of this article.

ARTICLE 13. To see if the Town will vote to amend Article 1, Section 1-1-1 of the General Bylaws so that it shall read as follows: "The date of the Annual Town Meeting shall be the second Saturday in May, and the date of the Annual Town Election shall be the following Wednesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the 3rd Saturday in October on an annual basis. The Annual Town Meeting and the October Special Town Meeting shall be scheduled to commence not later than 10:00 A.M. on the date so specified and shall continue, subject to a quorum being present, until adjourned"; or take any

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other action thereon.

Upon motion made and duly seconded, Article 13 was defeated by majority voice vote.

Finance Committee recommended adoption of this article.

ARTICLE 14. To see if the Town will vote to amend Article One, Section 3 (first sentence) of the General bylaws so that it shall read as follows:

Section 3. Quorum

1-3-1 The quorum necessary for the transaction of any Town Meeting shall be one hundred voters; or take any other action thereon.

Upon motion made and duly seconded, Article 14 was defeated by hand count vote, 88 in favor and 109 opposed.

Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to adjourn the meeting at 11:00 p.m. to a time certain, Wednesday, May 15, at 7:15 p.m. in the Masconomet Regional High School auditorium.

Registered voters attending the meeting were 295.

**SPECIAL TOWN MEETING  
MAY 14, 1996**

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, May 14, 1996. Moderator DeWitt T. Minich called the Special Town Meeting to order at 7:18 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 bills and charges from previous fiscal years; 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 \$8,144.45 to fund bills and charges from previous fiscal years.

Finance Committee recommended adoption of this article.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the hiring of one full time worker for the Department of Public Works in fiscal year 1996; 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 \$21,320 to fund the hiring of one full time worker for the Department of Public Works in fiscal year 1996.

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, a sum of money to complete the engineering and construction costs for 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 unanimous voice vote, to transfer from free cash the sum of \$10,000 to complete the engineering and construction costs for the Stiles Pond Dam, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000 to fund road repair and construction projects, 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 \$100,000 to fund road repair and construction projects, 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 5. To see if the Town will vote raise and appropriate, or transfer from available funds, a sum of money to fund repairs to the Caterpillar 973 machine of the Department of Public Works; 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 \$25,000 to fund repairs to the Caterpillar 973 machine of the Department of Public Works; said funds to be spent 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 raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a new sander body for a DPW truck, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

A motion was made and duly seconded to transfer from the insurance fund the sum of \$7,000 to fund the purchase of a new sander body for a DPW truck, said funds to be spent under the direction of the Board of Selectmen.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 3 to transfer from free cash.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$7,000 to fund the purchase of a new sander body for a DPW truck, said funds to be spent under the direction of the Board of Selectmen.

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 drainage work for the Department of Public Works, 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 \$25,000 to fund the drainage work for the Department of Public Works, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$50,000 to be added to the Reserve Fund for FY 1996; or take any other action thereon.

WARRANT, Special Town Meeting, May 14, 1996

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$50,000 to be added to the Reserve Fund for FY 1996.

Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Special Town Meeting at 7:42 p.m.

Registered voters attending this meeting were 72. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

*Patricia Shields*  
Patricia Shields  
Town Clerk

TRANSFERS:

Article 1	\$	8,144.45
(From Free Cash for outstanding bills)		
Article 2		21,320.00
(From Free Cash for DPW)		
Article 3		10,000.00
(From Free Cash for Land Use Plan)		
Article 4		100,000.00
(From Free Cash for Roads)		
Article 5		25,000.00
(From Free Cash for Caterpillar 973)		
Article 6		7,000.00
(From Free Cash for Sander Body)		
Article 7		25,000.00
(From Free Cash for Drainage)		
Article 8		50,000.00
(From Free Cash for Reserve Fund)		
Total to be Transferred		\$ 246,464.45

ADJOURNED ANNUAL TOWN MEETING

May 15, 1996

Moderator DeWitt T. Minich called the second session of the Boxford Annual Town Meeting to order at 7:17 p.m. The articles of the warrant were disposed of as follows:

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NOTE: At this time, we anticipate that Articles 15 and 16 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.  
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ARTICLE 15. To see if the Town will authorize the Treasurer with the approval of the Selectmen 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 and plans for the reconstruction and expansion of the current Police/Communications building (as shall be determined by the Board of Selectmen), 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 pass over Article 15.

Finance Committee recommended adoption of this article.

ARTICLE 16. To see if the Town will authorize the Treasurer with the approval of the Selectmen 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 and plans for the construction of a new Town Hall office building to house the Town Hall offices (as shall be determined by the Board of Selectmen), 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, Article 16 was defeated by hand count vote, 81 in favor and 140 opposed.

Finance Committee recommended against adoption of this article.

ARTICLE 17. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 for the repair, maintenance and painting of Town Buildings, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.



Boxford Adjourned Annual Town Meeting - May 15, 1996

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 17 by increasing the sum of money to \$60,000.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$60,000 for the repair, maintenance and painting of Town Buildings, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 18. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$800.00 to be used by the Boxford Village Garden Club for Civic Beautification and landscaping of Town owned property, 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 \$800.00 to be used by the Boxford Village Garden Club for Civic Beautification and landscaping of Town owned property, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 19. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$26,690 to purchase and equip one new police cruiser, with new radio, 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 majority voice vote, to transfer from free cash the sum of \$26,690 to purchase and equip one new police cruiser, with new radio, 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, or transfer from available funds, the sum of \$17,500 to install an exhaust system in both the east and west Fire Stations; 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 \$17,500 to install an exhaust system in both the east and west Fire Stations; said funds to be spent under the direction of the Board of Selectmen.

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Finance Committee recommended against adoption of this article.

ARTICLE 21. 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, 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 \$12,500 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, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 22. To see if the Town will vote to rescind the action taken under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting which requested that the Selectmen petition the General Court to pass legislation to establish a Boxford Land Bank; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to rescind the action taken under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting which requested that the Selectmen petition the General Court to pass legislation to establish a Boxford Land Bank

Finance Committee recommended adoption of this article.

ARTICLE 23. 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, substituting new language (as shown printed in this warrant for annual town meeting) from that which was authorized by vote of the Town under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting (vote taken May 10, 1995); or take any other action thereon.

An amendment was moved and seconded to add to Article 23 the following phrase: with the exception that the words "without further approval" in Section 1 be replaced with "upon approval of Town Meeting."

Upon motion made and duly seconded, it was VOTED, by majority voice vote to amend the primary amendment to include the words "a two-thirds vote" prior to "Town Meeting."

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Upon motion made and duly seconded, it was VOTED, by majority voice vote to add to Article 23 the following phrase: with the exception that the words "without further approval" in Section 1 be replaced with "upon approval of a two-thirds vote of Town Meeting."

Upon motion made and duly seconded, it was VOTED, by hand count vote, 123 in favor and 114 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 land, or any other real property interest for town administered affordable housing, substituting new language (as shown printed in this warrant for annual town meeting) from that which was authorized by vote of the Town under Article 27 of the Warrant for the May 9, 1995 Annual Town Meeting (vote taken May 10, 1995) except that the words "without further approval" in Section 1 shall be replaced with "upon approval of a two-thirds vote of Town Meeting."

Finance Committee recommended against adoption of this article.

The text now reads as follows:

**An Act Establishing the Land Bank for the Town of Boxford**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Boxford is hereby authorized to impose a fee on the transfer or conveyance of any real property interest in such municipality. Said fee shall be in the amount of one percent of the purchase price, or such lesser uniform percentage as may, from time to time, be established by Annual Town Meeting of the Town of Boxford. The fee imposed by this section shall be the liability of the purchaser of said real property interest. Said fee shall be paid to the Registry of Deeds of the County of Essex, who shall be designated as a deputy collector of fees for this purpose only by the collector of the municipality, and paid over by the register to the municipal treasurer, who shall maintain a separate account of the same for the purposes hereof. Such funds shall be used for the acquisition of land or any other real property interest or related services, for the purposes of providing land for conservation or preservation of open spaces, and for town administered affordable housing, as defined by the Commonwealth of Massachusetts, land for recreation areas, or land for municipal uses. Such funds shall be administered by the Boxford Land Bank Commission, as herein established. The Boxford Land Bank Commission may, upon approval

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of a two-thirds vote of Town Meeting, expend such funds without limitation or borrow monies pursuant to applicable regulations for the purposes set forth herein. Said funds shall be distributed equitably, as determined by a majority vote of the Boxford Land Bank Commission, for the purposes set forth herein. Debt incurred for such purposes may be retired by expenditures from the fund established hereunder. Upon authorization by the local legislative body, the fee established hereby may be suspended; provided, however, that satisfactory provision is otherwise made for any outstanding debts incurred hereunder. The Boxford Land Bank Commission may accept gifts in furtherance of the purposes hereof on behalf of the town.

Section 2. For the purposes of this act, the following words and phrases shall have the following meanings:

"Boxford Land Bank Commission," commission composed of five representatives and two alternates. Three representatives are elected and two are appointed by the Board of Selectmen. The two alternates are appointed by the Board of Selectmen. Representatives and alternates will serve three year, staggered terms.

"Collector", the Treasurer of the Town of Boxford.

"Municipality", Town of Boxford, County of Essex.

"Purchaser", the transferee, grantee, or recipient of any real property interests.

"Purchase price", all consideration as recorded on the deed established by law or ordinance, paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred.

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficiary in a trust which holds any legal or equitable interest in real property.

"Register", the register of deeds for the Registry of Essex County or his designee.

"Seller", the transferor, grantor or immediate former owner of any real property interest.

"Time of Transfer", that time at which a transfer of any real property interest is legally effective as between the parties thereto, not later than the time of recording or filing.

Section 3. The fee imposed by the section one shall be due and payable by the purchaser at the time of transfer, and the deed or other such instrument of conveyance shall have attached to it a statement signed under oath or the penalties of perjury by both the seller and the purchaser, or their legal representative, attesting to the true and complete purchase price. If an exemption, as defined below, is claimed, approval must be given and so stated in

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writing by the Land Bank Commission and/or the Treasurer. The registrar shall certify thereon that the fee has been paid or the transfer is exempt from such fee and the basis for such exemption. The registrar shall not accept for recording a deed or other such instrument of conveyance unless it is in compliance with the requirements of this section. Any agreement between the purchaser and the seller or any other person with reference to the allocation of responsibility for bearing said fee shall not affect the liability of the purchaser.

Section 4. The Treasurer of the Town of Boxford shall post a conspicuous notice informing the public of the fee established by Section One and the rate thereof.

Section 5. The following transfers of real property interests shall be exempt from the fee established by Section One:

- a) Transfers to the government of the United States, the Commonwealth, and any of their instruments, agencies or their subdivisions.
- b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.
- c) Transfers made as gifts without consideration.
- d) Transfers by operation of law without actual consideration, including, but not limited to, transfers occurring by virtue of death or bankruptcy of the owner of a real property interest.
- e) Transfers made in partition of land and improvements thereto, under Chapter Two Hundred Forty One of the general laws.
- f) Transfers to the public, any charitable organization as defined in the third clause of Section Five of Chapter Fifty Nine of the general laws or any religious organization, provided that the real property interests so transferred will be held by the purchaser solely for its public, charitable or religious purposes.
- g) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.
- h) Transfers made to a corporation or partnership at the time of its formation, pursuant to which transfer, no gain or loss is recognized under the applicable provisions of the Internal Revenue Code.
- i) Transfers consisting of the division of marital asset under the provisions of Section Thirty Four of Chapter Two Hundred and Eight of the general laws or other provisions of law.

Except as otherwise provided, the purchaser shall have the burden of proving to the Boxford Land Bank Commission that any transfer is exempt hereunder.

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Section 6. The fee imposed by Section One of this act shall be in effect for a period of twenty years from the date of ratification of this act.

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NOTE: At this time, we anticipate that Articles 24, 25, 26, 27, 28, 29 and 30 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.  
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ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 for the repair, maintenance and painting of Municipal Buildings; 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 pass over Article 24.

Finance Committee recommended adoption of this article.

ARTICLE 25. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 to fund the purchase of a new one ton GVW cab and chassis, with new plow frame for the Department of Public Works; 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 \$30,000 to fund the purchase of a new one ton GVW cab and chassis, with new plow frame for the Department of Public Works, said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 26. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, portable word processors, work stations, carts and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the second 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.

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Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$87,090 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, portable word processors, work stations, carts and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the second 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; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override question.

Finance Committee recommended against adoption of this article.

ARTICLE 27. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000 to be added to the Conservation Fund; said funds to be spent under the direction of the Conservation Commission; or take any other action thereon.

Upon motion made and duly seconded, Article 27 was defeated by majority voice vote.

Finance Committee recommended against adoption of this article.

ARTICLE 28. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 to fund the drainage and other regrading and repairs to the Chadwick Soccer Field; 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 \$30,000 to fund the drainage and other regrading and repairs to the Chadwick Soccer Field; said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 29. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the fencing, site work, construction and for the purchase of one or more roll-off containers and other expenses related to the moving and setting up of a drop-off recycling center at the landfill, 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 \$25,000 to fund the fencing, site work, construction and for the purchase of one or more roll-off containers and other expenses related to the moving

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and setting up of a drop-off recycling center at the landfill, said funds to be spent under the direction of the Board of Selectmen; said appropriation contingent upon the successful passage of a Proposition 2-1/2 override ballot question.

Finance Committee recommended against adoption of this article.

ARTICLE 30. To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen to borrow a sum of money to fund the reconstruction of the Johnson Field athletic facility, 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 unanimous voice vote, to pass over Article 30.

ARTICLE 31. To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to be paid as a lump sum to the Essex County Retirement Fund, for the purpose of relieving the Town from all obligations related to the retirement pension of former Boxford & Wenham Health District Health Agent, John Romanski; or take any other action thereon.

Finance Committee recommended a five year payment plan.

Explanation:	Lump Sum Now:	\$59,163
	Spread Out Over 5 years	13,720/yr (total=\$68,600)
	Spread Out Over 12 year	7,269/yr (total=\$87,228)

Boxford's portion of this cost is 61.5% regardless of the option selected.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to raise and appropriate the sum of \$8,438 to be spread out over five years to the Essex County Retirement Fund, for the purpose of relieving the Town from all obligations related to the retirement pension of former Boxford & Wenham Health District Health Agent, John Romanski. Boxford's portion of this cost is 61.5%.

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NOTE: At this time, we anticipate that Articles 32 and 33 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.  
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ARTICLE 32. 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 or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 7.8 acre parcel of land (more or less) located on Lake Shore Road adjacent to Hovey's Pond; 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 Program" of at least 50% of the acquisition price; or take any other action thereon.

Upon motion made and duly seconded, Article 32 was defeated by hand count vote, 17 in favor and 176 opposed.

Finance Committee recommended against adoption of this article.

ARTICLE 33. 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 or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 56.2 acre parcel of land (more or less) located on Main Street adjacent to Kimball Pond; 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 Program" of at least 50% of the acquisition price; or take any other action thereon.

A motion to postpone this article and to adjourn this Town Meeting was defeated by a hand count vote, 82 in favor and 104 opposed.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 139 in favor and 43 opposed, to authorize the Treasurer, with the approval of the Selectmen to borrow \$450,000 to enable the Conservation Commission to purchase or otherwise acquire for Conservation purposes, to be managed by the Conservation Commission pursuant to MGL, Chapter 40, Section 8C, a 56.2 acre parcel of land (more or less) located on Sheffield Road adjacent to Kimball Pond; identified as Parcel "B" as shown on a plan of land prepared for Peter J. Shulman, Main Street, Boxford, MA by Martinaze Engineering Associates, Inc., Reading, MA, dated November 9, 1995; said plan filed with the Town Clerk; 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 Program" of at least 50% of the acquisition price; said authorization contingent upon successful passage of a Proposition 2-1/2 override question.

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Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to adjourn the meeting at 12:15 p.m. to a time certain, Wednesday, May 22, at 7:15 p.m. in the Masconomet Regional High School auditorium.

Registered voters attending the meeting were 268.

ADJOURNED ANNUAL TOWN MEETING

May 22, 1996

Moderator DeWitt T. Minich called the third session of the Boxford Annual Town Meeting to order at 7:19 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 34. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund a feasibility study for an addition to and renovation of the existing Junior/Senior High School of the Masconomet Regional School District; 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 \$18,445 to fund a feasibility study for an addition to and renovation of the existing Junior/Senior High School of the Masconomet Regional School District.

Finance Committee recommended adoption of this article.

ARTICLE 35. To see if the Town will vote to accept the proposal of the Masconomet Regional School District voted on January 17, 1996 to amend the Agreement establishing the Masconomet Regional School District by deleting Section 1 in its entirety and substituting the following:

Section I - The Regional District School Committee

A. Powers, Duties and Composition

The powers and duties of the Regional School District shall be vested in and exercised by the Regional School District Committee sometimes called the Committee. The Committee shall consist of thirteen (13) members; four (4) from Middleton; four (4) from Topsfield; and five (5) from Boxford.

B. Interim Committee:

Within 30 days after the passage of this Amendment to the Masconomet Regional School District Agreement by the member towns, an interim Committee will be established which will consist of the four elected members from the Town of Topsfield; the four elected members from the Town of Boxford plus one member from the Town of Boxford appointed by the selectmen of the Town of Boxford and the remaining interim Committee members from Boxford, said appointed member to serve until the next annual election; the three elected members from the Town of Middleton plus one member from the Town of Middleton appointed by the Selectmen of the Town of Middleton and the remaining interim Committee members from Middleton, said appointed member to serve until the next annual election.

C. Elected Members:

At the annual Town elections in 1997, each Town shall elect members of the Committee. All elected members of the interim Committee

Boxford Adjourned Annual Town Meeting - May 22, 1996

shall continue to serve out their terms on the Committee. The Town of Boxford shall elect one additional member of the School Committee to replace the appointed member for a three year term. The Town of Middleton shall elect one additional member to replace the appointed member for a three year term. At the expiration of the term of office of each elected member, the member town shall, at its annual election, elect a member to serve for a term of three years or until his or her successor is elected and qualified.

D. Vacancies:

If a vacancy occurs among the members, the Selectmen and the remaining Committee members from the town concerned shall appoint a member to serve until the next annual election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

E. Quorum:

The quorum of the Committee for the transaction of business shall be a majority of the entire membership, but a lesser number may adjourn.

F. Organization:

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the election or appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the Chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the proposal of the Masconomet Regional School District voted on January 17, 1996 to amend the Agreement establishing the Masconomet Regional School District by deleting Section 1 in its entirety and substituting the following:

Section I - The Regional District School Committee

A. Powers, Duties and Composition

The powers and duties of the Regional School District shall be vested in and exercised by the Regional School District Committee sometimes called the Committee. The Committee shall consist of thirteen (13) members; four (4) from Middleton; four (4) from Topsfield; and five (5) from Boxford.

Boxford Adjourned Annual Town Meeting - May 22, 1996

B. Interim Committee:

Within 30 days after the passage of this Amendment to the Masconomet Regional School District Agreement by the member towns, an interim Committee will be established which will consist of the four elected members from the Town of Topsfield; the four elected members from the Town of Boxford plus one member from the Town of Boxford appointed by the selectmen of the Town of Boxford and the remaining interim Committee members from Boxford, said appointed member to serve until the next annual election; the three elected members from the Town of Middleton plus one member from the Town of Middleton appointed by the Selectmen of the Town of Middleton and the remaining interim Committee members from Middleton, said appointed member to serve until the next annual election.

C. Elected Members:

At the annual Town elections in 1997, each Town shall elect members of the Committee. All elected members of the interim Committee shall continue to serve out their terms on the Committee. The Town of Boxford shall elect one additional member of the School Committee to replace the appointed member for a three year term. The Town of Middleton shall elect one additional member to replace the appointed member for a three year term. At the expiration of the term of office of each elected member, the member town shall, at its annual election, elect a member to serve for a term of three years or until his or her successor is elected and qualified.

D. Vacancies:

If a vacancy occurs among the members, the Selectmen and the remaining Committee members from the town concerned shall appoint a member to serve until the next annual election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

E. Quorum:

The quorum of the Committee for the transaction of business shall be a majority of the entire membership, but a lesser number may adjourn.

F. Organization:

Promptly upon the appointment and qualification of the initial members and annually thereafter upon the election or appointment and qualification of successors, the Committee shall organize and choose by ballot a chairman from its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and secretary who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the Chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of special meetings.

Boxford Adjourned Annual Town Meeting - May 22, 1996

Finance Committee supported adoption of this article.

ARTICLE 36. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000 to be used to obtain appraisals of real estate and other professional services related to the evaluation of land for potential acquisition by 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 raise and appropriate the sum of \$5,000 to be used to obtain appraisals of real estate and other professional services related to the evaluation of land for potential acquisition by the Town of Boxford, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 37. To see if the Town will vote to accept the following as a public way:

ANDREWS FARM ROAD in its entirety from station 00+00 to 18.54.51 as shown on the plan entitled "As-Built Plan of Andrews Farm Subdivision, Boxford, MA prepared for 94 Lockwood Lane Realty Trust, Douglas R. Conn, Trustee, and 15 Silverbrook Road Realty Trust, Douglas R. Conn, Trustee; Engineer, Hancock Survey, Inc., dated April 24, 1995" and recorded in the Essex South District Registry of Deeds, Plan Book 307, Plan 19, including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 37.

ARTICLE 38. To see if the Town will vote to accept the following as a public way:

UPTON LANE in its entirety from station 0+00 to station 5.24.93 as shown on plan entitled, "Asbuilt Plan of Andrews Farm Subdivision Plan", Boxford MA, prepared for Douglas R. Conn, Trustee, 94 Lockwood Lane Realty Trust and 15 Silverbrook Road Realty Trust, Douglas R. Conn, Trustee; Engineer, Hancock Survey, Inc., dated April 24, 1995, and recorded in the Essex South District Registry of Deeds, Plan Book 307 Plan 20 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 38.

ARTICLE 39. To see if the Town will vote to accept the following as a public way:

GREAT POND DRIVE beginning on Baldpate Road from station 0+00 to station 15+00 as shown on a plan entitled, "Asbuilt Subdivision Plan of Great Pond Drive Phase II, Boxford, MA prepared for Baldpate Pond Limited partnership, Engineer, Thomas E. Neve

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Associates, Inc., dated October 5, 1995", and recorded in the Essex South District Registry of Deeds, Land Court Certificate #64106, Plan #29220E including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 39.

ARTICLE 40. To see if the Town will vote to accept the following as a public way:

GREAT POND DRIVE from station 15+00 to station 34+54.47 as shown on a plan entitled, "Asbuilt Subdivision Plan of Great Pond Drive Phase IV, Boxford, MA prepared for Baldpate Pond Limited Partnership, Engineer, Thomas E. Neve Associates, Inc., dated February 16, 1996" and recorded in the Essex South District Registry of Deeds, Plan Book 297, Plan #2 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 40.

ARTICLE 41. To see if the Town will vote to accept the following as a public way:

GREAT POND DRIVE beginning on Georgetown Road at station 63+64.03 to station 49+69.10 as shown on a plan entitled "As-Built Subdivision Plan of Great Pond Drive Phase III, Boxford, MA prepared for Baldpate Pond Limited Partnership, Engineer, Thomas E. Neve Associates, Inc., dated October 9, 1995 and recorded in the Essex South District Registry of Deeds, Book 292, Plan #35 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 41.

ARTICLE 42. To see if the Town will vote to accept the following as a public way:

MORNINGSIDE CIRCLE in its entirety from station 0+00 to station 8+55.20 as shown on plan entitled, "Asbuilt Subdivision Plan Great Pond Drive Phase II, Boxford, MA prepared for Baldpate Pond Limited Partnership; Engineer, Thomas E. Neve Associates, Inc., dated October 5, 1995", and recorded in the Essex South District Registry of Deeds, Plan Book 291, Plan #83 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 42.

ARTICLE 43. To see if the Town will vote to accept the following as a public way:

CARRIAGE HOUSE LANE in its entirety from station 0+00 to station 10+72.02 as shown on plan entitled, "Asbuilt Subdivision Plan of Carriage House Lane, Baldpate Pond Subdivision Phase I, Boxford, MA, prepared for Baldpate Pond Limited Partnership; Engineer,

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Thomas E. Neve Associates, Inc., dated February 8, 1995", and recorded in the Essex South Registry of Deeds, Land Court Certificate #64106, Plan #29220E including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 43.

**ARTICLE 44.** To see if the Town will vote to accept the following as a public way:

**BENNETT ROAD** in its entirety from station 0+00 to station 15+00 as shown on a plan entitled, "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, prepared for Arbella Crossing Realty Trust of 1993, dated February 21, 1995, revised September 6, 1995; Engineer, Thomas E. Neve Associates, Inc., and recorded in the Essex South District Registry of Deeds as Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan 434498F including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

**BENNETT ROAD** in its entirety from station 0+00 to station 15+00 as shown on a plan entitled, "As-Built Subdivision Plan of Farrwood Estates, Bennett Road, Boxford, MA, prepared for Arbella Crossing Realty Trust of 1993, dated February 21, 1995, revised September 6, 1995; Engineer, Thomas E. Neve Associates, Inc., and recorded in the Essex South District Registry of Deeds as Plan 52 in Plan Book 288 and recorded in the Land Court Registration Office as Plan 434498F including any easements appurtenant thereto.

**ARTICLE 45.** To see if the Town will vote to accept the following as a public way:

**HUNTER'S ROAD** in its entirety 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; prepared for Hay Meadow Realty Trust, Harry G. Koniars, Trustee, Engineer: Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 256, Plan 38 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

**HUNTER'S ROAD** in its entirety 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; prepared for Hay Meadow Realty Trust, Harry G. Koniars, Trustee, Engineer: Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA and recorded in the Essex South District Registry of Deeds, Plan Book 296, Plan #1 including any easements appurtenant thereto.



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ARTICLE 46. To see if the Town will vote to accept the following as public ways:

BERRY PATCH LANE in its entirety from station 0+00 to station 14+65.00 as shown on a plan entitled "As-Built Plan of Berry Patch Lane, Boxford, MA, prepared for Gwen S. Washburn, Engineer; Hancock Survey Associates, Inc., dated December 10, 1993", and recorded at the Essex South Registry of Deeds; Plan Book 8802 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to accept the following as public ways:

BERRY PATCH LANE in its entirety from station 0+00 to station 14+65.00 as shown on a plan entitled "As-Built Plan of Berry Patch Lane, Boxford, MA, prepared for Gwen S. Washburn, Engineer; Hancock Survey Associates, Inc., dated December 10, 1993", and recorded at the Essex South Registry of Deeds; Plan Book 8802, Plan #52, including any easements appurtenant thereto.

ARTICLE 47. To see if the Town will vote to accept the following as a public way:

KING EDWARD COURT from station 0+00 to station 7+67.55 as shown on a plan entitle "As-Built Subdivision Plan of King Edward Court, Boxford, MA, prepared by Jack Masterson; Engineer, Thomas E. Neve Associates, Inc., dated February, 14, 1996; and recorded in Essex South District Registry of Deeds, Plan Book 284, Plan #4 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 47.

ARTICLE 48. To see if the Town will vote to accept the following as a public way:

PEARL ROAD EXTENSION in its entirety from station 00+00 to station 5+35.80 as shown on plan entitled "Asbuilt Subdivision Plan of Pearl Road, West Parish, Boxford, MA prepared for Charles R. Rounds, Jr., Trustee; Engineer, Thomas E. Neve Associates, Inc., dated September 20, 1995", and filed in the Essex South District Registry of Deeds, Plan Book 237, Plan #47 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

PEARL ROAD EXTENSION in its entirety from station 00+00 to station 5+35.80 as shown on plan entitled "As-built Subdivision Plan of Pearl Road, West Parish, Boxford, MA prepared for Charles R. Rounds, Jr., Trustee; Engineer, Thomas E. Neve Associates, Inc., dated September 20, 1995", and filed in the Essex South District Registry of Deeds, Plan Book 237, Plan #47 including any easements appurtenant thereto.

ARTICLE 49. To see if the Town will vote to accept the following as a public way:

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TOWNSEND FARM ROAD in its entirety from station 0+00 to 66+36, as shown on a plan "Asbuilt Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer, Hancock Survey, Inc., dated December 10, 1993 and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

TOWNSEND FARM ROAD in its entirety from station 0+00 to 66+36, as shown on a plan "As-built Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer, Hancock Survey, Inc., dated December 10, 1993 and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto.

ARTICLE 50. To see if the Town will vote to accept the following as a public way:

PERLEY LANE in its entirety from station 0+00 to station 4+35.42, as shown on a plan "Asbuilt Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer Hancock Survey, Inc., dated December 10, 1993, and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way:

PERLEY LANE in its entirety from station 0+00 to station 4+35.42, as shown on a plan "As-built Plan of Townsend Farms Subdivision", Boxford, MA, prepared for Middleton Road Boxford Realty Trust, Douglas R. Conn and Peter S. Confalone, Trustees; Engineer Hancock Survey, Inc., dated December 10, 1993, and filed in the Essex South District Registry of Deeds, Plan Book 307, Plan #19 including any easements appurtenant thereto.

ARTICLE 51. To see if the Town will vote to enact a Pond Watershed Overlay District by approving the following amendments to Boxford's Zoning Bylaw:

a) Inserting in Section 1 (the preamble) after the phrase "to conserve health" the phrase "to preserve the integrity of the water supply."

b) Changing Section II from seven districts to eight districts and adding:

"8. Pond Watershed Overlay District"

c) Adding to Section V a new Subsection I to read:

I. Pond Watershed Overlay District

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The Pond Watershed Overlay District consists of the mapped watersheds to Boxford's fresh water ponds. Long considered one of the Town's most significant natural resources, Boxford's numerous fresh water ponds are threatened by land based activities within the pond watersheds, including residential development, removal of natural vegetative growth and waterfowl. Of particular concern are elevated levels of nutrients such as nitrogen and phosphorus, present in the Town's surface waters. Excessive nutrients will cause pond water quality to decline, create noxious odors, increase growth of nuisance plants and reduce values of property within the ponds' watersheds.

The purpose of this District is to identify land areas that provide recharge and runoff to Boxford's fresh water ponds by incorporating these contributing areas into the Town's Zoning Map, Zoning Bylaw and other regulatory tools, as amended.

Permitted Uses: In any lot created after the adoption of this amendment,

- 1) The Pond Watershed Overlay District shall be considered to be superimposed over any other district established in this bylaw. Land in a Pond Watershed Overlay District may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein. Land located such that the site lies partially within an Overlay District shall be governed by the restrictions applicable to the zoning district in which the part of the land is located.
- 2) Within a Pond Watershed Overlay District, no principal or accessory structure shall be constructed within one hundred (100) feet of the high water mark of a pond. Excluded from this prohibition, subject to other applicable regulations in the Town of Boxford, are structures commonly referred to as "duck walks," landings, docks, and piers.
- 3) Within a Pond Watershed Overlay District, no land area within three hundred (300) feet of a measured high water mark of a pond shall consist of cultivated lawn greater than five thousand (5,000) square feet on any single lot.
- 4) For a distance of at least fifty (50) feet from the high water mark of any pond within a Pond Watershed Overlay District, natural vegetation shall be left in its natural state, except for a path not to exceed five (5) feet in width. Vegetation that poses a threat to persons or property may be removed, subject to other applicable regulations in the Town of Boxford; or take any other action thereon.

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EXPLANATION: The creation of a new Pond Watershed Overlay District will provide a zoning mechanism to prevent new construction in the vicinity of specific Boxford ponds from adversely affecting the quality of the water in those ponds.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 101 in favor and 49 opposed, to enact a Pond Watershed Overlay District by approving the following amendments to Boxford's Zoning Bylaw:

a) Inserting in Section 1 (the preamble) after the phrase "to conserve health" the phrase "to preserve the integrity of the water supply."

b) Changing Section II from seven districts to eight districts and adding:

"8. Pond Watershed Overlay District"

c) Adding to Section V a new Subsection I to read:

I. Pond Watershed Overlay District

The Pond Watershed Overlay District consists of the mapped watersheds to Boxford's fresh water ponds. Long considered one of the Town's most significant natural resources, Boxford's numerous fresh water ponds are threatened by land based activities within the pond watersheds, including residential development, removal of natural vegetative growth and waterfowl. Of particular concern are elevated levels of nutrients such as nitrogen and phosphorus, present in the Town's surface waters. Excessive nutrients will cause pond water quality to decline, create noxious odors, increase growth of nuisance plants and reduce values of property within the ponds' watersheds.

The purpose of this District is to identify land areas that provide recharge and runoff to Boxford's fresh water ponds by incorporating these contributing areas into the Town's Zoning Map, Zoning Bylaws and other regulatory tools, as amended.

Permitted Uses: In any lot created after the adoption of this amendment,

1) The Pond Watershed Overlay District shall be considered to be superimposed over any other district established in this bylaw. Land in a Pond Watershed Overlay District may be used for any purpose otherwise permitted in the underlying district, subject to the additional restrictions presented herein. Land located such that the site lies partially within an Overlay District shall be governed by the restrictions applicable to the zoning district in which the part of the land is located.

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2) Within a Pond Watershed Overlay District, no principal or accessory structure shall be constructed within one hundred (100) feet of the high water mark of a pond. Excluded from this prohibition, subject to other applicable regulations in the Town of Boxford, are structures commonly referred to as "duck walks," landings, docks, and piers.

3) Within a Pond Watershed Overlay District, no land area within three hundred (300) feet of a measured high water mark of a pond shall consist of cultivated lawn greater than five thousand (5,000) square feet on any single lot.

4) For a distance of at least twenty five (25) feet from the high water mark of any pond within a Pond Watershed Overlay District, natural vegetation shall be left in its natural state, except for a path, not to exceed seven (7) feet in width. Dead or dying vegetation that poses a threat to persons or property may be removed, subject to other applicable regulations in the Town of Boxford.

A 2/3 vote was required.

ARTICLE 52. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Baldpate Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Baldpate Pond in the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 113 in favor and 23 opposed, to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Baldpate Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 53. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Hovey's Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Hovey's Pond in the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 108 in favor and 24 opposed, to amend the Zoning Map of

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the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Hovey's Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 54. To see if the Town will vote to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Stiles Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk; or take any other action thereon.

EXPLANATION: The inclusion of Stiles Pond on the Pond Watershed Overlay District will regulate new construction in its watershed to prevent an adverse impact on the quality of its water.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 112 in favor and 21 opposed, to amend the Zoning Map of the Town of Boxford dated August 1993 to add a Pond Watershed Overlay District around Stiles Pond, as shown on a map dated March 26, 1996, filed with the Town Clerk.

A 2/3 vote was required.

ARTICLE 55. To see if the Town will amend the Zoning Bylaw as it pertains to Section III - Existing Uses, by deleting subsection III. A. 3 as it is presently written and substituting NEW subsections 3 3(a)(1-2) as follows:

3. Pre-existing, non conforming structures or uses may be extended, altered or changed only by special permit from the Board of Appeals. Any such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing non conforming uses or structure.

a. Recognizing the need to provide some guidelines for determining relative detrimentality, and recognizing that there are basic and consistent principles of zoning which are broadly accepted, the following standards shall apply to the granting of a special permit under this section:

1. The standards of Section X. D

2. The change or alteration of the structure or use may be allowed as maintaining or lessening any nonconformity without having to meet existing dimensional requirements. However, the extension of a structure or expansion of a use may be considered a detriment after the Board of Appeals considers whether the extension or expansion extends or creates a new dimensional nonconformity, impairs views or vistas, negatively impacts on ground or surface water quality or does not reasonably conform to the average dimensions found in the neighborhood.

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3. Where the proposed use is regulated by other sections of this Bylaw, the applicable standards of those sections shall also be considered in determining whether the proposal is substantially more detrimental; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 55.

ARTICLE 56. To see if the Town will vote to amend the Zoning Bylaw of the Town of Boxford by adding the following sentence at the end of the first paragraph of Section VII A

"to be considered incidental, the total volume of material removed may not exceed 500 cubic yards"; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 56.

ARTICLE 57. To see if the Town will vote to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 2: Jurisdiction  
Add new paragraph:

The Pond Watershed Overlay District

Section 4: Application for Permits and Requests for Determination of Applicability  
Third paragraph:

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 of Applicability (RDA) or resource delineation. (remainder unchanged)

Section 6: Permits, Determinations and Conditions  
After fourth paragraph, add:

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

Section 8: Definitions  
Add the following definitions:

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The term "Vernal Pool" shall include a confined basin depression of any size which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, which is free of naturally occurring fish populations and which contains evidence of breeding by obligate vernal pool species as recognized by Massachusetts Natural Heritage and Endangered Species Program.

The term "Pond" shall include any substantially open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- (a) swimming pools or other impervious man-made basins; and
- (b) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

At the end of Section 8, add the following:

(k) Incremental activities which have, or may have a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act. M.G.L., Ch. 131, Section 40 and Regulations, 310 CMR 10.00.

- (l) Application of pesticides or herbicides:

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 2: Jurisdiction  
Add new paragraph:

The Pond Watershed Overlay District

Section 4: Application for Permits and Requests for Determination of Applicability  
Third paragraph:



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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 of Applicability (RDA) or resource delineation. (remainder unchanged)

Section 6: Permits, Determinations and Conditions  
After fourth paragraph, add:

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

Section 8: Definitions

Add the following definitions:

The term "Vernal Pool" shall include a confined basin depression of any size which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, which is free of naturally occurring fish populations and which contains evidence of breeding by obligate vernal pool species as recognized by Massachusetts Natural Heritage and Endangered Species Program.

The term "Pond" shall include any substantially open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- (a) swimming pools or other impervious man-made basins; and
- (b) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

At the end of Section 8, add the following:

- (k) Incremental activities which have, or may have a cumulative adverse impact on the resource areas protected by this bylaw.

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Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act. M.G.L., Ch. 131, Section 40 and Regulations, 310 CMR 10.00.

(1) Application of pesticides or herbicides:

ARTICLE 58. To see if the Town will vote to amend Article 12 of the General Bylaws called WETLAND PROTECTION BYLAW as follows:

Section 10: Enforcement

Before first paragraph, add the following:

No person shall remove fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition or fail to comply with a permit or an enforcement order pursuant to this bylaw.

First paragraph:

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Add to last paragraph:

The specific penalties as listed here shall apply and in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed shall also be enforcing persons for such penalties; each day on which any violation exists shall be deemed to be a separate offense.

	<u>Buffer Zone</u>	<u>Wetlands Resource Area</u>	<u>Non-Compliance with an Order of Conditions or Enforcement Order</u>
<u>1st Offense</u>	<u>\$ 25.00</u>	<u>\$ 50.00</u>	<u>\$ 50.00</u>
<u>2nd Offense</u>	<u>\$150.00</u>	<u>\$150.00</u>	<u>\$200.00</u>
<u>3rd Offense</u> <u>(and any subsequent offense)</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>

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Municipal personnel authorized: Conservation Commission members or Administrator.;  
or take any other action thereon.

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 10: Enforcement

Before first paragraph, add the following:

No person shall remove fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill or otherwise fail to restore illegally altered land to its original condition or fail to comply with a permit or an enforcement order pursuant to this bylaw.

First paragraph:

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Add to last paragraph:

The specific penalties as listed here shall apply and in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed shall also be enforcing persons for such penalties; each day on which any violation exists shall be deemed to be a separate offense.

	<u>Buffer Zone</u>	<u>Wetlands Resource Area</u>	<u>Non-Compliance with an Order of Conditions or Enforcement Order</u>
<u>1st Offense</u>	<u>\$ 25.00</u>	<u>\$ 50.00</u>	<u>\$ 50.00</u>
<u>2nd Offense</u>	<u>\$ 50.00</u>	<u>\$150.00</u>	<u>\$200.00</u>
<u>3rd Offense (and any subsequent offense)</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>

Municipal personnel authorized: Conservation Commission members or Administrator.

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Finance Committee recommended adoption of this article.

ARTICLE 59. 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 raise and appropriate 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 60. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$14,179 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 raise and appropriate the sum of \$14,179 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.

ARTICLE 61. To see if the Town will amend Article 2, Section 6 of the General Bylaws as follows, effective July 1, 1996:

2-6-5 Schedule of fees to be charged by the Town Clerk

(21) For filing by a person conducting business under a title other than his real name or a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or of a change of location of such business.

From \$5.00 to \$20.00

(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.

From \$5.00 to \$10.00

(42) For entering Notice of Intention of Marriage and issuing Certificate thereof:

From \$15.00 to \$25.00

and to set the following new fees to be charged by the Town Clerk under Section 2-6-5 to be effective July 1, 1996:

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(82) Issuing Burial Permit	\$ 25.00
(84) Issuing Voter's Registration Certificate	5.00
(86) For all UCC Filing	25.00
(88) For UCC Searches by Mail	20.00
(90) Issuing Accessory Apartment Registration	15.00
(92) Issuing Raffle & Bazaar Permits	25.00

or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article 2, Section 6 of the General Bylaws as follows, effective July 1, 1996:

2-6-5 Schedule of fees to be charged by the Town Clerk

(21) For filing by a person conducting business under a title other than his real name or a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or of a change of location of such business.

From \$5.00 to \$20.00

(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.

From \$5.00 to \$10.00

(42) For entering Notice of Intention of Marriage and issuing Certificate thereof:

From \$15.00 to \$25.00

and to set the following new fees to be charged by the Town Clerk under Section 2-6-5 to be effective July 1, 1996:

(82) Issuing Burial Permit	\$ 25.00
(84) Issuing Voter's Registration Certificate	5.00
(86) For all UCC Filing	25.00
(88) For UCC Searches by Mail	20.00
(90) Issuing Accessory Apartment Registration	15.00
(92) Issuing Raffle & Bazaar Permits	25.00

Finance Committee recommended adoption of this article

ARTICLE 62. To see if the Town will amend its General Bylaws to increase the fees charged by the Town Clerk as detailed in Section 8-4-8 as follows, effective July 1, 1996:

8-4-8 Notwithstanding the provisions of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Boxford for the issuance of licenses for dogs shall be:

ALL DOGS.....\$10.00 (Ten Dollars)

KENNELS (5 or more dogs)....\$125.00 (One Hundred Twenty Five Dollars);

or take any other action thereon.

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Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend its General Bylaws to increase the fees charged by the Town Clerk as detailed in Section 8-4-8 as follows, effective July 1, 1996:

8-4-8 Notwithstanding the provisions of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Boxford for the issuance of licenses for dogs shall be:

ALL DOGS.....\$10.00 (Ten Dollars)

KENNELS (5 or more dogs)....\$125.00 (One Hundred Twenty Five Dollars).

A proposed amendment to retain the kennel fees at the current rate was defeated by hand count vote, 62 in favor and 66 opposed.

Finance Committee recommended adoption of this article.

ARTICLE 63. To see if the Town will vote to petition the General Court to pass legislation to establish recall elections in the Town of Boxford as follows:

SECTION 1. Any person who holds an elected office in the Town of Boxford and who has held such office for four months and has more than six months remaining in the term of such office on the date of filing of the affidavit referred to in section two, may be recalled from office by the registered voters of said town in the manner provided herein.

SECTION 2. Fifty or more registered voters from each precinct of the Town of Boxford for a total of at least one hundred registered voters may file with the town clerk of said town an affidavit containing the name of the officer whose recall is sought and a statement of one or more of the following grounds upon which the petition is based: lack of fitness, corruption, incompetence, neglect of duties, malfeasance, misfeasance or violation of oath. The town clerk shall deliver to said voters petition blanks demanding such recall, printed forms of which said clerk shall keep available. Such blanks shall be completed by writing or type-writing, shall be addressed to the Board of Selectmen; shall contain the names of the first 20 persons who filed the affidavit and the grounds for recall as stated in the affidavit; shall demand the election of a successor to the office and shall be dated and signed by the town clerk. A copy of such petition shall be kept on file in the office of the town clerk in a record book maintained for the purpose. The recall petitions shall be returned and filed in the office of the town clerk within twenty-one days following the date the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election. The town clerk shall within twenty-four hours following such filing submit such petitions to the registrars of voters who

Boxford Adjourned Annual Town Meeting - May 22, 1996

shall, within seven days, certify thereon the numbers of signatures which are names of registered voters of said town.

SECTION 3. If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall within forty-eight hours give written notice of such petitions and certification to the person whose recall is sought. If such officer does not resign his office within five days following delivery of said notice, the Board of Selectmen shall order an election to be held not less than sixty-four nor more than ninety days after the date on which the Board of Selectmen files notice of the election with the Town Clerk; provided, however, that if another town election is to occur within one hundred days of said date, the Board of Selectmen shall hold the recall election on the date of said Town Election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need to be counted.

SECTION 4. An officer whose recall is sought may not be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled in the election he shall continue in office for the remainder of his unexpired term, subject to recall as before, except that he cannot be recalled thereby until at least six months after the election at which his recall was submitted to the voters.

If the officer is recalled in the election, he shall be deemed removed upon the qualifications of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used at the recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to mark a vote.

After the propositions, the word "Candidates" shall appear,

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and directions to voters as required by Section forty-two of Chapter fifty-four of the General Laws followed by the names of candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall is in the affirmative, and provided that at least twenty percent of the total number of registered voters as of the date of the most recent town election have participated in such recall election, the officer shall be deemed to have been recalled.

The ballots for candidates shall be counted, and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for candidates need not be counted except as provided in section three; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the original motion to read "to pass over Article 63."

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 63.

Finance Committee recommended adoption of this article.

**ARTICLE 64.** To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for the provision of ambulance services authorized by the Board of Selectmen for a period of up to five years in length, pursuant to MGL Chapter 30B; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to authorize the Board of Selectmen to enter into contracts for the provision of ambulance services authorized by the Board of Selectmen for a period of up to five years in length, pursuant to MGL Chapter 30B.

Finance Committee recommended adoption of this article.


**ARTICLE 65.** To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Annual Town Meeting at 9:36 p.m.

Registered voters attending the meeting were 169. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

  
Patricia Shields  
Town Clerk



Boxford Adjourned Annual Town Meeting - May 22, 1996

TRANSFERS:

Article 17 (from free cash for repairs and maintenance of town buildings)	\$ 60,000.00
Article 18 (from free cash for Garden Club)	800.00
Article 19 (from free cash for police cruiser)	26,690.00
Article 20 (from free cash to Fire Station for exhaust systems)	17,500.00
Article 21 (from free cash for lawn mower)	<u>12,500.00</u>
TOTAL TO BE TRANSFERRED:	\$ 117,490.00

RAISE AND APPROPRIATE:

Article 7	\$ 14,400.00
Article 12	10,393,802.00
Article 25 (contingent upon successful passage of Prop. 2-1/2 override)	30,000.00
Article 26 (contingent upon successful passage of Prop. 2-1/2 override)	87,090.00
Article 28 (contingent upon successful passage of Prop. 2-1/2 override)	30,000.00
Article 29 (contingent upon successful passage of Prop. 2-1/2 override)	25,000.00
Article 31	8,438.00
Article 33 (contingent upon successful passage of Prop. 2-1/2 override and funding through Self Help Grant)	450,000.00
Article 34	18,445.00
Article 36	5,000.00
Article 59	1,500.00
Article 60	<u>14,179.00</u>
TOTAL TO BE RAISED AND APPROPRIATED:	\$11,077,854.00

APPROPRIATIONS:

Article 3 (from Enterprise Fund Receipts)	\$ 164,435.00
Article 10 (from Wetlands Protection Fund)	<u>5,612.00</u>
TOTAL TO BE APPROPRIATED:	\$ 170,047.00

SPECIAL TOWN MEETING  
OCTOBER 22, 1996

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, October 22, 1996. Moderator DeWitt T. Minich called the Special Town Meeting to order at 7:18 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, the sum of \$100,000 to establish a Reserve Fund for FY 1997; 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 \$100,000 to establish a Reserve Fund for FY 1997.

Finance Committee recommended adoption of this article.

ARTICLE 2. To see if the Town will vote to appropriate the sum of \$305,522 for highway maintenance and construction in anticipation of state aid allotment, said monies predicated on state reimbursement of the following: Chapter 113, Section 2A, Acts of 1996, \$305,522 (MA# 36163, First 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 \$305,522 for highway maintenance and construction in anticipation of state aid allotment, said monies predicated on state reimbursement of the following: Chapter 113, Section 2A, Acts of 1996, \$305,522 (MA# 36163, First Apportionment).

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, a sum of money to purchase a tailgate spreader for the Department of Public Works, 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 \$7,600 to purchase a tailgate spreader for the Department of Public Works, said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$20,000 to be added to the Conservation Fund, to be used for drafting a topographic plan showing wood roads, stone walls, tree lines and wetland of Wildcat Forest; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 4.

Boxford Special Town Meeting

ARTICLE 5. To see if the Town will vote raise and appropriate, or transfer from available funds, a sum of money to fund the costs estimated for repairs associated with the previous use of Johnson Field and its surrounding area as a sanitary landfill; said funds to be expended 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 \$125,000 to fund the costs estimated for repairs associated with the previous use of Johnson Field and its surrounding area as a sanitary landfill; said funds to be expended under the direction of the Board of Health.

Finance Committee recommended adoption of this article.

ARTICLE 6. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the completion of the sanitary disposal system at Camp Stepping Stone (aka Camp Sacajawea), 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 \$10,000 for the completion of the sanitary disposal system at Camp Stepping Stone (aka Camp Sacajawea), said funds to be spent under the direction of the Board of Selectmen.

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 construct an irrigation system for the Boy Scout Park Baseball Field; 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 \$10,000 to construct an irrigation system for the Boy Scout Park Baseball Field; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

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 preparation of an engineered plan for the siting of a parking lot on Town owned land off Spofford Road, immediately adjacent to the Spofford Pond School; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Boxford Special Town Meeting

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 the preparation of an engineered plan for the siting of a parking lot on Town owned land off Spofford Road, immediately adjacent to the Spofford Pond School; said funds to be spent under the direction of the Board of Selectmen

Finance Committee recommended adoption of this article.

ARTICLE 9. To see if the Town will vote to amend Article 5 of the General Bylaws (The Personnel Bylaw) by creating the following new position: Assistant Director, Council on Aging, Grade 9; or take any other action thereon.

Upon motion made and duly seconded, ARTICLE 9 was defeated by majority voice vote.

Finance Committee recommended adoption of this article.

ARTICLE 10. To see if the Town will vote to amend Article 5 of the General Bylaws (The Personnel Bylaw) by amending the pay range for Grade DH1 (Conservation Administrator) from the current range as shown here:

Grade DH1 - Conservation Administrator - Annual Salary

	A	B	C	D	E	F	G	H	I
Steps	14,168	14,565	14,973	15,392	15,823	16,266	16,271	17,189	17,670

so that it will read as follows:

	A	B	C	D	E	F	G	H	I
Steps	18,642	19,164	19,701	20,253	20,820	21,403	22,002	22,618	23,251

or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article 5 of the General Bylaws (The Personnel Bylaw) by amending the pay range for Grade DH1 (Conservation Administrator) from the current range as shown here:

Grade DH1 - Conservation Administrator - Annual Salary

	A	B	C	D	E	F	G	H	I
Steps	14,168	14,565	14,973	15,392	15,823	16,266	16,271	17,189	17,670

so that it will read as follows:

	A	B	C	D	E	F	G	H	I
Steps	18,642	19,164	19,701	20,253	20,820	21,403	22,002	22,618	23,251

Boxford Special Town Meeting

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen with approval of the School Committee to grant an easement to Massachusetts Electric Company, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for the purpose of installing an overhead and underground electrical distribution system in, along, upon and under a portion of the land owned by the Town (Spofford Pond School) described in a deed recorded with the Essex South District Registry of Deeds at Book 3492, Page 77 located off Spofford Road, said easement premises being shown on a sketch plan entitled "Sketch showing proposed overhead and underground Electrical System to be installed on private property owned by the Town of Boxford off Spofford Road - Boxford, MA", prepared by Massachusetts Electric Company, dated May 24, 1996, which Sketch Plan is on file with the Town Clerk, or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Board of Selectmen with approval of the School Committee to grant an easement to Massachusetts Electric Company, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for the purpose of installing an overhead and underground electrical distribution system in, along, upon and under a portion of the land owned by the Town (Spofford Pond School) described in a deed recorded with the Essex South District Registry of Deeds at Book 3492, Page 77 located off Spofford Road, said easement premises being shown on a sketch plan entitled "Sketch showing proposed overhead and underground Electrical System to be installed on private property owned by the Town of Boxford off Spofford Road - Boxford, MA", prepared by Massachusetts Electric Company, dated May 24, 1996, which Sketch Plan is on file with the Town Clerk.

A two-thirds vote was required.

ARTICLE 12. To see if the Town will vote to amend Article 7 of the General Bylaws by inserting the following new Section 5:

Section 5 - Consumption of Alcohol

7-5-1 No patron, customer, or other person shall bring onto the premises for consumption and consume any alcoholic beverage, wine, beer, or malt beverages on any premises operating with a common victualer's license within a B-1 Retail Business District (as defined in the Boxford Zoning Bylaw). This section shall not prevent any person duly licensed pursuant to G. L. c.138, Sec.12 or other legal authority from bringing alcoholic beverages, wine, beer, or malt liquors onto the duly licensed premises for consumption thereon;

7-5-2 Whoever shall violate this bylaw shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense. Each separate container containing such alcoholic beverages, wine, beer, or malt beverages shall constitute a separate violation;

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Boxford Special Town Meeting

7-5-3 The enforcing officials shall be the town's licensing authority or its agents and the law enforcement officials of the Town;

or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 7 of the General Bylaws by inserting the following new Section 5:

**Section 5 - Consumption of Alcohol**

7-5-1 No patron, customer, or other person shall bring onto the premises for consumption and consume any alcoholic beverage, wine, beer, or malt beverages on any premises operating with a common victualer's license within a B-1 Retail Business District (as defined in the Boxford Zoning Bylaw). This section shall not prevent any person duly licensed pursuant to G. L. c.138, Sec.12 or other legal authority from bringing alcoholic beverages, wine, beer, or malt liquors onto the duly licensed premises for consumption thereon;

7-5-2 Whoever shall violate this bylaw shall be fined \$50.00 for the first offense and \$100.00 for each subsequent offense. Each separate container containing such alcoholic beverages, wine, beer, or malt beverages shall constitute a separate violation;

7-5-3 The enforcing officials shall be the town's licensing authority or its agents and the law enforcement officials of the Town.

ARTICLE 13. I move to amend Article Seven of the General Bylaws by inserting the following new section:

**Section 5 - Herbicides and Pesticides**

"The use of herbicides, pesticides and other toxic materials shall be prohibited on Town-owned lands unless approved by the Board of Health and where appropriate by the Conservation Commission;" or take any other action thereon.

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

**Section 5 - Herbicides and Pesticides**

"The use of herbicides, pesticides and other toxic materials shall be prohibited on Town-owned lands unless approved by the Board of Health and where appropriate by the Conservation Commission."

Boxford Special Town Meeting

ARTICLE 14. To see if the Town will vote to amend the actions taken, pursuant to Article 15 of the Warrant for the Special Town Meeting of November 2, 1993, which reads as follows: To fund the replacement of the Air Conditioning unit in the Town Hall Vault and to select the correct size unit to perform correctly in the vault. (appropriated amount \$4,070.00); amended to read as follows: To authorize the Town Clerk to utilize the balance of the original Article (\$3,580.02) to fund the reorganization of the vault's contents; i.e., indexing, microfilming, storage, record review by the state, etc., to conform to the Massachusetts General Laws, Chapter 66; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the actions taken, pursuant to Article 15 of the Warrant for the Special Town Meeting of November 2, 1993, which reads as follows: To fund the replacement of the Air Conditioning unit in the Town Hall Vault and to select the correct size unit to perform correctly in the vault. (appropriated amount \$4,070.00); amended to read as follows: To authorize the Town Clerk to utilize the balance of the original Article (\$3,580.02) to fund the reorganization of the vault's contents; i.e., indexing, microfilming, storage, record review by the state, etc., to conform to the Massachusetts General Laws, Chapter 66; said funds to be expended under the direction of the Town Clerk.

Finance Committee recommended adoption of this article.

ARTICLE 15. To receive and place on file the document entitled: "Boxford Master Plan" dated June, 1996 prepared by the Boxford Master Plan Committee and approved by the Boxford Planning Board on June 12, 1996, without ratification or authorization of any action proposed; or take any action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to receive and place on file the document entitled: "Boxford Master Plan" dated June, 1996 prepared by the Boxford Master Plan Committee and approved by the Boxford Planning Board on June 12, 1996, without ratification or authorization of any action proposed.

ARTICLE 16. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the investigating, testing and repair of problems associated with the failure of the Town owned underground fuel storage tank; 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 pass over Article 16.

Finance Committee recommended adoption of this article.

Boxford Special Town Meeting

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the relocation of the town fuel pump dispensing island at the location of the town underground fuel storage tank; 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 \$8,455 to fund the relocation of the town fuel pump dispensing island at the location of the town underground fuel storage tank; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the unanticipated special education costs incurred to date for FY 1997; said funds to be spent under the direction of the 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 \$112,253 to fund the unanticipated special education costs incurred to date for FY 1997; said funds to be spent under the direction of the Elementary School Committee.

Finance Committee recommended adoption of this article.

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$7,500 to be expended under the direction of the Boxford School Committee, for the purpose of conducting an indoor Air Quality and Ventilation Systems Evaluation for the Spofford Pond and Cole School buildings; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by hand count vote, 120 in favor and 82 opposed, to transfer from free cash the sum of \$7,500 for the purpose of conducting an indoor Air Quality and Ventilation Systems Evaluation for the Spofford Pond and Cole School buildings; said funds to be spent under the direction of the Elementary School Committee.

Finance Committee recommended adoption of this article.

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to explore and consider to purchase, or take by eminent domain, a parcel of land, with the building thereon, owned by Georgetown Road Limited Partnership, shown as Parcel 11 on a Plan of Land prepared by Thomas E. Neve Associates dated March 29, 1996, containing 4.73 acres according to said plan, a copy of which is on file at the Town Clerk's office, being a portion of the land shown on Assessor's Map 16, Block 1, Parcel 04 for the purpose of constructing or renovating the building thereon for Municipal office use; or take any other action thereon.



Boxford Special Town Meeting

Upon motion made and duly seconded, it was VOTED, by hand count vote, 108 in favor and 83 opposed, to amend the article by deleting the words "or take by eminent domain."

Upon motion made and duly seconded, it was VOTED, by majority show of hands, to explore and consider to purchase a parcel of land, with the building thereon, owned by Georgetown Road Limited Partnership, shown as Parcel 11 on a Plan of Land prepared by Thomas E. Neve Associates dated March 29, 1996, containing 4.73 acres according to said plan, a copy of which is on file at the Town Clerk's office, being a portion of the land shown on Assessor's Map 16, Block 1, Parcel 04 for the purpose of constructing or renovating the building thereon for Municipal office use.

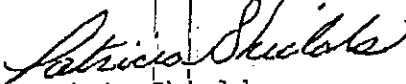
ARTICLE 21. To see if the Town will vote to transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Special Town Meeting at 10:31 p.m.

Registered voters attending this meeting were 235. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

  
Patricia Shields  
Town Clerk