

TOWN OF BOXFORD ANNUAL TOWN MEETING
May 13, 2003

Voters of the Town of Boxford met at the Masconomet High School on Tuesday, May 13, 2003. John Dussi of the Boxford Youth and Recreation Foundation and Stuart Saginor of the Community Preservation Committee gave brief presentations. Gary Sinclair presented the Rotary Club for Outstanding Community Leader's Award to Guy Simmons. Kim Holliday, Chairperson of the Finance Committee, gave a financial update. Moderator Gerald R. Johnston honored Boxford residents Joyce Ricklefs and Robert Conroy for their many years of service to the town.

Moderator Johnston called the Town Meeting to order at 7:40 p.m. The Articles of the Warrant were disposed of accordingly.

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; or take any other action thereon.

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

ARTICLE 2. To see if the Town will vote to instruct its representative to the General Court to file a home rule petition. The General Court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

"To amend the provisions of M.G.L., Chapter 59, Section 5, Clause 41C as they apply to the Town of Boxford by adjusting the following factors contained in these provisions by: (1) increasing the exemption of taxes due amount contained in the first sentence of this clause to \$2,000; (2) increasing all amounts contained in sub clause (Boxford, MA 01921) whenever they appear in said sub clause to \$50,000; and, (3) increasing all amounts contained in sub clause (C) whenever they appear in said sub clause to \$400,000."; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article.

EXPLANATION: The above article requests the Legislature to pass a law that affects Boxford only, which: 1) increases the amount of the annual real estate tax abatement for eligible over 65 resident homeowners from \$1,000 per year to \$2,000 per year; 2) increases the maximum income eligibility for that abatement for a single person from \$20,000 to \$50,000 and a married couple from \$30,000 to \$50,000; and 3) increases the maximum adjusted assets eligibility (does not include value of domicile) for that abatement for a single person from \$40,000 to \$400,000 and a married couple from \$55,000 to \$400,000.

Upon a motion made and duly seconded, it was **VOTED**, by majority voice vote, to instruct our representative to the General Court to file a home rule petition. The General Court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

"To amend the provisions of M.G.L., Chapter 59, Section 5, Clause 41C as they apply to the Town of Boxford by adjusting the following factors contained in these provisions by: (1) increasing the exemption of taxes due amount contained in the first sentence of this clause to \$2,000; (2) increasing all amounts contained in sub clause (Boxford, MA 01921) whenever they appear in said sub clause to \$50,000; and, (3) increasing all amounts contained in sub clause (C) whenever they appear in said sub clause to \$400,000."

ARTICLE 3. To see if the Town will authorize the establishment of the following **revolving accounts** as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year:

- 1) A **Recycling Revolving Account** 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 **\$25,000** for Fiscal Year 2004 from said account for the operation and maintenance of the Town Recycling Center;
- 2) A **Printing Revolving Account** 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; and further to allow the Board of Selectmen to expend funds not to exceed **\$10,000** for Fiscal Year 2004 from said account for the costs to the Town for printing supplies, equipment and reimbursable advertising;
- 3) A **Library Photocopy Machine Revolving Account** 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 2004 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies;

- 4) A **Conservation Revolving Fund** under the direction of the Conservation Commission and used for the deposit of receipts collected through fees, including fees collected from applications related to the Town of Boxford Wetlands Protection Bylaw, by direction of the Conservation Commission and further to allow the Conservation Commission, with the written approval of the Selectmen, to expend fees not to exceed **\$50,000** for fiscal year 2004 from said account for management of land under Conservation Commission control, and for other Conservation Commission expenses approved by a majority of the Commission;
- 5) A **Highway Safety Revolving Account** under the direction of the Board Selectmen and used for the deposit of receipts collected through fines assessed against commercial motor vehicles by the Commercial Vehicle Enforcement Unit; and further to allow the Board of Selectmen to expend fees not to exceed **\$10,000** for fiscal year 2004 from said account for the purchase and maintenance of equipment related to highway safety; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to authorize the establishment of revolving accounts as listed in Article 3 of the Warrant as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year.*

ARTICLE 4. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2004, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 11 of this warrant; or take any other action thereon.

Sponsored by the Personnel Board
Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to adopt the Classification Plan and Compensation Plan for FY 2004, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan dated May 13, 2003, and distributed at this Town Meeting.*

ARTICLE 5. 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 2004, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year; and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Finance Committee

Estimate: \$22,387,372

Finance Committee recommends adoption of this article.

The proposed budget is printed on pages 12 & 13 of the warrant.

AMENDMENT TO ARTICLE 5 was introduced as follows:

To amend line item MASCONOMET BUDGET ASSESSMENT in the budget section EDUCATION of the Town Budget from \$7,211,035 to \$7,176,695, thereby changing the total for this section to \$16,136,891.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to have non-voting member and Masconomet Business Manager Susan Givens address the assembly.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend line item MASCONOMET BUDGET ASSESSMENT in the budget section EDUCATION of the Town Budget from \$7,211,035 to \$7,176,695 thereby changing the total for this section to \$16,136,891.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise the sum of \$22,331,035 and transfer \$21,997 from the "Receipts Reserved for Appropriation - Septic Loan Program" for a total appropriation of \$22,353,032 for the use of several departments for fiscal year 2004, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year as printed in the Warrant on Pages 12 and 13 as amended; and authorize expenditure of these funds under the direction of the appropriate listed department.

At this time, we anticipate that Article 6 will be adopted as a contingent appropriation. This means that although the appropriation could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of the related Proposition 2 1/2 or question. Should the override question fail, the appropriation would be rendered null and void and the Masconomet Regional School District budget would be rejected (the district budget to be accepted by at least two of the three member communities).

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$595,000 to additionally fund the Fiscal Year 2004 Masconomet Regional School District Assessment; thereby completing the funding required to meet the total assessment and approve the district certified budget, or take any other action thereon.

Sponsored by the Masconomet Regional School Committee
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED by majority voice vote, to raise and appropriate the sum of \$595,000 to additionally fund the Fiscal Year 2004 Masconomet Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget, said appropriation to be fully contingent upon successful passage of related proposition 2 ½ override ballot question.

ARTICLE 7. To act on the list of proposed capital purchases for FY 2004 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 2004, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Board of Selectmen

Estimate: **\$311,500**

Finance Committee recommends adoption of this article.

The proposed capital budget is printed on page 14 of this warrant.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$311,500 to fund the list of proposed capital purchases as shown on page 14 of the warrant, for the use of several departments for the fiscal year 2004, and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 8. To see if the Town will vote to set the annual curbside solid waste collection fee at **\$2.00** per 32-gallon bag or container (each use); or take any other action thereon

Sponsored by the Board of Health

Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to set the annual curbside solid waste collection fee at \$2.00 per 32-gallon bag or container (each use).

ARTICLE 9. To see if the town will vote to raise and appropriate, or transfer from available funds the sum of **\$85,000** to partially fund the **Fiscal Year 2003 shortfall in snow and ice expense**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$85,000 to partially fund the Fiscal Year 2003 shortfall in snow and ice expense, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 10. To see if the town will vote to raise and appropriate, or transfer from available funds the sum of **\$3,000** to partially fund the **Boxford Cultural Arts Council**, said funds to be

expended under the direction of the Boxford Cultural Arts Council; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from free cash the sum of \$3,000 to partially fund the Boxford Cultural Arts Council, said funds to be expended under the direction of the Boxford Cultural Arts Council.

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$2,000** for the purpose of participation in the **Help for Abused Women and their Children (HAWC) program**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$2,000 for the purpose of participation in the Help for Abused Women and their Children (HAWC) program, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 12. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,140** for fiscal year 2004 for the **support of the Tri-Town Council on Youth and Family Services, Inc.**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by Board of Selectmen
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$25,140 for fiscal year 2004 for the support of the Tri-Town Council on Youth and Family Services, Inc., said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 13. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$175,000** to fund the **Reserve Fund**, said funds to be expended under the direction of the Finance Committee; or take any other action thereon.

Sponsored by the Finance Committee
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$175,000 to fund the Reserve Fund, said funds to be expended under the direction of the Finance Committee.

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$50,000** to replenish the **Town Unemployment Fund**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$50,000 to replenish the Town Unemployment Fund, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 15. To see if the Town will vote to authorize the Treasurer with the approval of the Selectmen, to **borrow** a sum of money to pay for the **construction of storm water drainage and road reconstruction repairs for a portion of Spofford Road**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen

Estimate: **\$400,000**

Finance Committee recommends adoption of this article.

Capital Budgeting Committee Recommendation: "A" Essential

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, that the sum of \$400,000 be hereby appropriated, to be expended at the direction of the Selectmen for the construction of storm water drainage and road reconstruction repairs for a portion of Spofford Road and other costs incidental and related to the project, its design, permitting and ultimate construction, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (1) and (5) of the General Laws, or any other enabling authority and to issue bonds or notes of the town therefore.

ARTICLE 16. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$9,000** to fund professional, legal and all other expenses related to the town's negotiation and ultimate award of a **cable license extension** of the current cable license due to expire in February, 2005, said funds to be spent under the direction of the Boxford Cable Committee; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from free cash the sum of \$9,000 to fund professional, legal and all other expenses related to the town's negotiation and ultimate award of a cable license extension of the current cable license due to expire in February, 2005, said funds to be spent under the direction of the Boxford Cable Committee.

ARTICLE 17. To see if the Town will vote to appropriate **\$8,500** from the FY 2004 Estimated Revenues of the Community Preservation Fund to fund expenses associated with the

struction of a walking path along the West side of Georgetown Road from the First Congregational Church to Herrick Road, said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to appropriate \$8,500 from the FY 2004 Estimated Revenues of the Community Preservation Fund to fund expenses associated with the construction of a walking path along the West side of Georgetown Road from the First Congregational Church to Herrick Road, said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 18. To see if the Town will vote to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2004, with each item to be considered a separate appropriation:

Appropriations:

From the FY 2004 estimated revenues for Sawyer-Richardson Open Space Bond Expense	\$118,164
From the FY 2004 estimated revenues for Committee Administrative Expenses	\$ 15,000

Reserves:

From FY 2004 estimated revenues for Historic Resources Reserve	\$70,000
From FY 2004 estimated revenues for Community Housing Reserve	\$70,000;

Sponsored by the Community Preservation Committee
Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2004, with each item to be considered a separate appropriation:*

Appropriations:

From the FY 2004 estimated revenues for Sawyer-Richardson Open Space Bond Expense	\$ 118,164
From the FY 2004 estimated revenues for Committee Administrative Expenses	\$ 15,000

Reserves:

From FY 2004 estimated revenues for Historic Resources Reserve	\$ 70,000
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From FY 2004 estimated revenues for Community Housing Reserve \$ 70,000

ARTICLE 19. To see if the Town will vote to amend its bylaws and adjust certain fees as follows effective July 1, 2003:

- § 19-7.13 for furnishing certificate of birth: increase from \$5 to \$10;
 - § 19-7.20 for filing certificate of a person conducting business under any title other than his real name: increase from \$40 to \$60;
 - § 19-7.30 for furnishing a certificate of death: increase from \$5 to \$10;
 - § 19-7.42 for entering notice of intentions of marriage and issuing certificates thereof: increase from \$25 to \$30;
 - § 19-7.44 for issuing certificate of marriage: increase from \$5 to \$10;
 - § 19-7.62 for recording order granting locations of pole, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires or cables or attachments under the provisions of Sec. 22 of Chapter 166: increase flat rate from \$40 to \$50;
 - § 19-7.82 for issuing burial permit: increase from \$25 to \$30;
 - § 19-7.86 for all UCC filings: \$25; Delete as it is no longer a town function;
 - § 19-7.88 for all UCC searches by mail: increase from \$25 to \$30;
 - § 19-7.90 Issuing accessory apartment registration: increase from \$15 to \$20;
- or take any other action thereon.

Sponsored by the Town Clerk
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the town bylaws and adjust certain fees as printed in the warrant May 13, 2003 effective July 1, 2003.

ARTICLE 20. To see if the Town will vote to amend its bylaws and adjust certain fees as follows effective July 1, 2003:

- § 52-8 Increase late fee for failure to license dog prior to January 31st, from \$15 to \$25;
- § 52-9 Increase late fee for failure to license dog kennel prior to January 31st, from \$30 to \$40;
- § 52-14 Increase the annual dog license fee for all dogs from \$10.00 to \$20.00 per year;
- § 52-18 Increase Animal Control Fee Officer Allowance for impoundment fee from \$2 to \$5;

or take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED, by a hand count of 96 in favor and 58 opposed, to amend the town bylaws and adjust certain dog license fees as written in the warrant of May 13, 2003 effective July 1, 2003.

ARTICLE 21. To see if the Town will vote to have its elected Board of Assessors become an appointed Board of Assessors of the Town; or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon a motion made and duly seconded, it was **VOTED**, by a hand count of 87 in favor and 63 opposed, to have the elected Board of Assessors become an appointed Board of Assessors of the Town.*

ARTICLE 22. To see if the Town will vote to amend its bylaws as codified in the Town Code, by creating the following new article, under Chapter 7, Commissions, Committees and Boards:

"ARTICLE XVI, Board of Assessors. Appointment; terms:

A Board of Assessors of three members shall be appointed by the Board of Selectmen for three year overlapping terms of office;"

Subject to the approval of Article 21 of the May 13, 2003 Annual Town Meeting by ballot vote at the Annual Town Election on May 20, 2003; or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon a motion made and duly seconded, it was **VOTED**, by majority voice vote, to amend the town bylaws as codified in the Town Code, by creating the following new article, under Chapter 7, Commissions, Committees and Boards:*

"ARTICLE XVI, Board of Assessors; Appointment; terms:

A Board of Assessors of three members shall be appointed by the Board of Selectmen for three year overlapping terms of office;"

This Article is subject to the approval of Article 21 of the May 13, 2003 Annual Town Meeting by ballot vote at the Annual Town Election on May 20, 2003.

ARTICLE 23. To see if the Town will vote to **accept the following roads** described below, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Dole Hill Lane in its entirety, from Station 0+00 to Station 17+65 as shown on a plan entitled, "Subdivision As Built, Dole Hill Acres, Dole Hill Lane", Boxford, MA, prepared for LBM Realty, dated February 2, 1995, by Thomas E. Neve Associates and recorded in Essex South Registry of Deeds in Plan Book 256, Plan 85;

Laurel Hollow Road in its entirety, from Station 0+00 to 12+02.11 as shown on a plan entitled, "As Built Plan of Laurel Hollow Road in Boxford Massachusetts", prepared for Michael Kenny and dated October 2, 2002 by Apple Associates, Inc. to be recorded in Essex South Registry of Deeds.

Samuel Bixby Way in its entirety, from Station 0+00 to 9+40 as shown on a plan entitled, "As Built Plan of Samuel Bixby Way in Boxford, Massachusetts", prepared for Boxford Development Corp., dated November 7, 2002 by Apple Associates, Inc. to be recorded in Essex South Registry of Deeds

Bayns Hill Road in its entirety, from Station 0+00 to 14+21.15 as shown on a plan entitled, "Definitive Plan Bayns Hill Subdivision in Boxford, Massachusetts", prepared for McKinnon Real Estate Trust, dated September 20, 1995 by Hancock Survey Associates, Inc.; and recorded in Essex South Registry of Deeds;

or take any other action thereon.

Sponsored by the Planning Board

A motion was made to accept the roads described in Article 23 of the warrant, with the exception of **Laurel Hollow Road**, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk.

Upon a motion made and duly seconded, it was VOTED, by a hand count of 61 in favor and 75 opposed, to accept the roads described in Article 23 of the warrant, with the exception of Laurel Hollow Road, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk. ARTICLE 23 WAS DEFEATED.

AN AMENDMENT TO ARTICLE 23 was introduced as follows:

To reconsider and separate each road in Article 23.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to reconsider and separate each road in Article 23.

ARTICLE 23a. To see if the Town will vote to accept **Dole Hill Lane**, described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Dole Hill Lane in its entirety, from Station 0+00 to Station 17+65 as shown on a plan entitled, "Subdivision As Built, Dole Hill Acres, Dole Hill Lane", Boxford, MA, prepared for LBM Realty Trust, dated February 2, 1995, by Thomas E. Neve Associates and recorded in Essex South Registry of Deeds in Plan Book 256, Plan 85.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to accept Dole Hill Lane, described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Dole Hill Lane in its entirety, from Station 0+00 to Station 17+65 as shown on a plan entitled, "Subdivision As Built, Dole Hill Acres, Dole Hill Lane", Boxford, MA, prepared for LBM Realty Trust, dated February 2, 1995, by Thomas E. Neve Associates and recorded in Essex South Registry of Deeds in Plan Book 256, Plan 85.

ARTICLE 23b. To see if the Town will vote to accept Samuel Bixby Way, described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Samuel Bixby Way in its entirety, from Station 0+00 to 9+40 as shown on a plan entitled, "As Build Plan of Samuel Bixby Way in Boxford, Massachusetts", prepared for Boxford Development Corp., dated November 7, 2002 by Apple Associates, Inc. to be recorded in Essex South Registry of Deeds.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to accept Samuel Bixby Way, described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Samuel Bixby Way in its entirety, from Station 0+00 to 9+40 as shown on a plan entitled, "As Build Plan of Samuel Bixby Way in Boxford, Massachusetts", prepared for Boxford Development Corp., dated November 7, 2002 by Apple Associates, Inc. to be recorded in Essex South Registry of Deeds.

ARTICLE 23c. To see if the Town will vote to accept Bayns Hill Road, described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Bayns Hill Road in its entirety, from Station 0+00 to 14+21.15 as shown on a plan entitled, "Definitive Plan Bayns Hill Subdivision in Boxford, Massachusetts", prepared for McKinnon Real Estate Trust, dated September 20, 1995 by Hancock Survey Associates, Inc. and recorded in Essex South Registry of Deeds;

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to defeat Article 23c.

ARTICLE 24. To see if the Town will vote to re-zone two 2 acre parcels of land on Samuel Bixby Way from Residential - Agricultural to Open Space District. The parcels are identified as lots 28.1 and 28.2 on page 28, Block 2 of the Town of Boxford Tax Map and are shown on a plan entitled "DEFINITIVE SUBDIVISION PLAN OF SAMUEL BIXBY WAY, BOXFORD, MASSACHUSETTS", prepared for Boxford Development Corp., dated September 23, 1999 by Apple Associates, Inc. and approved by the Boxford Planning Board, October 6, 1999. A detailed plan of the property is on file in the Office of the Town Clerk and is available for inspection by interested parties; or take any other action thereon.

Sponsored by the Planning Board

AN AMENDMENT TO ARTICLE 24 to pass over this Article.

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

At this time, Moderator Jerry Johnston stepped down and Mr. DeWitt Minich acted as Moderator for the remainder of the Town Meeting.

ARTICLE 25. To see if the Town will vote to amend the **Phased Growth** portion of the Zoning Bylaws as published in the Code of the Town of Boxford Chapter 196 § 196-32B to read as follows:

B. Applicability. This section shall apply to every new residential development **except housing for the elderly, as defined in Section 196-35, within an Elderly Housing District.** "Development" shall mean a single parcel or set of contiguous parcels of land held in common ownership, regardless of form, at any time on or after the effective date of this section for which one or more building permits will be sought; or take any other action thereon.

Sponsored by the Planning Board

Upon a motion made and duly seconded, it was VOTED, by more than a 2/3 vote, to amend the Phased Growth portion of the Zoning Bylaws as published in the Code of the Town of Boxford Chapter 196 § 196-32B to read as follows:

B. Applicability. This section shall apply to every new residential development except housing for the elderly, as defined in Section 196-35, within an Elderly Housing District. "Development" shall mean a single parcel or set of contiguous parcels of land held in common ownership, regardless of form, at any time on or after the effective date of this section for which one or more building permits will be sought.

ARTICLE 26. To see if the Town will vote to revise the **definition of Housing For the Elderly** contained in the Zoning Bylaws as published in the Code of the Town of Boxford Chapter 196 § Section 196-35 to read as follows:

HOUSING FOR THE ELDERLY – Multifamily dwellings buildings which contain no less than four nor more than ten (**except one building may contain up to twenty**) independent units consisting of a room or suite of rooms, its own bath and toilet facilities and its own kitchen facility. In one building, a unit may be included for occupancy by the manager of the project and his/her immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in any building shall be occupied unless at least one of the tenants is a person who is ~~60~~ **55** years of age or over; or take any other action thereon.

Sponsored by the Planning Board

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

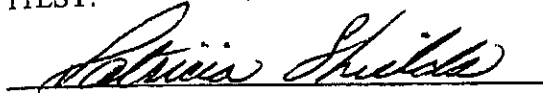
ARTICLE 27. To transact any other business that may legally come before said meeting.

Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to dissolve the Annual Town Meeting and adjourn at 11:55 P.M.

Registered voters attending the meeting were 335. Town Clerk Patricia Shields appointed counters and checkers for the meeting.

true record.

TEST:



Patricia Shields
Town Clerk

RAISE AND APPROPRIATE:

Article 5 Town Budget FY 2004

\$ 22,331,035

TOTAL TO BE RAISED AND APPROPRIATED

\$ 22,331,035

APPROPRIATION:

Article 17 Community Preservation Revenues FY 2004

\$ 8,500

Article 6 Masconomet Funding Proposition 2 ½

\$ 595,000

TOTAL TO BE APPROPRIATED

\$ 603,500

TRANSFER:

Article 5 (from Receipts Reserved for Appropriation –
Septic Loan Program)

\$ 21,997

Article 7 (from Free Cash to appropriate listed departments)

311,500

Article 9 (from Free Cash to partially fund the fiscal year 2003
shortfall in snow and ice expenses)

85,000

Article 10 (from Free Cash to Boxford Cultural Center)

3,000

Article 11 (from Free Cash to HAWC)

2,000

Article 12 (from Free Cash to Tri-Town Council)

25,140

Article 13 (from Free Cash to The Reserve Fund)

175,000

Article 14 (from Free Cash to replenish the
Town Unemployment Fund)

50,000

Article 15 (from Free Cash to the Boxford Cable Committee)

9,000

TOTAL TO BE TRANSFERRED

\$ 682,637

BORROW:

Article 15 Reconstruction of Spofford Road

400,000

TOTAL TO BE BORROWED

\$ 400,000