

**TOWN OF BOXFORD
SPECIAL TOWN MEETING MINUTES – MAY 8, 2007**

Voters of the Town of Boxford met at the Masconomet Regional District High School on Tuesday, May 8, 2007.

Special Town Meeting was called to order at 7:23 p.m.

Articles of the Special Town Meeting 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 **\$28,606 to implement and fund the FY 2007 portion of the “FY 2007 to FY 2009 Collective Bargaining Agreement between the Town of Boxford and the American Federation of State, County and Municipal Employees, AFL-CIO State Council 93, Local 939 Boxford Clerical and Library Employees”**, and to allocate said appropriation among several departments and supplement their FY 2007 department budgets as follows:

Town Clerk – All Other	\$ 251
Municipal Finance Department	\$ 3,024
Board of Appeals	\$ 84
Building Inspector	\$ 278
Board of Health	\$ 368
Conservation Commission	\$ 339
Fire – Salary	\$ 496
DPW – Salary	\$ 1,083
Council on Aging	\$ 1,224
Library	\$ 21,459

said funds to be expended under the direction of the appropriate listed department; 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 **\$28,606 to implement and fund the FY 2007 portion of the “FY 2007 to FY 2009 Collective Bargaining Agreement between the Town of Boxford and the American Federation of State, County and Municipal Employees, AFL-CIO State Council 93, Local 939 Boxford Clerical and Library Employees”**, and to allocate said appropriation among several departments and supplement their FY 2007 department budgets as follows:*

Town Clerk – All Other	\$ 251
Municipal Finance Department	\$ 3,024
Board of Appeals	\$ 84
Building Inspector	\$ 278
Board of Health	\$ 368
Conservation Commission	\$ 339
Fire – Salary	\$ 496
DPW – Salary	\$ 1,083
Council on Aging	\$ 1,224
Library	\$ 21,459

said funds to be expended under the direction of the appropriate listed department.

ARTICLE 2: To see if the Town will vote to authorize the Selectmen **to take by eminent domain the 13.775 acre “Parcel B” and receive as a gift the 1.781 acre “Parcel C” of the Walker Property**, both as described below, and to appropriate \$40,000 in land acquisition and legal costs, \$80,000 in land acquisition/damages expenses, for a total appropriation of **\$120,000 to enable the Town of Boxford to acquire for the purposes of conservation, the protection of wetland habitat, the protection of flood storage, and any and all response actions required to achieve regulatory closure of any contamination present**, and to accept the deed to the town of fee simple interest or less, two parcels of land on Baldpate Road, Boxford, Essex County, Massachusetts, being a portion of the property currently known as the Walker Property, the first parcel identified as “Parcel B”, consisting of 13.775 acres and the second parcel identified as “Parcel C”, consisting of 1.781 acres; both parcels as shown on a plan of land entitled “Plan of Land in Boxford, MA, Property of Jeffery A. and Pamela A. Walker, dated January 17, 2007, prepared by Donohoe & Parkhurst, Inc., 363 Boston St., Topsfield, MA, on file with the Town Clerk, together with all flowage rights and easements and subject to all well rights and easements; said land to be managed and controlled by the Boxford Board of Selectmen; and that the Town and Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said eminent domain taking and receipt of gift; and to take any and all actions and pursue such regulatory applications and activities as indicated in the “Settlement Agreement and Mutual General Release” executed by the parties in February, 2007, or take any other action thereon.

Sponsored by the Board of Selectmen
 Finance Committee recommends adoption of this article
 Capital Budgeting Committee Recommendation: “A” Essential

Upon a motion made and duly seconded, it was VOTED by greater than two thirds voice vote to transfer from the Overlay Released by the Assessors \$114,824 and transfer from Free Cash \$5,176 for a total of \$120,000 and to authorize the Selectmen to take by eminent domain the 13.775 acre “Parcel B” and

receive as a gift the 1.781 acre "Parcel C" of the Walker Property, both as described below, and to appropriate \$40,000 in land acquisition and legal costs, \$80,000 in land acquisition/damages expenses, for a total appropriation of \$120,000 to enable the Town of Boxford to acquire for the purposes of conservation, the protection of wetland habitat, the protection of flood storage, and any and all response actions required to achieve regulatory closure of any contamination present, and to accept the deed to the town of fee simple interest or less, two parcels of land on Baldpate Road, Boxford, Essex County, Massachusetts, being a portion of the property currently known as the Walker Property, the first parcel identified as "Parcel B", consisting of 13.775 acres and the second parcel identified as "Parcel C", consisting of 1.781 acres; both parcels as shown on a plan of land entitled "Plan of Land in Boxford, MA, Property of Jeffery A. and Pamela A. Walker, dated January 17, 2007, prepared by Donohoe & Parkhurst, Inc., 363 Boston St., Topsfield, MA, on file with the Town Clerk, together with all flowage rights and easements and subject to all well rights and easements; said land to be managed and controlled by the Boxford Board of Selectmen; and that the Town and Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said eminent domain taking and receipt of gift; and to take any and all actions and pursue such regulatory applications and activities as indicated in the "Settlement Agreement and Mutual General Release" executed by the parties in February, 2007.

ARTICLE 3. To see if the Town will vote to appropriate the sum of **\$321,742 for highway maintenance and construction** in accordance with the FY 08 Chapter 90 local transportation aid, as authorized by an award issued by the Commonwealth of Massachusetts on March 29, 2007, 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 appropriate the sum of **\$321,742 for highway maintenance and construction** in accordance with the FY 08 Chapter 90 local transportation aid, as authorized by an award issued by the Commonwealth of Massachusetts on March 29, 2007, funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 4. To see if the Town will vote to transfer from available funds the sum of **\$20,000 to supplement the FY 2007 Finance Committee 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 \$20,000 to supplement the FY 2007 Finance Committee Reserve Fund, said funds to be expended under the direction of the Finance Committee.*

ARTICLE 5. 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 Special Town Meeting.*

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES – MAY 8, 2007

Voters of the Town of Boxford met at the Masconomet Regional District High School on Tuesday, May 8, 2007.

Moderator Gerald Johnston awarded to Barbara Ross the “Good Citizen Award” for her years of service to the Town of Boxford as election officer and counter for many Town Meetings.

Annual Town Meeting was called to order @ 8:35pm.

The articles of the warrant were deposed 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; or take any other action thereon.

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

ARTICLE 2. To see if the Town will authorize the establishment of the following **revolving accounts** as authorized by Chapter 44, § 53E^{1/2} 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) **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 2008 from said account for the operation and maintenance of the Town Recycling Center;
- 2) **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 2008 from said account for the costs to the Town for printing supplies, equipment and reimbursable advertising;
- 3) **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 2008 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies;

4) **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 **\$65,000** for fiscal year 2008 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) **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 2008 from said account for the purchase and maintenance of equipment related to highway safety;

6) **Council on Aging Transportation Revolving Account** under the direction of the Council on Aging and used for the deposit of receipts collected through fees collected from users of the Council's transportation equipment; and further to allow the Board of Selectmen to expend fees not to exceed **\$10,000** for fiscal year 2008 from said account for the maintenance of the Council's transportation equipment and other related expenses including driver compensation as may be approved by a majority of the Council on Aging;

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 the **revolving accounts** as listed in Article 2 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 3. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2008, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 17 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 2008, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 17 of this warrant.

ARTICLE 4. 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 2008, 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: **\$24,921,413**

Finance Committee recommends adoption of this article

The proposed budget is printed on pages 18 and 19 of this warrant.

Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to raise the sum of **\$24,907,842** and transfer **\$13,571** from the "Receipts Reserved for Appropriation Septic Loan Program," for a total appropriation of **\$24,921,413** for the use of several departments for fiscal year 2008, to wit: for fiscal year 2008, 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.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$57,966** for the purpose of **additionally funding the Fiscal Year 2008 North Shore Vocational Regional School District Assessment**, thereby completing the funding required to meet the total assessment and approve the district certified budget, for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called; 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 raise and appropriate the sum of **\$57,966** for the purpose of **additionally**

funding the Fiscal Year 2008 North Shore Vocational Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget, for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called.

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$68,228 for the purpose of additionally funding the Fiscal Year 2008 Masconomet Regional School District Assessment**, thereby completing the funding required to meet the total assessment and approve the district certified budget, for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called; or take any other action thereon.

Sponsored by the Masconomet Regional School District 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 \$68,228 for the purpose of additionally funding the Fiscal Year 2008 Masconomet Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget, for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called.

ARTICLE 7. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$275,732 for the purpose of additionally funding the Fiscal Year 2008 Elementary School Budget** for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called; or take any other action thereon.

Sponsored by the Elementary 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 \$275,732 for the purpose of additionally funding the Fiscal Year 2008 Elementary School Budget for the fiscal year beginning July 1, 2007, provided that the amount authorized herein shall be contingent upon the vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 1/2, so called.

ARTICLE 8. To act on the list of proposed capital purchases for FY 2008 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 2008, 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: **\$426,023.00**

Finance Committee recommends adoption of this article

Capital Budgeting Committee Recommendations as noted

The proposed capital budget is printed on page 20 of this warrant.

Amendment to Article # 8 was VOTED by majority voice vote to add the sum of \$6,938 to Free Cash for a total of \$326,023.

Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer \$326,023 from Free Cash, and transfer \$100,000 from the Overlay Released by the Assessors, for a total appropriation of \$426,023 to fund the list of proposed capital purchases for FY 2008 as shown on page 20 of this warrant, for the use of several departments for fiscal year 2008, and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 to continue feasibility studies for the possible future construction of a new Department of Public Works Office and Garage on town owned property off Spofford Road, said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

Sponsored by the Board of Selectmen and the DPW Building Committee

Finance Committee recommends adoption of this article

Capital Budgeting Committee to make recommendation at Town Meeting

Upon a motion made and duly seconded, it was VOTED by majority show of hands to transfer from Free Cash the sum of \$25,000 to continue feasibility studies for the possible future construction of a new Department of Public Works Office and Garage on town owned property off Spofford Road, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 10. To see if the Town will vote to set the annual curbside solid waste collection fee at \$2.50 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 unanimous voice vote** to set the **annual curbside solid waste collection fee at \$2.50 per 32-gallon bag or container (each use).***

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$30,000** to add to the **Unemployment Compensation Fund**, 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 **\$30,000** to add to the **Unemployment Compensation Fund.***

ARTICLE 12. To see if the Town will vote to delete paragraphs F, G & H from the Boxford Town Code Chapter 192 Wetlands Protection Bylaw, § 192-4, Application for permits and requests for determination of applicability, (said paragraphs regulate third party consultant review of certain applications) and in compliance with a recent change in State Law, insert the following new chapter:

“Conservation Commission Consulting Fee Bylaw

In accordance with the provisions of M.G.L. Ch. 44, section 53G, the Commission is authorized to promulgate regulations to require an applicant or other person subject to the Commission’s jurisdiction to pay reasonable fees for employment of outside consultants deemed necessary by the Commission to implement the authority conferred upon the Commission under Section 8C of Chapter 40 and Section 40 of Chapter 131 of the Massachusetts General Laws, or the Town’s local wetlands bylaw, and to deposit such fees into a special account for expenditure by the Commission to cover such consulting fees without further appropriation.”

or take any other action thereon.

Sponsored by the Conservation Commission

*An amendment to Article #12 was **VOTED and passed** to add the following words after the last word appropriation above “**and to return unused fees to the applicant.**”*

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote** to **delete paragraphs F, G & H from the Boxford Town Code Chapter 192 Wetlands Protection Bylaw, § 192-4, Application for permits and requests for determination of applicability**, (said paragraphs regulate*

third party consultant review of certain applications) and in compliance with a recent change in State Law, **insert the following new chapter:**

“Conservation Commission Consulting Fee Bylaw

In accordance with the provisions of M.G.L. Ch. 44, section 53G, the Commission is authorized to promulgate regulations to require an applicant or other person subject to the Commission’s jurisdiction to pay reasonable fees for employment of outside consultants deemed necessary by the Commission to implement the authority conferred upon the Commission under Section 8C of Chapter 40 and Section 40 of Chapter 131 of the Massachusetts General Laws, and Section 310 of the Code of Massachusetts Regulations, and the Town’s local wetlands bylaw, and to deposit such fees into a special account for expenditure by the Commission to cover such consulting fees without further appropriation and to return unused fees to the applicant.”

or take any other action thereon.

Sponsored by the Conservation Commission

Upon a motion made and duly seconded, it was PASSED to adjourn Annual Town Meeting until time certain, namely 7:30 pm Wednesday, May 9, 2007 at the Masconomet Regional School Auditorium, 20 Endicott Road, Boxford, MA. Meeting adjourned @ 10:44pm, total voters for first night 437.

Night #2 of Annual Town Meeting was called to order by Jerry Johnston, Town Moderator at 7:32pm. The articles were disposed of as follows:

ARTICLE 13. To see if the Town will vote to amend §196-13 R-A Residential-Agricultural District of the Zoning Bylaw and add the following new section to read:

“D. Accessory Affordable Housing Program

(1) Introduction. The purpose of this bylaw is to satisfy an immediate need for affordable rental property in the Town of Boxford that meets the guidelines of the Department of Housing and Community Development’s (“DHCD”) Local Initiative Program for so-called “Local Action Units,” pursuant to state regulations: 760 CMR 45.03. This bylaw also provides a means of renting of accessory apartments that are no longer used for family members, as defined in Chapter 196-13C of this Zoning Bylaw. For a proposed unit to be eligible for consideration under this Accessory Affordable Housing Program, it must be a single unit, accessory to an owner-occupied single family dwelling, and comply with the following requirements.

(2) Special Permit. A special permit from the Board of Appeals shall be required for an accessory affordable apartment and the applicant shall show to the satisfaction of the Board of Appeals that the applicant has complied with or will comply with the requirements set forth in (3), below.

(3) Eligibility of Accessory Affordable Apartments.

- a. The accessory affordable apartment must be part of the primary residence structure of the property owner and the primary living area of the residence may not be rented. The accessory affordable apartment must conform to the Boxford Code Chapter 196-13C, "Accessory apartments in residence districts," items (2) through (7). All parking for the accessory apartment must be on site and off street.
- b. In keeping with the rural character of Boxford and the original intent of the accessory apartments, only single-bedroom accessory affordable apartments may be rented to a maximum of 2 people.
- c. The owner must demonstrate that all the documentation is on file with the Town to show that the accessory affordable apartment meets the requirements of Chapter 196-13C, items (2) through (7).
- d. The owner(s) shall cooperate with all requirements for Local Action Units pursuant to state regulation.
- e. A condition of granting a special permit by the Board of Appeals shall be the execution by the owner(s) of a written regulatory agreement and declaration of restrictive covenants, in form approved by Boxford Town Counsel, with the Town detailing the terms and conditions stated herein. Said regulatory agreement and declaration of restrictive covenants shall further provide that for as long as the special permit remains in effect, the property shall be subject to the terms, conditions and restrictive covenants contained therein.
- f. Said regulatory agreement with the Town shall provide that upon receipt by the owner(s) of a special permit from the Board of Appeals, the owner(s) shall execute and record in the Essex South District Registry of Deeds or file with the Registry District of the Land Court forthwith said regulatory agreement and declaration of covenants.
- g. The special permit issued under this Chapter 196-13D and all associated liabilities shall be binding on all the executors, administrators, heirs, successors and assigns of the permittee unless and until the special permit is either revoked, lapses or is otherwise ruled invalid.
- h. The owner(s) shall agree that if the owner(s) receives a special permit, the accessory affordable apartment may be rented only to a person 18 years of age or older selected from a list of eligible households that the local regulatory authority has generated, whose combined annual income is 80% or less than the Lawrence Metropolitan Statistical Area median income and whose assets do not exceed the amount set forth pursuant to DHCD's Local Initiative Program Guidelines. Accessory affordable apartments permitted under this Chapter 196-13D shall be rented on an open and fair basis.

- i. The owner(s) further agree that the rent (including utilities and any services) shall not exceed 30% of 80% of area median income for a household of two, or such lesser amount as may be required by 760 CMR 45.03.
- j. The owner(s) shall require the tenant to sign an agreement, in form approved by Boxford Town Counsel, outlining the income restrictions for continued tenancy and limits to the number of occupants."

or take any other action thereon.

Sponsored by the Planning Board

Amendment to Article #13 was VOTED by a greater than 2/3 voice vote to change the wording in section 196-13d (3) (b) from "maximum of 2 people" to read "maximum of 2 adults."

Second Amendment to Article #13 was VOTED by majority voice vote to grammatically correct Section 196-13RA Zoning By Laws as follows:

- 3a) Add a comma after property owner in second line and before and.**
- 3b) Replace "may be rented to a maximum" with may be rented and maximum occupancy shall be 2 adults.**
- 3e) Fifth line in (e) insert comma after the word (that).**
- 3f) First line in (f) insert comma after (that).**
- 3h) Second line in (h) a person add (or persons).**

Upon a motion made and duly seconded, it was **VOTED by a greater than 2/3 hand count of 208 Yes to 64 No to amend §196-13 R-A Residential-Agricultural District of the Zoning Bylaw and add the new section: "D. Accessory Affordable Housing Program"** as printed in the handout distributed to all voters at this meeting.

"D. Accessory Affordable Housing Program

(1) Introduction. The purpose of this bylaw is to satisfy an immediate need for affordable rental property in the Town of Boxford that meets the guidelines of the Department of Housing and Community Development's ("DHCD") Local Initiative Program for so-called "Local Action Units," pursuant to state regulations: 760 CMR 45.03. This bylaw also provides a means of renting of accessory apartments that are no longer used for family members, as defined in Chapter 196-13C of this Zoning Bylaw. For a proposed unit to be eligible for consideration under this Accessory Affordable Housing Program, it must be a single unit, accessory to an owner-occupied single family dwelling, and comply with the following requirements.

(2) Special Permit. A special permit from the Board of Appeals shall be required for an accessory affordable apartment and the applicant shall show to

the satisfaction of the Board of Appeals that the applicant has complied with or will comply with the requirements set forth in (3), below.

(3) Eligibility of Accessory Affordable Apartments.

- a. The accessory affordable apartment must be part of the primary residence structure of the **property owner**, and the primary living area of the residence may not be rented. The accessory affordable apartment must conform to the Boxford Code Chapter 196-13C, "Accessory apartments in residence districts," items (2) through (7). All parking for the accessory apartment must be on site and off street.
- b. In keeping with the rural character of Boxford and the original intent of the accessory apartments, only single-bedroom accessory affordable apartments may be **rented, and maximum occupancy shall be of 2 adults.**
- c. The owner must demonstrate that all the documentation is on file with the Town to show that the accessory affordable apartment meets the requirements of Chapter 196-13C, items (2) through (7).
- d. The owner(s) shall cooperate with all requirements for Local Action Units pursuant to state regulation.
- e. A condition of granting a special permit by the Board of Appeals shall be the execution by the owner(s) of a written regulatory agreement and declaration of restrictive covenants, in form approved by Boxford Town Counsel, with the Town detailing the terms and conditions stated herein. Said regulatory agreement and declaration of restrictive covenants shall further provide **that**, for as long as the special permit remains in effect, the property shall be subject to the terms, conditions and restrictive covenants contained therein.
- f. Said regulatory agreement with the Town shall provide **that**, upon receipt by the owner(s) of a special permit from the Board of Appeals, the owner(s) shall execute and record in the Essex South District Registry of Deeds or file with the Registry District of the Land Court forthwith said regulatory agreement and declaration of covenants.
- g. The special permit issued under this Chapter 196-13D and all associated liabilities shall be binding on all the executors, administrators, heirs, successors and assigns of the permittee unless and until the special permit is either revoked, lapses or is otherwise ruled invalid.
- h. The owner(s) shall agree that if the owner(s) receives a special permit, the accessory affordable apartment may be rented only to a person **or persons** 18 years of age or older selected from a list of eligible households that the local regulatory authority has generated, whose combined annual income is 80% or less than the Lawrence Metropolitan Statistical Area median income and whose assets do not exceed the amount set forth pursuant to DHCD's Local Initiative Program Guidelines. Accessory affordable apartments permitted under this Chapter 196-13D shall be rented on an open and fair basis.

i. *The owner(s) further agree that the rent (including utilities and any services) shall not exceed 30% of 80% of area median income for a household of two, or such lesser amount as may be required by 760 CMR 45.03.*

j. *The owner(s) shall require the tenant to sign an agreement, in form approved by Boxford Town Counsel, outlining the income restrictions for continued tenancy and limits to the number of occupants."*

ARTICLE 14. To see if the Town will vote to amend its Zoning Bylaw and add the following new section to read:

"§196-29. Driveways

A. Driveways for detached single-family houses shall comply with the following:

1. Layouts and configurations shall avoid excessive curves, switchbacks, and slopes to provide optimal safety.
2. To the extent possible, the driveway apron shall be aligned at ninety degrees (90°) to the road and have curved flare radii of six feet (6') between the road and drive.
3. All driveway locations, layouts, proposed slopes, drainage, and associated improvements, shall be shown on a plan, stamped by a professional engineer, submitted with the subdivision plans or ANR plans, and shall be reviewed and approved by the Boxford Planning Board, Fire and Police Chiefs, and the Superintendent of the Department of Public Works.
4. No person or persons shall cut or destroy any tree on the Town right-of-way (along side the road, normally 15 feet from the pavement – contact the Planning Board to confirm) without first obtaining the approval of the Boxford Planning Board and the Boxford Tree Warden. No person or persons shall remove, alter, or destroy any stone wall on or bordering the Town right-of-way without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road Act (MGL Ch. 40 §15C).

B. Single driveways shall meet the following standards.

1. All single driveways shall have a finished width no less than nine feet (9').
2. The first twenty five feet (25') in from the paved portion of the public way shall have a maximum slope of three percent (3%); the maximum driveway slope along the centerline shall be twelve percent (12%); any slopes over eight percent (8%) shall be paved. The slope grade will allow rapid emergency access during normal weather conditions. On tight turns, no physical barrier shall be located on the inside of the curve that might impede long fire truck access in emergency situations.
3. The rate of post-development runoff shall not exceed the rate of pre-development runoff.
4. The Fire and Police Chiefs and DPW Superintendent may advise the Planning Board to impose other conditions at their discretion to ensure safe access to the public way and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.

5. Sight distance shall meet current Mass. Highway Department standards to the best extent possible.
 6. During construction, no debris shall be left on the road or shoulder; nor shall drainage structures, culverts, or ditches be blocked or impeded at any time. During construction and after completion, water runoff from the new driveway shall not be allowed to enter onto the public traveled way at any time.
 7. All driveways longer than five hundred feet (500') shall have a turn-around location within twenty five feet (25') of the dwelling for large vehicle turnaround. The Fire Chief may also require sprinklers in any dwelling at the end of a driveway longer than one thousand feet (1,000').
 8. If the Wetland Protection Act applies, the proposed driveway shall meet all additional conditions imposed by the Conservation Commission.
- C. Shared Driveways** shall conform to all the regulations as set forth in Subsection B and §196-13B (11)(m) of the Zoning Bylaw, plus the following:
1. The shared driveway shall not enter the roadway at a point separated by less than one hundred feet (100') (centerline to centerline) from any other driveway or intersection.
 2. The shared portion of the driveway shall have a finished width no less than twelve feet (12') plus a one foot (1') level shoulder on either side."

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 Article 14.***

ARTICLE 15. 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 2008, with each item to be considered a separate appropriation:

Appropriations:

From FY 2008 estimated revenues for Sawyer-Richardson Open Space Bond expense: **\$256,556**

From FY 2008 estimated revenues for Committee Administrative Expenses: **\$ 49,000**

Reserves:

From FY 2008 estimated revenues for Historic Resources Reserve: **\$98,000**

From FY 2008 estimated revenues for Community Housing Reserve: **\$98,000**

From FY 2008 estimated revenues for Budgeted Reserve: **\$450,000**
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 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 2008, with each item to be considered a separate appropriation:*

Appropriations:

*From FY 2008 estimated revenues for Sawyer-Richardson Open Space Bond expense: **\$256,556***

*From FY 2008 estimated revenues for Committee Administrative Expenses: **\$49,000***

Reserves:

*From FY 2008 estimated revenues for Historic Resources Reserve: **\$98,000***

*From FY 2008 estimated revenues for Community Housing Reserve: **\$98,000***

*From FY 2008 estimated revenues for Budgeted Reserve (new) **\$450,000***

ARTICLE 16. To see if the Town will vote to appropriate **\$11,500** from the Historic Resources Reserve of the Community Preservation Fund to fund **Phase II of the Boxford Town Clerk's Document Restoration and Preservation Project for preservation of historic town records**; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Town Clerk and the Community Preservation Committee

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 to appropriate **\$11,500** from the **Historic Resources Reserve of the Community Preservation Fund to fund Phase II of the Boxford Town Clerk's Document Restoration and Preservation Project for preservation of historic town records**; said funds to be expended under the direction of the Community Preservation.*

ARTICLE 17. To see if the Town will vote to appropriate **\$14,000** from the Undesignated Community Preservation Fund balance to fund the **Recreation Committee's Boxford Segment of Borders to Boston/North Recreational Trail Phase II: Engineering, Feasibility and Conceptual**

Design Study on the former Newburyport Branch Railroad and existing National Grid electrical utility right of way in Boxford, MA; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Recreation Committee and
the Community Preservation Committee
Finance Committee recommends adoption of this article.
Capital Budgeting Committee Recommendation: "B" High Priority

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$14,000 from the Undesignated Community Preservation Fund balance to fund the Recreation Committee's Boxford Segment of Borders to Boston/North Recreational Trail Phase II: Engineering, Feasibility and Conceptual Design Study on the former Newburyport Branch Railroad and existing National Grid electrical utility right of way in Boxford, MA; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 18. To see if the town will vote to **authorize the Selectmen to lease a portion of town owned property located off Washington Street,** as shown on a plan of land entitled, "Plan of Land in Boxford, Mass, prepared for the Town of Boxford, June 30, 2000," and on file with the Town Clerk and also as described in the deed recorded in the Essex South District Registry of Deeds in Book 5347, Page 168; **said lease of land to be for a term not to exceed 99 years and for the purpose of developing, constructing, maintaining and operating up to four (4) units of affordable community housing on said land; and further to authorize the development and construction of a new regulation size little league baseball field on a portion of said land to be owned and maintained by the Town,** to authorize the Selectmen to negotiate and enter into any lease and execute any agreement as they may deem in the best interest of the project; to appropriate the sum of \$340,000 from the Community Preservation Fund's Community Housing Reserve for the creation of affordable community housing as described above, and the sum of \$353,000 from the Community Preservation Fund's Undesignated balance for the creation of land for recreation use as described above, **for a total appropriation of \$693,000 to be expended under the direction of the Board of Selectmen and the Community Preservation Committee for any purposes associated with the project described herein, including but not limited to 1) the design and construction of a water supply to serve both the community housing and the adjacent baseball field and associated recreational facilities, 2) the design and construction of a fire tank sufficient to meet the fire protection requirements for the development of the community housing, 3) the design and construction of the regulation size little league baseball field and associated recreational facilities, 4) any engineering, professional surveying, architectural, and legal costs associated with the project or as needed to obtain necessary permits, licenses and approvals and defend**

challenges, and 5) a monetary grant, in an amount to be determined by the Board of Selectmen, to the selected developer of the community housing for use solely for the development of this community housing project, said grant to be administered by the Board of Selectmen in accordance with the terms and conditions of a grant agreement entered into by the Board of Selectmen and the selected developer, or take any other action thereon.

Sponsored by the Housing Partnership Committee, the Recreation Committee and the Community Preservation Committee
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "A" Essential

Amendment to Article 18 was to read as follows:

*Community Preservation Funds Community Housing Reserve for the creation of affordable community housing from \$340,000 to \$0; changing the total appropriation proposed in the Article from \$693,000 to \$353,000; and that the total Community Preservation Funds approved herein for the property, also known as the Morse Field Park, be solely and exclusively expended for improvement of recreational facilities. Upon a motion made and duly seconded, amendment to Article 18 was **DEFEATED** by a hand count of 154 YES and 199 NO.*

*Upon a motion made and duly seconded, it was **VOTED** by hand count of (121 YES and 238 NO) not to authorize the Selectmen to lease a portion of town owned property located off Washington Street, as shown on a plan of land entitled, "Plan of Land in Boxford, Mass, prepared for the Town of Boxford, June 30, 2000," and on file with the Town Clerk and also as described in the deed recorded in the Essex South District Registry of Deeds in Book 5347, Page 168; said lease of land to be for a term not to exceed 99 years and for the purpose of developing, constructing, maintaining and operating up to four (4) units of affordable community housing on said land; and further to authorize the development and construction of a new regulation size little league baseball field on a portion of said land to be owned and maintained by the Town, to authorize the Selectmen to negotiate and enter into any lease and execute any agreement as they may deem in the best interest of the project; to appropriate the sum of \$340,000 from the Community Preservation Fund's Community Housing Reserve for the creation of affordable community housing as described above, and the sum of \$353,000 from the Community Preservation Fund's Undesignated balance for the creation of land for recreation use as described above, for a total appropriation of \$693,000 to be expended under the direction of the Board of Selectmen and the Community Preservation Committee for any purposes associated with the project described herein, including but not limited to 1) the design and construction of a water supply to serve both the community housing and the adjacent baseball field and associated recreational facilities, 2) the design and construction of a fire tank sufficient to meet the fire protection requirements for the development of the*

community housing, 3) the design and construction of the regulation size little league baseball field and associated recreational facilities, 4) any engineering, professional surveying, architectural, and legal costs associated with the project or as needed to obtain necessary permits, licenses and approvals and defend challenges, and 5) a monetary grant, in an amount to be determined by the Board of Selectmen, to the selected developer of the community housing for use solely for the development of this community housing project, said grant to be administered by the Board of Selectman in accordance with the terms and conditions of a grant agreement entered into by the Board of Selectmen and the selected developer.

ARTICLE 19. To see if the Town will vote to transfer the care, custody, maintenance and control of a portion of the town owned land located off Washington Street, as described below, originally conveyed to the Town by deed, currently held by the Town for school purposes, to the Board of Selectmen for general municipal purposes and purposes of lease; said land as shown on a plan of land entitled, "Plan of Land in Boxford, Mass, prepared for the Town of Boxford, June 30, 2000", and on file with the Town Clerk and also as described in the deed recorded in the Essex South District Registry of Deeds in Book 5347, Page 168; or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to **PASSOVER Article 19.***

ARTICLE 20. To see if the Town will vote to appropriate \$35,000 from the Undesignated Community Preservation Fund balance to **complete the funding of the Recreation Committee's creation of two new public tennis courts in place of the old ones at the Police Station;** said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored by the Recreation Committee and the Community Preservation Committee

Finance Committee recommends adoption of this article.

Capital Budgeting Committee Recommendation: "B" High Priority

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to appropriate \$35,000 from the Undesignated Community Preservation Fund balance to complete the funding of the Recreation Committee's creation of two new public tennis courts in place of the old ones at the Police Station; said funds to be expended under the direction of the Community Preservation Committee.*

ARTICLE 21: To see if the Town will vote to appropriate \$25,000 in legal and acquisition costs, and \$725,000 in land purchase expense, for a total appropriation of \$750,000 to enable the Town of Boxford to acquire for

Open Space and Conservation purposes, and to authorize the Board of Selectmen to accept the deed to the town of fee simple interest or less, of two parcels of land on Main Street, Boxford, Essex County, Massachusetts, being a portion of the property known as the Cargill property, the first parcel consisting of 7.5± acres of open land identified as Map 26, Lot 2, Parcel 6 in the records of the Boxford Assessors; and the second parcel consisting of 7.0± acres of open space identified as Map 26, Lot 2, Parcel 26 in the records of the Boxford Assessors, on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; said land to be managed by the Boxford Conservation Commission; and that to fund said purchase, to transfer \$750,000 from the Undesignated Community Preservation Fund balance; the Town's intention is to fund the remaining \$50,000 needed for the purchase through expenditure of private donations received therefore; and to authorize the Conservation Commission and the Board of Selectmen to submit on behalf of the town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this Article; said gifts or grants to be deposited in the Undesignated Community Preservation Fund balance; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, as may be deemed appropriate, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase, said funds to be expended by the Conservation Commission and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Land Committee and the Community Preservation Committee

Finance Committee does not recommend approval of this Article.

Capital Budgeting Committee Recommendation: "D" Does Not Recommend

Amendment to Article 21 was to read as follows: amend the phrase "said gifts or grants to be deposited in the undesignated Community Preservation Fund balance" to say "said gifts or grants to be deposited in the General Fund unless a separate depository is legally required."

Upon a motion made and duly seconded, it was DEFEATED by majority voice vote not to amend Article 2.

Upon a motion made and duly seconded, it was VOTED by majority hand count of 195 YES to 109 NO to appropriate \$25,000 in legal and acquisition costs, and \$725,000 in land purchase expense, for a total appropriation of \$750,000 to enable the Town of Boxford to acquire for Open Space and Conservation purposes, and to authorize the Board of Selectmen

to accept the deed to the town of fee simple interest or less, of two parcels of land on Main Street, Boxford, Essex County, Massachusetts, being a portion of the property known as the Cargill property, the first parcel consisting of 7.5± acres of open land identified as Map 32, Lot 2, Parcel 6 in the records of the Boxford Assessors; and the second parcel consisting of 7.0± acres of open space identified as Map 32, Lot 2, Parcel 26 in the records of the Boxford Assessors, on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; said land to be managed by the Boxford Conservation Commission; and that to fund said purchase, to transfer \$750,000 from the Undesignated Community Preservation Fund balance; the Town's intention is to fund the remaining \$50,000 needed for the purchase through expenditure of private donations received therefore; and to authorize the Conservation Commission and the Board of Selectmen to submit on behalf of the town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this Article; said gifts or grants to be deposited in the Undesignated Community Preservation Fund balance; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, as may be deemed appropriate, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase, said funds to be expended by the Conservation Commission and the Community Preservation Committee.

ARTICLE 22. To see if the Town will vote to establish the interest rate to be charged for deferred property taxes for qualifying seniors under M.G.L. Chapter 59, Section 5, Clause 41A, for fiscal years beginning after July 1, 2007, which rate shall be the daily interest rate offered as of June 30 of the preceding fiscal year by the Massachusetts Municipal Depository Trust for municipal deposits, as determined and confirmed by the Town Treasurer each fiscal year, or 8%, whichever is less; or take any other action thereon.

Sponsored by the Board of Assessors

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to establish the interest rate to be charged for deferred property taxes for qualifying seniors under M.G.L. Chapter 59, Section 5, Clause 41A, for fiscal years beginning on or after July 1, 2007, which rate shall be the daily interest rate offered as of June 30 of the preceding fiscal year by the Massachusetts Municipal Depository Trust for municipal deposits, as determined and confirmed by the Town Treasurer each fiscal year, or 8%, whichever is less.

ARTICLE 23. To see if the Town will vote to amend its bylaws, Boxford Town Code Chapter 19 Officers and Employees, Article IX Moderator, § 19-22 Election; term, by deleting: "A Moderator shall be elected from the town for a term of office of one year" and replacing it with "A Moderator shall be elected from the town for a term of office of three years"; 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, **Boxford Town Code Chapter 19 Officers and Employees, Article IX Moderator, § 19-22 Election; term**, by deleting: "A Moderator shall be elected from the town for a term of office of one year" and replacing it with "A Moderator shall be elected from the town for a term of office of three years".*

ARTICLE 24. To see if the Town will vote to amend its Bylaws and add the following new section in Boxford Town Code, Chapter 11 Departments, Article II. Fire Department to read:

"§ 11-5.1 Mutual Aid

The Fire Department is authorized to go to aid another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the Chief of the fire department, and while in the performance of their duties in extending such aid the members of Town Fire Department shall have the same immunities and privileges as if performing the same within the Town of Boxford."

or take any other action thereon.

Sponsored by the Board of Selectmen

Upon a motion made and duly seconded it was VOTED by unanimous voice vote to amend the Town Bylaws and add the following new section in Boxford Town Code, Chapter 11 Departments, Article II. Fire Department to read:

"§ 11-5.1 Mutual Aid

The Fire Department is authorized to go to aid another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the Chief of the fire department, and while in the performance of their duties in extending such aid the members of Town Fire Department shall have the same immunities and privileges as if performing the same within the Town of Boxford."

ARTICLE 25. To transact any other business that may legally come before said meeting.

Upon a motion made and duly seconded, it was VOTED to DISSOLVE Annual Town Meeting 2007 by a unanimous voice vote at 12:07 pm.

Second night of Annual Town Meeting was attended by 396 registered voters. Checkers and counters were appointed by Patricia Shields Boxford's Town Clerk.

(REPLACE WITH ORIGINAL SIGNATURE PAGE)

A True Record:


Town Clerk, Patricia Shields

RAISE AND APPROPRIATE:

Article #4 Town Budget FY 2008 \$24,907,842.00

Override Questions:

Article #5 North Shore Vocational School \$ 57,966.00

Article #6 Masconomet High District School \$ 68,228.00

Article #7 Elementary School \$ 275,732.00

Total Raise & Appropriate \$ 25,309,768.00

TRANSFERS FROM FREE CASH:

Article # 8 Capital Purchases \$ 326,023.00

Article # 9 Study DPW Office/Garage \$ 25,000.00

Article # 11 Unemployment Compensation Fund \$ 30,000.00

Total Free Cash \$ 381,023.00

REVOLVING ACCOUNTS:

Article # 2 Recycling, Printing, Library Photocopy,
Conservation, Highway Safety & Council on Aging \$ **125,000.00**

OFFSET RECEIPTS:

Article #4 Receipts Reserve for Appropriation/Septic Loan
Program \$ 13,571.00

Article #8 Capital Purchases \$ 100,000.00

Overlay Released by Assessors \$ **113,571.00**

COMMUNITY PRESERVATION FUNDS:

Article #15	Appropriations:	\$ 305,556.00
Reserves:		\$ 646,000.00
Total CPF		\$ 951,556.00
Article # 16	Town Clerks Project	\$ 11,500.00
Article # 17	Recreation Trails II	\$ 14,000.00
Article # 20	New Tennis Courts	\$ 35,000.00
Article #21	Cargill Property	<u>\$ 750,000.00</u>
Total		\$ 810,500.00

TOWN OF BOXFORD
SPECIAL TOWN MEETING MINUTES – OCTOBER 23, 2007

Voters of the Town of Boxford met at Masconomet Regional High School on Tuesday, October 23, 2007. Moderator Gerald Johnston called Special Town Meeting to order@ 7:40 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, in accordance with M.G.L. chapter 44, section 64, the sum of **\$1,791.60 to pay bills of charge for the Recreation Committee**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and
Recreation 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**, in accordance with M.G.L. chapter 44, section 64, the sum of **\$1,791.60 to pay bills of charge for the Recreation Committee**, funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 2. To see if the Town will vote to **accept the provisions of Massachusetts General Laws Chapter 44, Section 55C establishing a trust to be known as the Boxford Affordable Housing Trust Fund** whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in the implementation thereof will vote to authorize the Selectmen to execute a Declaration of Trust and Certificate of Trust for the Boxford Affordable Housing Trust and to amend the Town Bylaws by inserting the following new section: Chapter 7, Article XVII, Trustees of Affordable Housing Trust Fund:

§ 7-46 There shall be a Board of Trustees of the Boxford Affordable Housing Trust established by the vote under Article 2 of the October 23, 2007 Special Town Meeting which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years.

§ 7-47 The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44, Section 55C, shall be as set forth in said statute.

or take any other action thereon.

Sponsored by the Housing Partnership Committee
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was **VOTED by greater than 2/3 voice vote to call the vote on Article 2.***

*Upon a motion made and duly seconded, it was **VOTED** by a hand count of 52 Yes and 168 No to **DEFEAT Article 2. To accept the provisions of Massachusetts General Laws Chapter 44, Section 55C establishing a trust to be known as the Boxford Affordable Housing Trust Fund** whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in the implementation thereof will vote to authorize the Selectmen to execute a Declaration of Trust and Certificate of Trust for the Boxford Affordable Housing Trust and to amend the Town Bylaws by inserting the following new section: Chapter 7, Article XVII, Trustees of Affordable Housing Trust Fund:*

§ 7-46 There shall be a Board of Trustees of the Boxford Affordable Housing Trust established by the vote under Article 2 of the October 23, 2007 Special Town Meeting which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years.

§ 7-47 The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44, Section 55C, shall be as set forth in said statute.

ARTICLE 3. To see if the Town will vote to modify its zoning bylaw §196-13 B (11) (a) Farm stands, by deleting the current sub-paragraph (a); shown below with words to be deleted struck through; and inserting new paragraphs (a.1), (a.2) and (a.3); new words shown below in bold:

§196-13 B (11) Subject to the grant of a special permit by the Board of Appeals as provided in Article X below, the following:

(a) — Farm stands set back at least 30 feet from the front lot line on the land of the owner for retail sales of farm produce and agriculturally related products, a majority of which were raised, produced, created or processed on the property of the owner.

(a.1) Farm stands, being a retail sale facility set back at least 30 feet from the lot line of property owned by another and a public way, for the sale of produce, wine, dairy products and other agriculturally related products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another. For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

(a.2) Farm stands, as set forth in (a.1) above, which during the months of June, July, August, and September of the year or during the harvest season of the primary crop raised on land of the owner or lessee, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, upon application to the Board of Selectmen, may be granted a common victualler's license. Prior to submitting such application the owner or lessee shall submit to the Board of Appeals sufficient information for a determination at a public meeting that the farm stand's gross sales dollars or volume qualifies the farm stand for such license.

(a.3) Subject to special site plan review, farm stands as set forth in section (11) (a.1) or (a.2) above may conduct seasonal agrotourism events, such as but not limited to, farm festivals, events, retail activities where the traveling public interacts directly with the farm family/farm workers. Plans submitted for special site plan review need only show that portion of the farm subject to the agrotourism

activity. Assessor maps will be deemed adequate for this purpose. The special site plan review shall be limited to:

- a) Adequacy of parking;
- b) Convenience and safety of pedestrian and vehicular traffic;
- c) Adequacy of methods of waste disposal.

To the extent that any such activities can reasonably be expected to substantially affect the neighborhood adjacent to the site, the Board of Appeals shall impose such restrictions as are reasonably related to mitigating any such negative impact.

or to take any other action thereon.

Sponsored by the Agricultural Commission and Planning Board
Board of Selectmen supports adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to PASSOVER Article 3.

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$28,000 for a replacement police cruiser**, and to authorize the Selectmen to dispose of the current vehicle in any manner they deem appropriate, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "A" Essential

Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from free cash the sum of \$28,000 for a replacement police cruiser, and to authorize the Selectmen to dispose of the current vehicle in any manner they deem appropriate, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$14,000 to purchase and install roadside guardrail in various locations on Main Street and Lily Pond Road**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Fire Department
Finance Committee **does not** recommend adoption of this article
Capital Budget Committee Recommendation: "D" Does not recommend

Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from free cash the sum of \$14,000 to purchase and install roadside guardrail in various locations on Main Street and Lily Pond Road, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 6. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$21,381 for the reconstruction and resurfacing of various roads**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "B" High Priority

Amendment to Article 6 was VOTED by majority voice vote to see if the town will vote to transfer from available funds, the sum of \$21,381 for reconstruction and resurfacing of various roads, said funds to be expended under the direction of the Board of Selectmen.

Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from available funds the sum of \$21,381 for the reconstruction and resurfacing of various roads, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,000 to supplement the FY 2008 Department of Public Works – All Other budget in order to fund professional engineering costs, and to fund related permits and expenses necessary to obtain required approvals and develop plans and specifications for the repair and re-construction of the Parker River culvert on Willow Road**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "A" Essential

Upon motion made and duly seconded, it was VOTED by majority voice vote to transfer from free cash the sum of \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget in order to fund professional engineering costs, and to fund related permits and expenses necessary to obtain required approvals and develop plans and specifications for the repair and re-construction of the Parker River culvert on Willow Road, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$32,000 to provide engineering services, oversight and other associated expenses, to re-drill and install a new pump with pitless adaptor in the existing Police Department public water supply well**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "A" Essential

*Upon motion made and duly seconded, it was **VOTED by a show of hands to DEFEAT Article 8.** To transfer from free cash the sum of **\$32,000 to provide engineering services, oversight and other associated expenses, to re-drill and install a new pump with pitless adaptor in the existing Police Department public water supply well**, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,000 to supplement the FY 2008 Department of Public Works – All Other budget for the purpose of increasing funds for tree removal**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee **does not** recommend adoption of this article
Capital Budget Committee Recommendation: "C" Low Priority

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote to allow Planning Board Administrator, Len Phillips to address the voters about selective tree removal at this Special Town Meeting.***

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote to transfer from free cash the sum of \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget for the purpose of increasing funds for tree removal**, 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 **\$13,200 to fund Boxford's share of a regional update of aerial photographs**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Conservation Commission and Board of Assessors
Board of Selectmen supports adoption of this article
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "B" High Priority

Upon a motion made and duly seconded, it was VOTED to transfer from free cash the sum of \$6,554 to fund Boxford's share of a regional update of aerial photographs, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$18,000 to fund various repair and maintenance projects on various town buildings**, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Facilities Maintenance Committee
Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: "A" Essential

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 various repair and maintenance projects on various town buildings, said funds to be spent 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 **\$25,000 to fund a feasibility study on the possible expansion, renovation, addition and/or re-construction of the Boxford Community Center**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Selectmen and Community Center Building Committee
Finance Committee **does not** recommend adoption of this article
Capital Budget Committee Recommendation: "D" Does not recommend

Upon a motion made and duly seconded, it was VOTED by majority hand count of 164 Yes and 111 No; to transfer from free cash the sum of \$25,000 to fund a feasibility study on the possible expansion, renovation, addition and/or re-construction of the Boxford Community Center, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise all or a portion of a **parcel of land on Middleton Road, Boxford, Essex County, Massachusetts, being a portion of the property known as the Haynes property**, described as lot 2 on a plan of land titled: "Sketch Plan Showing Lots 1, 2 and Parcel A in Boxford, Mass.", Prepared for Elmlea Partnership Trust, dated July 10, 2007, drawn by Neve-Morin Group, Inc., on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the

provisions of Massachusetts General Laws, Chapter 44B, as it may hereafter be amended; said land to be under the care, custody, management and control of the Boxford Board of Selectmen and held for one or more of the purposes authorized under the Community Preservation Act:

- a. Acquisition, creation, and preservation of open space,
- b. Acquisition, preservation, rehabilitation and restoration of historic resources;
- c. Acquisition, creation and preservation of land for recreational use;
- d. Acquisition, creation, preservation and support of community housing; and
- e. Rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided by M.G.L. ch. 44B (the Community Preservation Act);

and that prior to committing any portion of the property to any of the uses specified above, areas of the property designated for specific uses must be clearly identified and delineated by subsequent votes of Town Meeting, and that the Board of Selectmen shall appoint a subcommittee charged with developing recommendations for the use of the property; and that to fund said purchase including all costs incidental and related thereto, to appropriate the sum of \$3,300,000 or any other amount; and that to meet this appropriation the sum of \$1,300,000 be transferred from the Undesignated Community Preservation Fund balance, \$100,000 be transferred from the FY '08 Budgeted Reserve, and that the treasurer, with the approval of the Selectmen, be authorized to borrow the sum of \$1,900,000 as authorized under the Community Preservation Program pursuant to Massachusetts General Laws, Chapter 44 section 7, Chapter 44B section 11, and/or any other enabling authority; and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase; or take any other action thereon.

Sponsored and supported by the Board of Selectmen, Land Committee,
Recreation Committee and Community Preservation Committee
Community Preservation Committee recommends adoption of this article
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "A" Essential

NOTE: *The total cost of this acquisition is \$3.25 million in land purchase price and \$100,000 in legal, debt acquisition and debt service expenses. The Town is paying the \$100,000 in acquisition expenses and \$3.2 million for the land purchase. The remaining \$50,000 land purchase expense is to be raised privately.*

Amendment to Article 13 was DEFEATED by a voice vote, to strike the words; "and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article".

Second amendment to Article 13 was DEFEATED by a voice vote, to change the words "subsequent votes of Town Meeting" to read "subsequent 2/3 majority votes of Town Meeting".

Upon a motion made and duly seconded, **it was VOTED by hand count of 253 Yes and 20 No**; to authorize the Selectmen to acquire by purchase, gift, eminent domain, or otherwise all or a portion of a parcel of land on **Middleton Road, Boxford, Essex County, Massachusetts, being a portion of the property known as the Haynes property**, described as lot 2 on a plan of land titled: "Sketch Plan Showing Lots 1, 2 and Parcel A in Boxford, Mass.", Prepared for Elmlea Partnership Trust, dated July 10, 2007, drawn by Neve-Morin Group, Inc., on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the provisions of Massachusetts General Laws, Chapter 44B, as it may hereafter be amended; said land to be under the care, custody, management and control of the Boxford Board of Selectmen and held for one or more of the purposes authorized under the Community Preservation Act:

- a. Acquisition, creation, and preservation of open space,
- b. Acquisition, preservation, rehabilitation and restoration of historic resources;
- c. Acquisition, creation and preservation of land for recreational use;
- d. Acquisition, creation, preservation and support of community housing; and
- f. Rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided by M.G.L. ch. 44B (the Community Preservation Act);

and that prior to committing any portion of the property to any of the uses specified above, areas of the property designated for specific uses must be clearly identified and delineated by subsequent votes of Town Meeting, and that the Board of Selectmen shall appoint a subcommittee charged with developing recommendations for the use of the property; and that to fund said purchase including all costs incidental and related thereto, to appropriate the sum of \$3,300,000 or any other amount; and that to meet this appropriation the sum of \$1,300,000 be transferred from the Undesignated Community Preservation Fund balance, \$100,000 be transferred from the FY '08 Budgeted Reserve, and that the treasurer, with the approval of the Selectmen, be authorized to borrow the sum of \$1,900,000 as authorized under the Community Preservation

Program pursuant to Massachusetts General Laws, Chapter 44 section 7, Chapter 44B section 11, and/or any other enabling authority; and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase.

ARTICLE 14. To see if the Town will vote to appropriate the sum of **\$720,000, or any other amount, to preserve the historic Lincoln Hall, Main Street, West Boxford Center;** including all costs incidental and related thereto; said rehabilitation expenses as necessary for Lincoln Hall to continue to serve as a community meeting place, including but not limited to improvements needed to meet modern codes such as installing insulation, new heating and air conditioning systems, insulating doors and windows, installing handicapped lift and bathrooms, and updating the electrical system, and that to fund such rehabilitation, \$25,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, \$20,000 shall be transferred from the FY '08 Budgeted Reserve, and the treasurer, with the approval of the Selectmen, shall be authorized to issue debt in the amount of \$675,000 under the Community Preservation Program for the rehabilitation of historic resources, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Board of Selectmen or to take any other action thereon.

Sponsored and supported by the Board of Selectmen, Lincoln Hall Building Committee and the Community Preservation Committee
Community Preservation Committee recommends adoption of this article
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "D" Does not recommend

Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to call the vote on article 14.

Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to appropriate the sum of \$698,000 to preserve the historic Lincoln Hall, Main Street, West Boxford Center; including all costs incidental and related thereto; said rehabilitation expenses as necessary for Lincoln Hall to continue to serve as a community meeting place, including but not limited to improvements needed to meet modern codes such as installing insulation, new heating and air conditioning systems, insulating doors and windows, installing handicapped lift and bathrooms, and updating the electrical system, and that to fund such rehabilitation, \$25,000 shall be appropriated from the Community Preservation Committee Historic Resources

Reserve, \$20,000 shall be transferred from the FY '08 Budgeted Reserve, and the treasurer, with the approval of the Selectmen, shall be authorized to issue debt in the amount of \$675,000 under the Community Preservation Program for the rehabilitation of historic resources, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Board of Selectmen.

ARTICLE 15. To see if the Town will vote to appropriate **\$86,000 to partially fund the rehabilitation of the Holyoke-French Barn** into an agricultural and commerce heritage exhibit, including general restoration of the existing barn, gathering and preparing artifacts and designing and constructing an exhibit space; and that to fund such rehabilitation, \$86,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority; or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and
Community Preservation Committee
Community Preservation Committee recommends adoption of this article
Finance Committee recommends adoption of this article
Capital Budgeting Committee Recommendation: "D" Does not recommend

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$86,000 to partially fund the rehabilitation of the Holyoke-French Barn into an agricultural and commerce heritage exhibit, including general restoration of the existing barn, gathering and preparing artifacts and designing and constructing an exhibit space; and that to fund such rehabilitation, \$86,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority.

ARTICLE 16. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 55 and to accept to the provisions of Massachusetts General Laws, Chapter 44B, Section 3, Paragraph "i", to allow the Board of Assessors to grant certain property tax and Community Preservation Act Surtax exemptions to qualified residents occupying units in housing cooperatives; or take any other action thereon.

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

NOTE: *If accepted, units leased to members of housing cooperatives and occupied as their domiciles are considered owned by the members for purposes of making them eligible for personal exemptions, CPA surcharge exemptions or a residential exemption that requires ownership. The portion of the property owned*

by a member would be in proportion to the member's share of stock in the cooperative to the total outstanding stock of the corporation. The exemption in the tax assessed to the cooperative is to be credited to the portion of the tax the particular member is charged by the cooperative. Four Mile Village qualifies as a housing cooperative.

Upon a motion made and duly seconded, it was VOTED by a unanimous voice vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 55 and to accept to the provisions of Massachusetts General Laws, Chapter 44B, Section 3, Paragraph "i", to allow the Board of Assessors to grant certain property tax and Community Preservation Act Surtax exemptions to qualified residents occupying units in housing cooperatives.

ARTICLE 17. To see if the Town will vote to amend the Stormwater Management Bylaw, Town Code, Chapter 160 by inserting the following three definitions in section 160-3, and by making the following changes to sections 160-5 and 160-6 (words to be deleted struck through, new words in bold):

ABUTTER -- Means the owner of any property any portion of which lies within 500 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.

MAJORITY VOTE -- Means a vote by a majority of the Commission for all actions taken under section 160-5 of the Stormwater Management Bylaw (permit-related actions) and issuance of enforcement orders, and a vote by a majority of a quorum of the Commission for all other matters under the Bylaw or under these Regulations.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) -- Municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are: (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Federal Clean Water Act that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a

combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

§ 160-5. Administration.

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, **permit amendment requirements**, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
- C. **No work proposed in any Stormwater Management Permit 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.**
- € D. The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. **A permit shall expire three years from the date of issuance. At the Commission's discretion, any permit may be renewed twice for an additional one-year period, provided that a request for a renewal is received in writing by the Commission at least thirty (30) days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until permanent protection is in place, and shall apply to all owners of the land.**

§ 160-6. Applicability Statement of Jurisdiction.

or to take any other action thereon.

Sponsored by the Conservation Commission
Board of Selectmen supports adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to amend the Stormwater Management Bylaw, Town Code, Chapter 160 by inserting three definitions in section 160-3, and by making changes to sections 160-5 and 160-6; as printed in Article 17 of the October 23, 2007 Special Town Meeting Warrant.

160-3 ABUTTER -- Means the owner of any property any portion of which lies within 500 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.

MAJORITY VOTE -- Means a vote by a majority of the Commission for all actions taken under section 160-5 of the Stormwater Management Bylaw (permit-related actions) and issuance of enforcement orders, and a vote by a majority of a quorum of the Commission for all other matters under the Bylaw or under these Regulations.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) -- Municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are: (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Federal Clean Water Act that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

§ 160-5. Administration.

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, **permit amendment requirements**, procedures and administration of this Stormwater Management Bylaw by

majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

- C. **No work proposed in any Stormwater Management Permit 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.**
- D. The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. **A permit shall expire three years from the date of issuance. At the Commission's discretion, any permit may be renewed twice for an additional one-year period, provided that a request for a renewal is received in writing by the Commission at least thirty (30) days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until permanent protection is in place, and shall apply to all owners of the land.**

§ 160-6. **Statement of Jurisdiction.**

ARTICLE 18. To see if the Town will **vote to accept the following road**, as described, as a public way, including any appurtenant easements; said plans on file with the Town Clerk:

Haynes Road in its entirety, from Station 0+00 to 4+38.33 as shown on a plan entitled, "Definitive Plan of Hidden Meadow" owner Charles W. Haynes", prepared by Donohoe and Parkhurst, Inc. dated June 6, 1999; to be recorded in Essex South Registry of Deeds; 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 accept the following road**, as described, as a public way, including any appurtenant easements; said plans on file with the Town Clerk.*

ARTICLE 19. To see if the town will vote to amend selected portions of its Personnel Bylaws § 23-6. Employee benefits to now read as follows (words to be deleted struck through; new words in bold):

§ 23-6. Employee benefits.

- C. Holidays. Eligible employees shall be entitled to the following holidays and shall receive their normal per diem compensation if scheduled to work on New Year's Day, Martin Luther King Day, President's Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day.

If a holiday is observed on a day an eligible employee is not normally scheduled to work, that eligible employee shall be entitled to a one day "compensatory holiday" with time off at a subsequent date approved in advance by the member's supervisor. The compensatory holiday shall be taken as a full day, not in increments and must be taken prior to the close of the fiscal year.

- D. Sick leave. Eligible employees shall be granted paid sick leave at their regular hourly rate on the basis of two hours earned for each regularly scheduled 40 hours worked (approximately one allowed day for each 20 days of work). No employee may accrue more than ~~680~~ **800** sick hours at any time during the course of employment. Sick leave shall not be paid to any employee who has not worked at least 60 calendar days following her/his probationary period. Paid sick leave shall not be granted unless the employee shall have notified his supervisor of the illness nor, in the case of more than three consecutive days of absence, unless a doctor's certificate of inability to work shall have been furnished to the department head if requested.

After twenty five (25) years of consecutive service to the Town, the Town agrees to pay a lump sum payment amounting to fifty percent (50%) of the up to one hundred (100) days of sick leave accrued and unused at the time of retirement. The Town shall be given a one year written advance notice of the intent to retire.

- I. All full-time employees and management employees shall be eligible for ~~24~~ **32** hours of personal leave during each fiscal year. No personal leave time may be carried over into a subsequent fiscal year.
- J. All eligible employees shall be entitled to up to ~~three~~ **four** days leave at the normal per diem rate due to a death in the immediate family. The immediate family includes a spouse, parent, child, siblings, legally adopted children, grandparents, **grandchild, parent of spouse**, or ~~relative person~~ living in the employee's household at the time of death. **Upon the death of an aunt, uncle, niece, or nephew, an employee is entitled to leave without loss of pay for a maximum of one day. Satisfactory**

evidence of death must be made to the employee's supervisor if requested. The length of the leave shall take into account the closeness of the relationship and travel arrangements necessary to attend either the funeral or memorial service.

or to take any other action thereon

Sponsored and supported 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 amend selected portions of its Personnel Bylaws § 23-6. Employee benefits to now read as printed in Article 19 of the October 23, 2007 Special Town Meeting Warrant.*

§ 23-6. Employee benefits.

- C. Holidays. Eligible employees shall be entitled to the following holidays and shall receive their normal per diem compensation if scheduled to work on New Year's Day, Martin Luther King Day, President's Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day.

If a holiday is observed on a day an eligible employee is not normally scheduled to work, that eligible employee shall be entitled to a one day "compensatory holiday" with time off at a subsequent date approved in advance by the member's supervisor. The compensatory holiday shall be taken as a full day, not in increments and must be taken prior to the close of the fiscal year.

- D. Sick leave. Eligible employees shall be granted paid sick leave at their regular hourly rate on the basis of two hours earned for each regularly scheduled 40 hours worked (approximately one allowed day for each 20 days of work). No employee may accrue more than **800** sick hours at any time during the course of employment. Sick leave shall not be paid to any employee who has not worked at least 60 calendar days following her/his probationary period. Paid sick leave shall not be granted unless the employee shall have notified his supervisor of the illness nor, in the case of more than three consecutive days of absence, unless a doctor's certificate of inability to work shall have been furnished to the department head if requested.

After twenty five (25) years of consecutive service to the Town, the Town agrees to pay a lump sum payment amounting to fifty percent (50%) of the up to one hundred (100) days of sick leave accrued and unused at the time of retirement. The Town shall be given a one year written advance notice of the intent to retire.

- I. All full-time employees and management employees shall be eligible for **32** hours of personal leave during each fiscal year. No personal leave time may be carried over into a subsequent fiscal year.
- J. All eligible employees shall be entitled to up to **four** days leave at the normal per diem rate due to a death in the immediate family. The immediate family includes a spouse, parent, child, siblings, legally adopted children, grandparents, **grandchild, parent of spouse, or person** living in the employee's household at the time of death. **Upon the death of an aunt, uncle, niece, or nephew, an employee is entitled to leave without loss of pay for a maximum of one day. Satisfactory evidence of death must be made to the employee's supervisor if requested.** The length of the leave shall take into account the closeness of the relationship and travel arrangements necessary to attend either the funeral or memorial service.

ARTICLE 20. To transact any other business to legally come before this meeting.

*Upon a motion made and duly seconded, it **was VOTED by majority voice vote to dissolve this Special Town Meeting @ 11:45 pm. 319 registered voters attend this Special Town Meeting.***

(REPLACE WITH ORIGINAL SIGNATURE PAGE)

A True Record:



Town Clerk, Patricia Shields

TRANSFERS FROM FREE CASH:

Article 1	Bill of Charge Recreation Committee	\$ 1,791.60
Article 4	Purchase Police Cruiser	\$28,000.00
Article 5	Roadside Guardrails	\$ 14,000.00
Article 6	Resurfacing of various roads	\$ 21,381.00
Article 7	Repair of culvert Willow Road	\$ 25,000.00
Article 9	Tree removal	\$ 25,000.00
Article 10	Aerial Photographs	\$ 6,554.00
Article 11	Maintenance Town Buildings	\$ 18,000.00
Article 12	Feasibility Study Community Center	<u>\$ 25,000.00</u>
		\$ 164,726.60

COMMUNITY PRESERVATION ACT:

Article 13	Undesignated Community Preservation FY '08 Budgeted Reserve	\$1,300,000 \$ 100,000
Article 14	Historic Resource Reserve	\$ 23,000
Article 15	Historic Resources Reserve MGL Chapter 44B	<u>\$ 86,000</u> \$1,509,000

BORROWING:

Article 13	Community Preservation Funds MGL Chptr. 44 sec. 7, Chptr. 44B sec. 11	\$1,900,000
Article 14	Community Preservation Funds MGL Chptr. 44B	<u>\$ 675,000</u>
		\$2,575,000