

TOWN OF BOXFORD
ANNUAL TOWN MEETING MINUTES – MAY 13, 2008

Voters for the Town of Boxford met at the Masconomet Regional District High School on Tuesday, May 13, 2008 and Wednesday, May 14, 2008.

Moderator Gerald Johnston made the announcement that **Enid Thuermer** will be receiving the **Unsung Heroines of Massachusetts Award** for the Town of Boxford for the Year 2008. **Congratulations and Thank You.**

The articles of the warrant were deposited 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 **\$35,000** for Fiscal Year 2009 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 2009 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 2009 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 2009 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 2009 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 2009 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 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 **unanimous voice vote** to authorize the establishment of the following **revolving accounts** as listed in Article 2 of this warrant and 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 2009, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 16 of this warrant; or take any other action thereon.

Sponsored and Supported by the Personnel Board
Finance Committee recommends adoption of this article
Board of Selectmen 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 2009, as submitted by the Personnel*

Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 16 of this warrant.

ARTICLE 4. To see if the Town will vote to amend its Personnel Bylaw by inserting the new words as shown in bold and deleting the words shown with a strikethrough in § 23-6 (I):

I. **During each fiscal year, each** ~~All~~ full-time employees and **each** management employees shall be eligible for ~~32 hours of~~ personal leave **in an amount equal to four times the number of hours in his/her regularly scheduled work day** ~~during each fiscal year~~. No time may be carried over into a subsequent fiscal year.

or take any other action thereon.

Sponsored and Supported by the Personnel Board
Finance Committee recommends adoption of this article
Board of Selectmen recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED** by **unanimous voice vote** to amend the Personnel Bylaw by amending § 23-6 (I) to now read as follows:*

I. *During each fiscal year, each full-time employee and each management employee shall be eligible for personal leave in an amount equal to four times the number of hours in his/her regularly scheduled work day. No personal leave time may be carried over into a subsequent fiscal year.*

ARTICLE 5. To **act on the proposed budget** and see what sums of money the Town will vote to raise and appropriate, or transfer from available funds, for the use of several departments for Fiscal Year 2009, to wit: General Government, Financial Administration, Public Safety, Education, Public Works, Human Services, Culture & Recreation, Employee Benefits, Debt Service, 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 and Supported by the Finance Committee
Estimate: **\$ 25,692,890**
The proposed budget is printed on pages 14 and 15 of this warrant.

A motion was made and duly seconded, to move the Article 5.

Amendment to Article 5 was VOTED by majority voice vote to **raise and appropriate \$25,706,342 and transfer \$13,571** from the "Receipts Reserved for Appropriation – Septic Loan Program," for a total appropriation of **\$25,719,913**, for the use of several departments for Fiscal Year 2009, to wit: General Government, Financial Administration, Public Safety, Education, Public Works,

Human Services, Culture & Recreation, Employee Benefits, Debt Service, and all other necessary proper expenses during said fiscal year as printed in the warrant on pages 14 and 15 and as they may have been amended by vote of this town meeting; and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 6. To act on the list of proposed capital purchases for FY 2009 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 2009, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored and Supported by the Board of Selectmen

Estimate: \$ 391,421

Finance Committee recommends adoption of this article

Capital Budget Committee Recommendations as noted

The proposed capital budget is printed on page 17 of this warrant.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer \$381,993 from Free Cash, and transfer \$9,428 from the Overlay Released by the Assessors, for a total appropriation of \$391,421 to fund the list of proposed capital purchases for FY 2009 as shown on page 17 of this warrant, for the use of several departments for fiscal year 2009, and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 7. 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

Board of Selectmen 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 8. 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 2009 Department of Public Works – All Other budget for the purpose of increasing funds for tree trimming and removal, said funds to be expended under the direction of the Board of Selectmen, 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 **unanimous voice vote** to raise and appropriate the sum of **\$25,000** to supplement the **FY 2009 Department of Public Works – All Other budget** for the purpose of increasing funds for tree trimming and removal, 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 **\$140,000** to fund professional engineering costs, construction expenses, and other costs incidental and related to the project, its design, permitting, and ultimate construction, 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; and to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise permanent and temporary construction easements as shown as a plan entitled, "Temporary Construction Easement on Busby Property", said plan and proposed easement on file with the Town Clerk; 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 **unanimous voice vote** to transfer from the Overlay Released by the Assessors the sum of **\$140,000** to fund professional engineering costs, construction expenses, and other costs incidental and related to the project, its design, permitting, and ultimate construction, 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; and to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise permanent and temporary construction easements as shown as a plan entitled, "Temporary Construction Easement on Busby Property", said plan and proposed easement on file with the Town Clerk.

ARTICLE 10. To see if the Town will vote to appropriate \$20,000 in debt acquisition and legal costs, \$750,000 in land purchase expense, for a total appropriation of **\$770,000** to enable the Town of Boxford to acquire for Open Space and Conservation purposes, and to accept the deed to the town of fee simple interest or less, a parcel of land on Lake Shore Road, West Boxford, Essex County, Massachusetts, known as Haverhill Conservation Land, parcel identified in records of the Assessors as Map 3, Block 1, Lot 5, 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 and Massachusetts General Laws, Chapter 40 § 8C, as they may hereafter be amended; said land to be managed and controlled by the Boxford Conservation Commission; and that to fund said purchase, the Treasurer, with the approval of the Selectmen, be

authorized to issue debt in the amount of \$770,000 as authorized by the vote approved under Article #37 of the Boxford Annual Town Meeting held May 14, 1997; and further, to aid in the funding of the purchase of said parcel to authorize the Conservation Commission and the Board of Selectmen to seek, receive and accept grants, donations or reimbursements for this purpose, including the authority to submit applications and seek and receive grants from the Commonwealth of Massachusetts under the Self Help Act (M.G.L. Chapter 132A § 11) and/or any others in any way connected with the scope of this Article, **and that this appropriation be fully contingent upon the Town of Boxford receiving an award of grant, or other donation or reimbursement for this purpose in an amount no less than \$375,000 on or before December 1, 2008**, 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 and Conservation Commission
Finance Committee **does not** recommend adoption of this article
Capital Budgeting Committee Recommendation: "C" Low Priority

Amendment #1 to Article 10 was Defeated by a show of hands to add the words (with the understanding and restriction that use of pesticides and herbicides on said land or any part thereof by the Town of Boxford or any other entity shall be prohibited)

Amendment #2 to Article 10 was Passed by a greater than 2/3 voted hand count of 165 Yes to 128 No; to add the words (conditioned upon the transfer of all appurtenant water rights, without limitation, including but not limited to public recreation, boating, public bathing, to the extent permitted by law)

*Upon a motion made and duly seconded, it was VOTED by greater than 2/3 hand count of 227 Yes to 85 No that the sum of \$770,000 is hereby appropriated to pay costs of acquiring the Haverhill Conservation Land as more fully described below, of which amount, \$20,000 shall be expended solely to pay debt acquisition and legal costs associated with said acquisition; that the Town of Boxford is hereby authorized to acquire for Open Space and Conservation purposes, and to accept the deed to the Town of fee simple interest or less, a parcel of land on Lake Shore Road, West Boxford, Essex County, Massachusetts, known as Haverhill Conservation Land, **conditioned upon the transfer of all appurtenant water rights, without limitation, including but not limited to public recreation boating, public bathing to the extent permitted by law** said parcel is identified in records of the Assessors as Map 3, Block 1, Lot 5, 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 and Massachusetts General Laws, Chapter 40 § 8C, as they may hereafter be amended; or any other appropriate authority, said land to be managed and controlled by the Boxford Conservation Commission; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$770,000 which was previously authorized by vote of the Town adopted under Article #37 of the Warrant at the Boxford Annual Town Meeting held May 14, 1997; and further, to aid in meeting the costs of this purchase, the Conservation Commission and the Board of Selectmen are authorized and directed to seek, receive and accept grants, donations or reimbursements that may be available for this purpose, and such officials are authorized to submit applications and seek and receive grants from The Commonwealth of Massachusetts under the Self Help Act (M.G.L. Chapter 132A § 11) and/or any other programs in any way connected with the scope of this Article, and that that the Conservation Commission and the Board of Selectmen are authorized to enter into all agreements and execute all instruments as may be necessary to carry out the purposes of this vote. The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants or gifts received by the Town for the purposes of this vote. No funds shall be borrowed or expended for this project until the Town shall have received an award of grant, or other donations or reimbursements for this purpose in an amount no less than \$375,000 on or before December 1, 2008.

ARTICLE 11. To see if the town will vote to support the siting of a new, not to exceed 15,000 square foot library in a central location on town-owned land off Spofford Road, or to take any other action thereon.

Sponsored by the Board of Library Trustees
Board of Selectmen recommends adoption of this article

Amendment #1 to Article 11 to PASSOVER was Defeated by majority voice vote.

Amendment #2 to Article 11 was Defeated by majority voice vote reads as follows: To see if the Town will vote to support the siting of a new library, that conforms with the \$2.7 million Library Grant requirements awarded to Boxford by the Commonwealth, on the land of the current town library at 10 Elm Street, or take any other action thereon.

Upon a motion made and duly seconded, it was **VOTED** by hand count of **172 YES to 96 NO** to vote to support the siting of a new, not to exceed 15,000 square foot library in a central location on town-owned land off Spofford Road.

ARTICLE 12. To see if the town will vote to support the siting of a new, not to exceed 15,000 square foot library on the land of the current town library at 10 Elm Street, or take any other action thereon.

Sponsored by the Board of Library Trustees.

*Upon motion made and duly seconded, it was **VOTED by hand count 139 YES to 134 NO** to vote to support the siting of a new, not to exceed 15,000 square foot library on the land of the **current town library at 10 Elm Street.***

ARTICLE 13. To see if the town will vote to raise and appropriate or transfer from available funds the sum of **\$50,000** to fund consultant services to assist the Board of Selectman and the Permanent Non-School Building Committee **to develop a conceptual site plan for potentially siting town buildings on town owned land located off Spofford Road;** said conceptual site plan to incorporate estimated building sizes and preliminary schematic layouts; to also include review of various options including building combinations, sharing of facilities, parking, site amenities, etc.; recommendations of said conceptual site plan to be reported back to a subsequent town meeting for consideration of further action including possible design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen, or to take any other action thereon.

Sponsored by the Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budget Committee recommends as "B" High Priority

*Upon a motion made and duly seconded, it was **VOTED by majority show of hands** to transfer from the Overlay Released by the Assessors the sum of **\$50,000** to fund consultant services to assist the Board of Selectman and the Permanent Non-School Building Committee **to develop a conceptual site plan for potentially siting town buildings on town owned land located off Spofford Road;** said conceptual site plan to incorporate estimated building sizes and preliminary schematic layouts; to also include review of various options including building combinations, sharing of facilities, parking, site amenities, etc.; recommendations of said conceptual site plan to be reported back to a subsequent town meeting for consideration of further action including possible design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen.*

*A motion was made and duly seconded, it was **VOTED majority voice vote to adjourn** Annual Town Meeting to a time certain, namely, Wednesday May 14, 2008 @ 7:30 p.m., to be held at the Masconomet Regional High Auditorium, 20 Endicott Road, Boxford, MA.*

Night two of Annual Town Meeting (Wednesday, May 14, 2008) was called to order at 7:30p.m. by Moderator, Jerry Johnston.

ARTICLE 14. To see if the Town will vote to **transfer \$5,000** from the unspent portion of the appropriation approved by the vote under Article #8 of the May 8, 2007 Annual Town Meeting originally appropriated to fund replacement DPW Garage heating units **to now fund the construction of an enclosed walkway between the DPW Garage and the adjacent DPW Office Trailer**; 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

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer \$5,000 from the unspent portion of the appropriation approved by the vote under Article #8 of the May 8, 2007 Annual Town Meeting originally appropriated to fund DPW Exhaust Fan Unit to now fund the construction of an enclosed walkway between the DPW Garage and the adjacent DPW Office Trailer; said funds to be expended under the direction of the Board of Selectmen.

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 2009, with each item to be considered a separate appropriation:

Appropriations:

From FY 2009 estimated revenues for Sawyer-Richardson Open Space Bond expense	\$252,156
From FY 2009 estimated revenues for Lincoln Hall Historic Renovation Bond expense	\$64,250
From FY 2009 estimated revenues for Haynes Land Purchase Bond expense	\$185,500
From FY 2009 estimated revenues for Committee Administrative Expenses	\$43,000

Reserves:

From FY 2009 estimated revenues for Historic Resources Reserve	\$ 21,750
From FY 2009 estimated revenues for Community Housing Reserve	\$ 86,000
From FY 2009 estimated revenues for Budgeted Reserve	\$205,000

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 2009, with each item to be considered a separate appropriation:

Appropriations:

<i>From FY 2009 estimated revenues for Sawyer-Richardson Open Space Bond expense</i>	<i>\$252,156</i>
<i>From FY 2009 estimated revenues for Lincoln Hall Historic Renovation Bond expense</i>	<i>\$64,250</i>
<i>From FY 2009 estimated revenues for Haynes Land Purchase Bond expense</i>	<i>\$185,500</i>
<i>From FY 2009 estimated revenues for Committee Administrative Expense</i>	<i>\$43,000</i>

Reserves:

<i>From FY 2009 estimated revenues for Historic Resources Reserve</i>	<i>\$ 21,750</i>
<i>From FY 2009 estimated revenues for Community Housing Reserve</i>	<i>\$ 86,000</i>
<i>From FY 2009 estimated revenues for Budgeted Reserve</i>	<i>\$205,000</i>

ARTICLE 16. To see if the Town will vote to appropriate \$222 from the Historic Resources Reserve of the Community Preservation Fund and transfer \$4,398 from the unspent portion of the appropriation approved under Article #16 of the May 8, 2007 Annual Town Meeting originally appropriated from CPC Historic Reserves to fund Phase II of the Town Clerk's document restoration and preservation project, for a combined total of \$4,620 to now fund Phase III of the Boxford Town Clerk's project for document restoration and preservation project for the 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 Community Preservation Committee
Finance Committee recommends adoption of this article
Board of Selectmen recommends adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to appropriate \$222 from the Historic Resources Reserve of the Community Preservation Fund and transfer \$4,398 from the unspent portion of the appropriation approved under Article #16 of the

May 8, 2007 Annual Town Meeting originally appropriated from CPC Historic Reserves to fund Phase II of the Town Clerk's document restoration and preservation project, for a combined total of \$4,620 to now fund Phase III of the Boxford Town Clerk's project for document restoration and preservation project for the preservation of historic town records, said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 17. To see if the Town will vote to appropriate \$35,000 from the Community Preservation Committee Undesignated Fund to fund engineering, field studies, soil analysis and other consultant and committee expenses to assist the Haynes Land Advisory Committee in their preparation of a report of recommendations for the use of the Haynes Land, as directed by Article #13 of the October 23, 2007 Special Town Meeting; said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

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

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to appropriate \$35,000 from the Community Preservation Committee Undesignated Fund to fund engineering, field studies, soil analysis and other consultant and committee expenses to assist the Haynes Land Advisory Committee in their preparation of a report of recommendations for the use of the Haynes Land, as directed by Article #13 of the October 23, 2007 Special Town Meeting; said funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 18. To see if the Town will vote to amend the Wetlands Protection Bylaw, Town Code, Chapter 192 by inserting the following language in section 192-5(A) (proposed language in bold and underlined):

Any person filing a permit application (notice of intent), request for determination of applicability or request for amendment to order of conditions with the Commission at the same time shall give written notice thereof by certified mail (return receipt requested), **first class mail, if evidenced by certificates of mailing,** or hand delivery to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 500 feet of the property line of the application, including any in another municipality or across a body of water. In case of property that has frontage on a pond, abutters will include all those properties with frontage on the pond or pond association if in existence.

or take any other action thereon.

Sponsored by the Conservation Commission

*Upon motion made and duly seconded, it was **VOTED by unanimous voice vote** to amend the Wetlands Protection Bylaw, Town Code, **Chapter 192** by inserting language in section **192-5(A)** as shown in **article 18 of these minutes** (proposed language in bold and underlined).*

ARTICLE 19. To see if the Town will vote to amend its Zoning Bylaw and create new section: §196-29 Driveways to read:

§196-29. Driveways

It shall be unlawful to install, construct, reconstruct or relocate any driveway without first obtaining a driveway permit from the Planning Board. Normal maintenance such as repairs and repaving shall be exempt provided repairs and repaving do not increase water runoff onto the public way or abutting lots.

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 for access to and from the dwelling site.
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. No person or persons shall cut or destroy any tree on Town property (right-of-way along side of the road), 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 Town property (right-of-way along side of the road) without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road bylaw.

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. To preserve the stability of the existing natural topography, no cut or fill in excess of eight feet (8') of the natural topography shall be allowed within the limits of the driveway cross section.
3. The slope grade shall allow rapid emergency access during normal weather conditions. No physical barrier shall be located on the inside of the curves that could impede fire truck or emergency vehicle access.
4. The rate of runoff during construction and post-development shall not exceed the rate of pre-development runoff.

5. After driveway completion, water runoff from the new driveway shall not be allowed to enter onto the public right-of-way and abutting property at any time.
6. The Planning Board may impose conditions on the construction, reconstruction or relocation of a driveway at their discretion to ensure safe access onto public roads and to prevent any damage or dangerous situation(s) due to drainage, icing, or other hazards. The conditions may incorporate recommendations made by the Fire Chief, Police Chief and Superintendent of Public Works.
7. The Superintendent of Public Works and Fire Chief and may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.
8. Sight distance entering the public way, shall be fifty feet (50') in either direction to the best extent possible.
9. 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.
10. 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 or as appropriate to be determined by the Planning Board.
11. Driveways shall conform to all other rules and regulations of the Town of Boxford.

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.

D. Application

1. The driveway location, layout, slopes, drainage, and associated improvements, shall be shown on a plan prepared by a professional architect, engineer, or landscape architect. The Planning Board at its sole discretion may waive the requirements for a driveway site plan.
2. Four copies of the plan shall be submitted to the Planning Board for review. The Planning Board may circulate the copies to the Fire Chief, Police Chief, and the Superintendent of Public Works.
3. The Fire Chief, Police Chief and the Superintendent of Public Works may return recommendations within 14 days to the Planning Board. If no recommendations are received within 14 days, the official failing to submit a report shall be deemed to have approved the proposed work on the driveway.

or take any other action thereon.

Sponsored and supported by the Planning Board
Board of Selectmen recommends adoption of this article

A motion was made and duly seconded, to allow John Dold, DPW Supervisor non-voter, to address Town Meeting on Article 19.

Amendments 2 & 3 to Article 19 were Defeated by majority voice vote. Amendment #1 to Article 19 was PASSED by a majority voice vote to add the following words in paragraph one (Normal maintenance, repair and repaving shall be exempt)

Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 hand count of 186 YES and 26 NO to amend the town's Zoning Bylaw and create new section: §196-29 Driveways as printed in article #19 of this warrant with an amendment in paragraph one Driveways 196-29 to read as follows:

§196-29. Driveways

It shall be unlawful to install, construct, or relocate any driveway without first obtaining a driveway permit from the Planning Board. Normal maintenance, repair and repaving shall be exempt.

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 for access to and from the dwelling site.
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. No person or persons shall cut or destroy any tree on Town property (right-of-way along side of the road), 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 Town property (right-of-way along side of the road) without first obtaining the approval of the Boxford Planning Board in accordance with the Scenic Road bylaw.

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. To preserve the stability of the existing natural topography, no cut or fill in excess of eight feet (8') of the natural topography shall be allowed within the limits of the driveway cross section.

3. The slope grade shall allow rapid emergency access during normal weather conditions. No physical barrier shall be located on the inside of the curves that could impede fire truck or emergency vehicle access.
4. The rate of runoff during construction and post-development shall not exceed the rate of pre-development runoff.
5. After driveway completion, water runoff from the new driveway shall not be allowed to enter onto the public right-of-way and abutting property at any time.
6. The Planning Board may impose conditions on the construction, reconstruction or relocation of a driveway at their discretion to ensure safe access onto public roads and to prevent any damage or dangerous situation(s) due to drainage, icing, or other hazards. The conditions may incorporate recommendations made by the Fire Chief, Police Chief and Superintendent of Public Works.
7. The Superintendent of Public Works and Fire Chief and may impose other conditions at their discretion to ensure safe access and to prevent any damage or dangerous situation(s) because of drainage, icing, etc. onto public roads.
8. Sight distance entering the public way, shall be fifty feet (50') in either direction to the best extent possible.
9. 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.
10. 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 or as appropriate to be determined by the Planning Board.
11. Driveways shall conform to all other rules and regulations of the Town of Boxford.

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.

D. Application

1. The driveway location, layout, slopes, drainage, and associated improvements, shall be shown on a plan prepared by a professional architect, engineer, or landscape architect. The Planning Board at its sole discretion may waive the requirements for a driveway site plan.
2. Four copies of the plan shall be submitted to the Planning Board for review. The Planning Board may circulate the copies to the Fire Chief, Police Chief, and the Superintendent of Public Works.
3. The Fire Chief, Police Chief and the Superintendent of Public Works may return recommendations within 14 days to the Planning Board. If no

recommendations are received within 14 days, the official failing to submit a report shall be deemed to have approved the proposed work on the driveway.

ARTICLE 20. To see if the Town will vote to amend its Zoning Bylaw by deleting subsection 196-13.B(11)(a), renumbering subsections 196-13.B(11)(b)-(m) to make them subsections 196-13.B(11)(a)-(l), and inserting the text below as a new subsection 196-13.D:

D. Farm Stand Activities

1. The purpose of this by-law is to help protect increasingly scarce farmland in the Town, to enhance the economic viability of farming activities and related farm stand operations in the Town and to promote the public's understanding, knowledge and appreciation of the importance of local farms to the Town's rural character and environment.
2. The following uses are permitted, on farms having five (5) acres or greater, pursuant to the Agricultural Site Plan Review, as described in Section D.3 below, only in conjunction with a farm stand which qualifies for protection under G.L. c.40A §3:
 - a. farm festivals during the harvest season of the subject farm;
 - b. agritourism activities, including but not limited to:
 - (1) hayrides;
 - (2) petting zoos;
 - (3) play areas;
 - (4) retail sale of food products and crafts, farm products, garden supplies, or other agriculture-related products (whether or not such products are produced on the farm);
 - c. customary food service, including seating and tables;
 - d. other activities accessory to and customarily performed on farms.
3. Agricultural Site Plan Review for Farm Stand Activities
 - a. In support of agricultural site plan review under this section, an applicant shall file with the Planning Board a plan designating:
 - (1) the areas on the subject property on which all proposed activities will take place;
 - (2) parking facilities; and
 - (3) anticipated pedestrian and vehicular traffic flows for all events held on the farm.
 - b. An Assessors' Map showing the information required by Section D.3.a shall be deemed adequate for this purpose.
 - c. The Planning Board may impose reasonable conditions on the time and manner of such activities to mitigate their anticipated effect upon the neighborhood adjacent to the subject property.
 - d. Agricultural Site Plan approval shall be valid for five years, unless the approved activities change in intensity, in which case the property owner or applicant shall return to the Board to amend their Site Plan.

4. An appeal of an Agricultural Site Plan Review decision by the Board shall be pursuant to the provisions of G.L. c. 40A § 17.

or take any other action thereon.

Sponsored and supported by the Planning Board
and the Agricultural Commission

Board of Selectmen recommends adoption of this article

A motion to call for a vote on Article 20 was **PASSED by a greater than 2/3 voice vote.**

Upon a motion made and duly seconded, it VOTED by hand count of 210 YES to 24 NO greater than 2/3 vote to amend the town's Zoning Bylaw by deleting subsection 196-13.B(11)(a), renumbering subsections 196-13.B(11)(b)-(m) to make them subsections 196-13.B(11)(a)-(l), and inserting new text as a new subsection 196-13.D as printed in article 20 of this warrant. To read as follows:

196-13.B11

- a. Maintenance of commercial dog kennels, provided that no structure or operations are involved which are not in keeping with the residential character of the Town, all structures and operations are substantially screened from view with evergreen trees, shrubs, similar vegetation, fences or other means and no offensive noise, odors unsightliness or unsafe condition is produced.
(Amended 5-18-1988 ATM, Art. 50)
- b. Signs and displays concerning the products and goods raised or processed on the premises and not exceeding 12 square feet in total area.
- c. Dump operated by the Town for the exclusive use of the inhabitants of the Town subject to Board of Health regulations.
- d. The taking of more than four lodgers.
- e. Private school, cemetery, hospital, clinic, sanitarium nursing home, camps of an educational or charitable institution.
- f. Use of land for a public utility.
- g. Community club or golf club conducted for profit.
- h. Garage space for more than three automobiles.
- i. Recreation and amusement enterprises, including rental of saddle horses or boats, sale of bait, ski-tow and similar activities.
- j. Earth excavation, as provided in Article VII.
- k. Certain accessory uses related to permitted scientific research or development, provided that the granting authority also finds that the proposed accessory use does not substantially derogate from the public good.

- I. *A shared driveway that serves up to three lots and shall only be located on one or more of the lots being served. Every such shared driveway must be regulated by a recorded maintenance agreement running in perpetuity with the land and satisfactory to Town Counsel. The Board of Appeals shall impose such conditions, to be made part of the special permit, as are necessary to provide adequate access, including conditions that assign responsibility for maintenance and snow removal. (Added 5-12-1980 ATM, Art. 38; amended 5-18-1981 ATM, Art. 33; 5-11-2004 ATM, Art. 29)*

D. Farm Stand Activities

5. The purpose of this by-law is to help protect increasingly scarce farmland in the Town, to enhance the economic viability of farming activities and related farm stand operations in the Town and to promote the public's understanding, knowledge and appreciation of the importance of local farms to the Town's rural character and environment.
6. The following uses are permitted, on farms having five (5) acres or greater, pursuant to the Agricultural Site Plan Review, as described in Section D.3 below, only in conjunction with a farm stand which qualifies for protection under G.L. c.40A §3:
 - a. farm festivals during the harvest season of the subject farm;
 - b. agritourism activities, including but not limited to:
 - (1) hayrides;
 - (2) petting zoos;
 - (3) play areas;
 - (4) retail sale of food products and crafts, farm products, garden supplies, or other agriculture-related products (whether or not such products are produced on the farm);
 - c. customary food service, including seating and tables;
 - d. other activities accessory to and customarily performed on farms.
7. Agricultural Site Plan Review for Farm Stand Activities
 - a. In support of agricultural site plan review under this section, an applicant shall file with the Planning Board a plan designating:
 - (1) the areas on the subject property on which all proposed activities will take place;
 - (2) parking facilities; and
 - (3) anticipated pedestrian and vehicular traffic flows for all events held on the farm.
 - b. An Assessors' Map showing the information required by Section D.3.a shall be deemed adequate for this purpose.
 - c. The Planning Board may impose reasonable conditions on the time and manner of such activities to mitigate their anticipated effect upon the neighborhood adjacent to the subject property.
 - d. Agricultural Site Plan approval shall be valid for five years, unless the approved activities change in intensity, in which

case the property owner or applicant shall return to the Board to amend their Site Plan.

8. An appeal of an Agricultural Site Plan Review decision by the Board shall be pursuant to the provisions of G.L. c. 40A § 17.

ARTICLE 21. To see if the Town will vote to:

Amend Chapter 196, ZONING/ ARTICLE V, Use Regulations / § 196-13. B. Section (3) to read as follows:

(3) Raising and keeping of farm animals and poultry for use of residents on the property and primarily not for profit, with barns, stables, chicken houses and similar buildings; on parcels of five acres or more, commercial greenhouses, the raising or keeping of horses, cattle, pigs, rabbits, fur-bearing animals or poultry for profit or other than for the use of the occupants of the residence provided that:

a. A maximum of three (3) hooved animals shall be allowed on lots two (2) Acres (87,120 square feet) and smaller. 1/2 acre (21,870 square feet) for each additional hooved animal is required. For lots of five (5) acres or more, this requirement may be reduced upon the issuance of a special permit by the Board of Appeals upon its finding that all other conditions of this by-law are met; that under the particular circumstances the proposed reduction will not be detrimental to the neighborhood; and that the Board of Health approves the keeping of the number of animals proposed. Farms qualifying under MGL Ch. 40A, S. 3 will not be required to obtain a special permit under this subsection (a).

b. Properties exceeding these limits at the time of adoption of this amendment may continue the nonconforming use for the existing animals on the property. No new or replacement animals shall be brought to the property until the total number of animals is reduced to comply with the new regulation.

or to take **any other action in relation thereto.**

Sponsored by Initiative Petition

Board of Selectmen **does not** recommend adoption of this article
Planning Board **does not** recommend adoption of this article

*Upon a motion made and duly seconded, Article 21 was **DEFEATED** for a lack of 2/3 vote.*

ARTICLE 22. To See if the Town, pursuant to M.G.L. ch. 44B § 16, will vote to revoke the provisions of M.G.L. ch. 44B §§ 3-7, commonly known as the Community Preservation Act, (CPA) enacted by the Town by vote of Town Meeting on February 6, 2001, (adopting the CPA) and by vote of Town Meeting on May 8, 2001 (establishing the Community Preservation Committee) as ratified by the voters of the Town through town wide vote on May 15, 2001, or take any other action thereon.

Sponsored by Initiative Petition

Finance Committee **does not** recommend adoption of this article
Board of Selectmen **does not** recommend adoption of this article

A motion to call a vote on **Article 22** was **PASSED** by majority voice vote.

Upon a motion made and duly seconded, **Article 22** was **DEFEATED** by show of hands.

ARTICLE 23. To transact any other business that may legally come before said meeting.

Upon a motion made and duly seconded, it was **VOTED** to dissolve this Annual Town Meeting @ 10:35 pm. Voters present for Annual Town Meeting Night 1 were 361 and Night 2 253.

A True Record: *Patricia Shields*
Patricia Shields, Town Clerk

RAISE AND APPROPRIATE:

Article 5 Town Budget FY 09	\$25,706,342.00
Article 8 Tree Trimming	\$25,000.00
	\$25,731,324.00

REVOLVING ACCOUNTS:

Article 2 Recycling, Printing, Library Photocopy, Conservation, Highway Safety, & Council on Aging.	\$135,000.00
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OTHER AVAILABLE FUNDS:

Article 5 Septic Loan Program	\$13,571.00
Article 6 Assessors Overlay Release	\$9,428.00
Article 9 Assessors Overlay Release	\$140,000.00
Article 13 Assessors Overlay Release	\$50,000.00
Article 14 (Art. 8 ATM5/8/2007)	\$5,000.00
	\$217,999.00

FREE CASH:

Article 6 Capital Expenditures	\$381,993.00
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BORROWING:

Article 10 Haverhill Conservation Land	\$770,000.00
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COMMUNITY PRESERVATION FUNDS:

Article 15 Appropriations/Reserves	\$ 857,656.00
Article 16 Town Clerk's Phase III	\$4,620.00
Article 17 Haynes Property	\$35,000.00
(Art. 13 STM 10/23/2007)	\$897,276.00

TOWN OF BOXFORD
SPECIAL TOWN MEETING MINUTES – OCTOBER 28, 2008

Voters of the Town of Boxford met at Masconomet Regional District High School on Tuesday, October 28th, 2008. The Finance Committee presented to voters the state of affairs of the Town. Boxford's Special Town Meeting was called to order at 7:50 pm by Moderator Gerald Johnston.

The articles of the warrant were disposed of as follows:

ARTICLE 1. To see if the Town will amend FY 2009 budget appropriations voted in Article #5 of the May 13, 2008 Annual Town Meeting and **REDUCE the following line items** by the amounts listed:

Masconomet Operational Assessment:	\$11,212
Masconomet Debt Assessment	\$14,642
Essex County Retirement Assessment	\$11,990
Waste Collection	\$60,000
Board of Health	\$6,443

or take any other action thereon.

Sponsored and supported by the Finance Committee
Board of Selectmen supports adoption of this article

Upon a motion made and duly seconded, it was VOTED by majority voice vote to amend FY 2009 budget appropriations voted in Article #5 of the May 13, 2008 Annual Town Meeting and REDUCE the following line items by the amounts listed:

<i>Masconomet Operational Assessment:</i>	<i>\$11,212</i>
<i>Masconomet Debt Assessment</i>	<i>\$14,642</i>
<i>Essex County Retirement Assessment</i>	<i>\$11,990</i>
<i>Waste Collection</i>	<i>\$60,000</i>
<i>Board of Health</i>	<i>\$ 6,443</i>

ARTICLE 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$20,000 to fund the Town Unemployment Fund**, 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

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 fund the Town Unemployment Fund, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 3. 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: "B" High Priority

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 4. To see if the Town will vote to authorize the Board of Selectmen to acquire, on behalf of the town, by purchase, gift, eminent domain, or otherwise for general municipal purposes all or a portion of a 17.4 acre parcel of land located off Spofford Road, Boxford, Essex County, Massachusetts, partially described as Map 19, Block 3, Lot 28 on the records of the Boxford Board of Assessors and being a portion of the property located behind the Spofford Pond School and adjacent to the Town's capped sanitary landfill; and further to authorize the Board of Selectmen, to acquire, on behalf of the town, by purchase, gift, eminent domain, or otherwise for water protection purposes all or a portion of an 8.4 acre parcel of land located in the Town of Georgetown, and described as Map F, Lot 4-2 in the records of the Georgetown Board of Assessors adjacent to the Town's capped sanitary landfill; totaling approximately 25.8 acres and shown on a sketch on file with the Town Clerk; together with all flowage rights and easements and subject to all well rights and easements; and that to fund said purchase, including all costs incidental and related thereto including legal and debt expenses, to raise and appropriate, transfer from available funds, or authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum of **\$200,000.00** or any other amount; and to authorize the Board of Selectmen to expend said funds 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 and
Land Committee
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 pass over Article # 4.

ARTICLE 5. To see if the town will vote to raise and appropriate or transfer from available funds, including unexpended balances of previous warrant article appropriations for municipal building studies, the sum of \$ 100,000 to fund **programming, architectural, independent cost estimating and modeling services to assist the Board of Selectmen and the Permanent Non-School Building Committee to develop and present an optimal schematic design for the possible joint facility or co-located separate facilities for the Library and Senior/Community Center on town owned land located off Spofford Road;** said schematic design to determine programming for possible savings from any joint facility, then determine optimal placement and orientation of the buildings on site, additionally locating infrastructure and utilities such as roadways, water and septic to support these facilities and lastly to determine, independently, the estimated total costs of the entire proposed development and preparation of a three dimensional topographical model of the 80± acre site to include existing facilities and infrastructure; recommendations of said schematic design to be reported back to a subsequent town meeting for consideration of further action including possible detailed design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen, or to take any action thereon.

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

A motion was made to call the VOTE for Article #5.

Upon a motion made and duly seconded, it was VOTED by a show of hands to be DEFEATED. Free Cash the sum of \$34,042.53 and to transfer from the unspent portion of the following appropriations approved by vote under: Article #13 of the May 13, 2008 Annual Town Meeting originally appropriated for development of a conceptual site plan for land located off Spofford Rd. - \$25,000, Article #12 Special Town Meeting October 23, 2007 originally appropriated for a feasibility study for the Boxford Community Center - \$2,500, Article #9 Annual Town Meeting May 8, 2007 originally appropriated for a feasibility study for the DPW Garage/Offices - \$6,000, Article #11 Annual Town Meeting May 8, 2001 originally appropriated for design of a sanitary disposal system for 28 Middleton Rd. - \$7,925, Article #5 Special Town Meeting October 26, 1999 originally appropriated to design a storm drainage system for a portion of Spofford Rd. - \$4,232.18, Article #8 Special Town Meeting October 26, 2004 originally appropriated for an engineering/architectural study for the basement level of West Boxford Library - \$500, Article #14 Special Town Meeting October 24, 2006 originally appropriated for a Library Facilities Evaluation Study - \$8,072.81, Article #7 Annual Town Meeting May 13, 2003 originally appropriated for repair of the septic system at 28 Middleton Rd. - \$3,740, Article #9 Special Town Meeting October 26, 1999 originally appropriated for landscaping materials at Cargill Field - \$553.25, Article #4 Special Town Meeting October 24, 2006 originally appropriated to update the Master Plan of the Town - \$7,104.68, Article #7 Annual Town Meeting May 14, 2002 originally appropriated for a medical rescue vehicle -

\$10.55, and Article #8 Annual Town Meeting May 8, 2007 originally appropriated for a front end loader and dump truck - \$319, for a total of \$100,000 to fund programming, architectural, independent cost estimating and modeling services to assist the Board of Selectmen and the Permanent Non-School Building Committee to develop and present an optimal schematic design for the possible joint facility or co-located separate facilities for the Library and Senior/Community Center on town owned land located off Spofford Road; said schematic design to determine programming for possible savings from any joint facility, then determine optimal placement and orientation of the buildings on site, additionally locating infrastructure and utilities such as roadways, water and septic to support these facilities and lastly to determine, independently, the estimated total costs of the entire proposed development and preparation of a three dimensional topographical model of the 80± acre site to include existing facilities and infrastructure; recommendations of said schematic design to be reported back to a subsequent town meeting for consideration of further action including possible detailed design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 6. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, authorizing an odd-numbered Board of Library Trustees not to exceed nine members; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition:

Section 1. Notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws, or of any general or special law to the contrary, the elected Board of Library Trustees of the town of Boxford may consist of an odd number of members not to exceed nine, which members shall serve for alternating three-year terms.

Section 2. Upon the effective date of this act, said Board shall increase from six to seven members, and the Board of Selectmen of said Town of Boxford may appoint a single member to serve until election of a seventh member at the next annual election at which the office can appear on the ballot. Any further increase or decrease in the size of said Board of Library Trustees shall be made consistent with the provisions of Section 2 of Chapter 41 of the General Laws.

Section 3. Notwithstanding the provisions of Sections 21 and 32 of Chapter 40 of the General Laws, upon the effective date of this act, the Bylaws of the Town of Boxford shall be amended by deleting the text of Article V, Board of Library Trustees, in its entirety and inserting in place thereof the following: §7-7 Election; terms. A Board of Trustees of the Boxford Town Library

comprised of seven members, shall be elected from the town at large for three-year overlapping terms of office.

Section 4. The bylaw authorized by Section 3 of this act may be amended from time to time by vote of the Town, as would any other bylaw, subject to the provisions of the General Laws.

Section 5. This act shall take effect upon passage.

or take any action thereon.

Sponsored and supported by the Board of Library Trustees
Board of Selectmen supports adoption of this article

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth in Article # 6 as printed in this warrant, authorizing an odd-numbered Board of Library Trustees not to exceed nine members; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

There was a brief pause at special town meeting to honor B.E.S.T. Co-Presidents Diana Merriam and Kathleen Tyler in their successful technology campaign; which raised over \$185,000 for Smart Boards to be installed in the classrooms of both elementary schools. "Our Hats Off" to the "Dynamic Duo" with many thanks.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$27,500 for the construction and installation of a 2kW solar voltaic system at the Spofford Pond School**, 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 School Committee
Finance Committee to make recommendation at Town Meeting
Capital Budget Committee Recommendation: "D" Does Not Recommend

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from free cash, the sum of \$27,500 for the construction and installation of a 2.8kW solar voltaic system at the Spofford Pond School, said funds to be expended under the direction of the Board of Selectmen.

Sponsored and supported by the Board of Selectmen and School Committee
Finance & Capital Budgeting Committees recommend adoption of this
article (Per revote)

ARTICLE 8. The purpose of this petition is to carry-out the will of 2005 Annual Town Meeting which approved the permanent preservation of a 4.35 acre town-owned parcel of land known as Round Top Park (Boxford Assessor's Map 25, Block 2, Lot 10). In August 2008, the Board of Selectmen refused to sign the Conservation Restriction to BTA/BOLT for Round Top Park which Town Meeting previously authorized in 2005 by a greater than two-thirds majority vote to achieve permanent preservation for the land. In addition, the donor of the Round Top land gifted the land to the Town with the understanding that it would be preserved.

As a result, this petition seeks an alternative course to preserve the land and requests that the Town dedicate the Round Top Park land to the public for conservation purposes forever and pursuant to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution (the Citizen's right to clean air and water, the conservation of land, and the preservation of aesthetic qualities of the environment), or take any other action thereon.

Sponsored by Initiative Petition
Board of Selectmen to make recommendation at Town Meeting

A motion was made to call a VOTE for Article #8.

[Motion as provided by petitioners] Upon motion made and duly seconded it was VOTED by a greater than 2/3 voice vote to PASS Article #8. "The purpose of this article is to carry-out the will of 2005 Annual Town Meeting which approved the permanent preservation of a 4.35 acre town-owned parcel of land known as Round Top Park (Boxford Assessor's Map 25, Block 2, Lot 10).

In August 2008, the Board of Selectmen refused to sign the Conservation Restriction to BTA/BOLT for Round Top Park which Town Meeting previously authorized in 2005 by a greater than two-thirds majority vote to achieve permanent preservation for the land. In addition, the donor of the Round Top land gifted the land to the Town with the understanding that it would be preserved.

As a result, this article seeks an alternative course to preserve the land. Therefore, I move that the Town dedicate the Round Top Park land to the public for conservation purposes forever pursuant to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution."

Board of Selectmen did not support Article #8.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to subdivide and grant restrictions meeting the requirements of M.G.L. ch. 44B, section 12(a) on the property located on Middleton Road and shown as Parcel 2 on plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee Elmlea Partnership Trust" scale 1" = 100' dated November 12, 2007 made by Donohoe and Parkhurst, Inc. and recorded with Essex South District Registry of Deeds in Plan Book 411, Plan 10, containing 75.515 acres, acquired by the Town by Order of Taking recorded with Registry of Deeds in Book

27401, Page 149, for purposes authorized pursuant to the Community Preservation Act (M.G.L. ch. 44B), as follows:

1) Parcel A, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 36 acres more or less, to be transferred to the care, custody and control of the Boxford Conservation Commission to be used permanently for conservation and open space purposes, and to authorize the Board of Selectmen to grant a perpetual conservation restriction to BTA/BOLT, Inc. or other similar non-profit group limiting the use of said parcel to conservation and open space purposes.

2) Parcel B, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 26 acres more or less, to be in the care, custody and control of the Board of Selectmen, to be used permanently for recreational uses, and to grant a perpetual restriction to the Boxford Athletic Association or other similar non-profit group limiting the use of said parcel to recreational uses.

3) Parcel C, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 13 acres more or less, to be in the care custody and control of the Board of Selectmen to be used permanently for community housing; and to prepare an affordable housing restriction to be placed upon the property limiting the use of said parcel to community housing, retaining for the Town the right, as may be deemed appropriate, whether through easement or otherwise, to construct, maintain and utilize (1) utility conduits, poles and structures to service Parcels A & B; (2) drainage facilities and structures to service Parcels A & B; (3) a roadway and/or driveway to provide public access and egress to Parcels A & B; (4) passive recreational trails for use by the public; and, (5) in the area designated as C-1, playgrounds, tennis courts, basketball courts, and/or other similar athletic playing areas for use by the public.

or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and Community Preservation Committee
Haynes Land Advisory Committee recommends adoption of this article

Motion #1 was made and duly seconded, was VOTED "DEFEATED".

Motion #2 was made and duly seconded, was VOTED "PASSED" by a greater than 2/3 voice vote.

Motion #3 was made to call a vote for Article #9.

Upon a motion made and duly seconded, it was VOTED by hand count YES - 102 NO - 105 FAILED to give a 2/3 vote to authorize the Board of

Selectmen to subdivide and grant restrictions meeting the requirements of M.G.L. ch. 44B, section 12(a) on the property located on Middleton Road and shown as Parcel 2 on plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee Elmlea Partnership Trust", acquired by the Town by Order of Taking recorded with Registry of Deeds in Book 27401, Page 149, for purposes authorized pursuant to the Community Preservation Act (M.G.L. ch. 44B), with the transfers and restrictions as written in Article #9 of this warrant and as shown on the Land Designation Plan, dated October 6, 2008, on file with the Town Clerk.

ARTICLE 10. To see if the Town will vote to appropriate the sum of **\$45,000 from the Community Preservation Committee Undesignated Fund** to fund engineering consultation and the preparation of site plans and cost estimates for the development of ball fields and housing, as needed to assist the Haynes Land Advisory Committee in its preparation of a report of recommendations for the use of the Haynes Land as directed by Article #13 of the October 23, 2007 Special Town Meeting; such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Haynes Land Comm. and Community Preservation Committee
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, the amendment to Article #10 was VOTED DEFEATED.

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate the sum of \$45,000 from the Community Preservation Committee Undesignated Fund to fund engineering consultation and the preparation of site plans and cost estimates for the development of ball fields and housing, as needed to assist the Haynes Land Advisory Committee in its preparation of a report of recommendations for the use of the Haynes Land as directed by Article #13 of the October 23, 2007 Special Town Meeting; such funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 11. To see if the Town will vote to appropriate the sum of **\$5,000 from the Community Housing Reserve of the Community Preservation Fund** to fund consulting services for the preparation of the Boxford Housing Partnership's Request for Proposals for the development of community housing on the Haynes Land, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Housing Partnership Comm. and Community Preservation Committee
Board of Selectmen supports adoption of this article

Finance Committee recommends adoption of this article

A motion was made to call a vote for Article #11.

Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate the sum of \$5,000 from the Community Housing Reserve of the Community Preservation Fund to fund consulting services for the preparation of the Boxford Housing Partnership's Request for Proposals for the development of community housing on the Haynes Land, such funds to be expended under the direction of the Community Preservation Committee.

ARTICLE 12. To see if the Town will vote to transfer \$8,500 from the unspent portion of the appropriation approved under Article #22 of the May 9, 2006 Annual Town Meeting originally appropriated from the Undesignated Community Preservation Fund balance to fund Phase I of the Boxford Recreation Committee's Borders to Boston/North Recreational Trail study **to now fund the Boxford Recreation Committee's 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 in addition to \$14,000 appropriated for this same purpose at Boxford Town Meeting held May 8, 2007, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Recreation Committee and Community Preservation Committee

Board of Selectmen supports adoption of this article

Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer \$8,500 from the unspent portion of the appropriation approved under Article #22 of the May 9, 2006 Annual Town Meeting originally appropriated from the Undesignated Community Preservation Fund balance to fund Phase I of the Boxford Recreation Committee's Borders to Boston/North Recreational Trail study **to now fund the Boxford Recreation Committee's 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 in addition to \$14,000 appropriated for this same purpose at Boxford Town Meeting held May 8, 2007, such funds to be expended under the direction of the Community Preservation Committee.*

ARTICLE 13. To see if the Town will vote to appropriate the sum of \$1,925 from FY2009 estimated revenues of the Community Preservation Fund for the Lincoln Hall Historic Renovation Bond expense; such funds to be in addition to \$64,250 appropriated for this same purpose at Boxford Town Meeting held May

13, 2008 and necessary to cover the actual bond expense totaling \$66,175; or take any other action thereon.

Sponsored and supported by the Community Preservation Committee
Board of Selectmen supports adoption of this article
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 \$1,925 from FY2009 estimated revenues of the Community Preservation Fund for the Lincoln Hall Historic Renovation Bond expense; such funds to be in addition to \$64,250 appropriated for this same purpose at Boxford Town Meeting held May 13, 2008 and necessary to cover the actual bond expense totaling \$66,175.

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or otherwise a permanent fire hydrant easement off Washington Street, known as the Paisley Fire Hydrant Easement, as shown on a plan entitled, "Easement Plan Boxford, MA prepared for the Town of Boxford by Donohoe and Parkhurst, Inc, 363 Boston Street, Topsfield, MA, scale 1" = 10', dated July 2, 2008", said plan on file with the Town Clerk; and to authorize the Board of Selectmen 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 acquisition; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Land Committee

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Board of Selectmen to acquire by gift or otherwise a permanent fire hydrant easement off Washington Street, known as the Paisley Fire Hydrant Easement, as shown on a plan entitled, "Easement Plan Boxford, MA prepared for the Town of Boxford by Donohoe and Parkhurst, Inc, 363 Boston Street, Topsfield, MA, scale 1" = 10', dated July 2, 2008", said plan on file with the Town Clerk; and to authorize the Board of Selectmen 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 acquisition.

ARTICLE 15. To see if the Town will vote, consistent with the intent of the Elementary School Committee, to transfer the care, custody, maintenance and control of a 5.73 acre portion of the town owned land located at 188 Washington Street, as described below, originally conveyed to the Town by deeds and currently held by the Elementary School Committee for school purposes, to the Board of Selectmen for general municipal purposes; 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, shown on the records of the Board of Assessors as Map 9, Block 1, Parcels 13 and 13.1 and also as described in the deeds recorded in the Essex South District Registry of Deeds in Book 5347, Page 168, and Book 2151, Page 142, or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Elementary School Committee

A motion was made to call a vote for Article 15.

Upon a motion made and duly seconded, it was VOTED by 2/3 show of hands to be consistent with the intent of the Elementary School Committee, to transfer the care, custody, maintenance and control of a 5.73 acre portion of the town owned land located at 188 Washington Street, as described below, originally conveyed to the Town by deeds and currently held by the Elementary School Committee for school purposes, to the Board of Selectmen for general municipal purposes; 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, shown on the records of the Board of Assessors as Map 9, Block 1, Parcels 13 and 13.1 and also as described in the deeds recorded in the Essex South District Registry of Deeds in Book 5347, Page 168, and Book 2151, Page 142.

ARTICLE 16. To see if the Town will vote, consistent with the intent of the Elementary School Committee, to **transfer the care, custody, maintenance and control of the structure known as the Little Red School House, 21 Main Street from the Elementary School Committee to the Board of Selectmen;** or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and Elementary School Committee

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to pass over Article #16.

ARTICLE 17. To see if the Town will vote to amend its Town Bylaws by adding the new sections to Town Code Chapter 91 Fire Prevention:

Open burning of brush, cane, driftwood and forestry debris by homeowners on their property may be permitted by the Fire Chief or his/her designee during open burning season, which shall be from January 15 to May 1 of each year. Open burning permits may be issued at the sole discretion of the Fire Chief or his/her designee and may be suspended or revoked due to adverse weather conditions or failure of the permit holder to comply with the terms of this bylaw or any rules or regulations issued by the Fire Chief. Burning of stumps, construction materials, logs, large branches (greater than 4" in diameter), tires and trash are strictly prohibited. Open burning permits must be obtained in advance of any open burning and shall be valid for the open burning season. The holder of an open burning permit shall notify the Boxford Communications Department each day the homeowner intends to conduct an open burn. Open burning may only be conducted between 10 a.m. and 4 p.m., on the land closest to the source of material to be burned, must be seventy five feet from any

building, with a water supply such as a pressurized, functioning garden hose in close proximity, and must be attended by an adult until completely extinguished.

Failure to obtain a permit, extinguish the fire by the designated time, or comply with the terms of this bylaw or any open burning regulations may result in the assessment of a **fine of one hundred dollars (\$100)** each occurrence as permitted by Town Bylaws, or any other remedy as appropriate pursuant to M.G.L. Chapter 48, section 13.

And to amend the Town Code Chapter 1 §1-5(B) Noncriminal disposition of Bylaws - Specific Penalties by adding the following fine

Chapter 91 Fire Prevention
§ 91-3 Open Burning \$100

or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Fire Chief

A call to waiver the reading of Article 17 passed by unanimous voice vote.

Upon a motion made and duly seconded, it was VOTED by majority voice vote to amend the Town Bylaws by adding the new sections to Town Code Chapter 91 Fire Prevention:

*Open burning of brush, cane, driftwood and forestry debris by homeowners on their property may be permitted by the Fire Chief or his/her designee during open burning season, which shall be from January 15 to May 1 of each year. Open burning permits may be issued at the sole discretion of the Fire Chief or his/her designee and may be suspended or revoked due to adverse weather conditions or failure of the permit holder to comply with the terms of this bylaw or any rules or regulations issued by the Fire Chief. Burning of stumps, construction materials, logs, large branches (greater than 4" in diameter), tires and trash are strictly prohibited. Open burning permits must be obtained in advance of any open burning and shall be valid for the open burning season. The holder of an open burning permit shall notify the Boxford Communications Department each day the homeowner intends to conduct an open burn. Open burning may only be conducted between 10 a.m. and 4 p.m., on the land closest to the source of material to be burned, must be seventy five feet from any building, with a water supply such as a pressurized, functioning garden hose in close proximity, and must be attended by an adult until completely extinguished. Failure to obtain a permit, extinguish the fire by the designated time, or comply with the terms of this bylaw or any open burning regulations may result in the assessment of a **fine of one hundred dollars (\$100)** each occurrence as permitted by Town Bylaws, or any other remedy as appropriate pursuant to M.G.L. Chapter 48, section 13.*

And to amend the Town Code Chapter 1 §1-5(B) Noncriminal disposition of Bylaws - Specific Penalties by adding the following fine

*Chapter 91 Fire Prevention
§ 91-3 Open Burning \$100*

ARTICLE 18. To see if the Town will vote to amend its Town Bylaws by adding the following new section to Town Code Chapter 36: Town Meeting and Elections:

Any unexpended and unencumbered balance of an appropriation made for a specific purpose, except proceeds from bonds and notes, appropriations made for the purpose of meeting future liabilities and appropriations made to special purpose stabilization funds, shall revert to surplus revenue three years after the date the appropriation becomes available, unless a date is otherwise specified in the original appropriation vote; provided, however, that appropriations from specific funds, such as enterprise funds or the Community Preservation Fund, shall revert to such funds, respectively. Notwithstanding the provisions of the previous sentence, however, specific appropriations may (1) revert earlier to surplus revenue, enterprise fund, or the Community Preservation Fund, respectively, upon receipt of a statement from the department, board, or officer authorized to expend the same, subject to confirmation by the Town Accountant, that the specific purpose has been accomplished and that no liabilities remain; (2) be transferred to any other use in accordance with the provisions of M.G.L. c. 44, § 33B; or (3) be retained beyond the three year period, for such period or periods as the Board of Selectmen may deem appropriate on the Board's own initiative or upon written request of the department, board, or officer authorized to expend the same.

Sponsored and supported by the Finance Committee
Board of Selectmen supports adoption of this article

Upon a motion made and duly seconded, it was VOTED by majority voice vote to amend the Town Bylaws by adding the following new section to Town Code Chapter 36: Town Meeting and Elections:

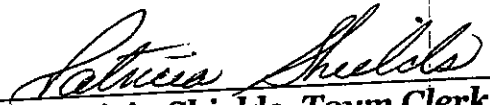
Any unexpended and unencumbered balance of an appropriation made for a specific purpose, except proceeds from bonds and notes, appropriations made for the purpose of meeting future liabilities and appropriations made to special purpose stabilization funds, shall revert to surplus revenue three years after the date the appropriation becomes available, unless a date is otherwise specified in the original appropriation vote; provided, however, that appropriations from specific funds, such as enterprise funds or the Community Preservation Fund, shall revert to such funds, respectively. Notwithstanding the provisions of the previous sentence, however, specific appropriations may (1) revert earlier to surplus revenue, enterprise fund, or the Community Preservation Fund, respectively, upon receipt of a statement from the department, board, or officer authorized to expend the same,

subject to confirmation by the Town Accountant, that the specific purpose has been accomplished and that no liabilities remain; (2) be transferred to any other use in accordance with the provisions of M.G.L. c. 44, § 33B; or (3) be retained beyond the three year period, for such period or periods as the Board of Selectmen may deem appropriate on the Board's own initiative or upon written request of the department, board, or officer authorized to expend the same.

ARTICLE 19. 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 Special Town Meeting at 12:30 pm. Voters present were 402.

A true record:


 Patricia Shields, Town Clerk

RAISE AND APPROPRIATE:

Article # 1 Masconomet Operational Assessment	\$11,212.00
Masconomet Debt Assessment	\$14,642.00
Essex County Retirement Assessment	\$11,990.00
Waste Collection	\$60,000.00
Board of Health	<u>\$ 6,443.00</u>
	\$104,287.00

APPROPRIATE:

	\$ 135,925.00
	<u>104,287.00</u>
	\$31,638.00

FREE CASH:

Article #2 – Unemployment Fund	\$20,000.00
Article #3 – New Police Cruiser	\$28,000.00
Article #7 – Solar Voltaic System/ Spofford School	<u>\$27,500.00</u>
	\$75,500.00

COMMUNITY PRESERVATION FUND:

Article #10 – Haynes Land Development (Undesignated Fund)	\$45,000.00
Article #11 – Haynes Community Housing (Reserve Fund)	\$5,000.00
Article #12 – Boston/North Recreational Trail Phase II (Article #22 ATM May 9, 2006)	\$8,500.00
Article #13 – Lincoln Hall Renovation Expense (FY09 estimated Revenues)	<u>\$1,925.00</u>
	\$60,425.00