

**TOWN OF BOXFORD**  
**ANNUAL TOWN MEETING MINUTES - MAY 12, 2009**

Before the start of Annual Town Meeting a memorial tribute was given to an outstanding member of the Boxford Athletic Association. **Richard Cashin**, Husband, Father, Son, State Trooper and Director of the 2008 Town Beach Committee. He will always be remembered for his dedication to his Family, State and the Town of Boxford. We Salute and Thank you.

The **2009 Citizenship Award** was given to **LuLa Gould** for her outstanding devotion to Council of Aging for the past thirty years of tireless volunteering. On July 25, 2009 Lu will celebrate her 90<sup>th</sup> Birthday. Happy Birthday and Thank you.

**Tri-Town Rotary Club Award** was presented to an outstanding community volunteer **Karen Sheridan** of Boxford. She is the 2009 recipient of this award for leadership qualities and service to the tri-town. Thank you.

*Voters of the Town of Boxford met @ the Masconomet Regional District High School on Tuesday, May 12, 2009. Annual Town Meeting was called to order @ 8:05 p.m. by Moderator Jerry Johnston.*

**Articles of the Annual Town Meeting were disposed of as follows:**

**ARTICLE 1.** To receive and place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed; or take any other action thereon.

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

**ARTICLE 2.** To see if the Town will authorize the establishment of the following revolving accounts as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each Fiscal Year:

1) **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 2010 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 2010 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 the Boxford Village library; and further to allow the Board of Library Trustees to expend fees not to exceed **\$5,000** for Fiscal Year 2010 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 2010 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 2010 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 2010 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;

7) **Town Building Rental Revolving Account** under the direction of the Board of Selectmen and used for the deposit of receipts collected from public use of the various town buildings; and further to allow the Board of Selectmen to expend fees not to exceed **\$10,000** for Fiscal Year 2010 from said account for the ongoing administrative expenses, portion of cleaning expenses, utilities, building maintenance and repairs; 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 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 2010, 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 and Supported by the Personnel Board  
Finance Committee recommends adoption of this article  
Board of Selectmen supports 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 2010, 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 2010, to wit: General Government, Financial Administration, Public Safety, Education, Public Works, Health & 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 \$25,483,458  
The proposed budget is printed on pages 18 and 19 of this warrant.  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to raise and appropriate \$25,088,497 and transfer \$13,571 from the "Receipts Reserved for Appropriation - Septic Loan Program" for a total appropriation of \$25,102,068, for the use of several departments for Fiscal Year 2010, to wit: General Government, Financial Administration, Public Safety Education, Public Works, Health & Human Services, Culture & Recreation, Employee Benefits, Debt Service, and all other necessary proper expenses during said fiscal year as printed in this warrant on pages 18 and 19 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.*

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to AMENDMENT budget line items as follows:

- to decrease the proposed FY 2010 budget for Non-School Debt Service by \$14,120 to \$985,366, and;
- to decrease the proposed FY 2010 budget for Elementary School Debt Service by \$367,270 to \$46,530;

The new Debt Service Total for FY 2010 to now read: **\$1,454,952.**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or authorize the Treasurer with the approval of the Selectmen to borrow the sum of **\$350,000** to fund the purchase of a **new 2,500 gallon pumper tanker vehicle for the Fire Department** to replace a 1986 pumper tanker vehicle, and to authorize the Selectmen to dispose of the old vehicle in any manner they deem appropriate, 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 supports adoption of this article  
Capital Budgeting Committee recommendation: "B" High Priority

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer \$147,871.83 from Free Cash, to transfer \$22,713 from the Overlay Released by the Assessors and to transfer \$179,415.17 of the unspent portion of a list of previous appropriations as shown on next page distributed at this town meeting; for a total appropriation of \$350,000 to fund the purchase of a new 2,500 gallon pumper tanker vehicle for the Fire Department to replace a 1986 pumper tanker vehicle, and to authorize the Board of Selectmen to dispose of the old vehicle in any manner they deem appropriate, said funds to be expended under the direction of the Board of Selectmen.*

1. Article#15 of the November 2, 1993 Special Town Meeting originally appropriated to replace the air conditioning in the Town Hall vault-\$2,806.01,
2. Article#27 of the May 10, 1994 Annual Town Meeting originally appropriated to establish a computerized water quality data base and to study septic runoff-\$629.13,
3. Article#44 of the May 9, 1995 Annual Town Meeting originally appropriated to transfer data on wells and septic systems to a computerized data base-\$5,000.00,
4. Article#19 of the October 22, 1996 Special Town Meeting originally appropriated for an evaluation study of indoor air quality & ventilation systems for the Cole and Spofford schools-\$1,193.75,

5. *Article#55 of the May 13, 1997 Annual Town Meeting originally appropriated for compensated absences-\$3,708.65,*
6. *Article#7 of the May 11, 1999 Special Town Meeting originally appropriated for temporary repair and a portion of the engineering costs for road reconstruction and drainage on Camp Wakanda Rd.-\$6,313.80,*
7. *Article#4 of the May 11, 1999 Special Town Meeting originally appropriated to study arsenic in the drinking water aquifer-\$3,400.00,*
8. *Article#5 of the October 26, 1999 Special Town Meeting originally appropriated to design a storm drainage system for a portion of Spofford Rd.-\$4,232.18,*
9. *Article#9 of the October 26, 1999 Special Town Meeting originally appropriated for landscape materials at Cargill Field-\$553.25,*
10. *Article#2 of the May 9, 2000 Special Town Meeting originally appropriated for design and construction of the landfill master drainage system-\$20,000.00,*
11. *Article#A13 of the May 9, 2000 Annual Town Meeting originally appropriated to install, repair and improve road drainage on Andrews Farm Rd.-\$6,938.15,*
12. *Article#C26 of the May 9, 2000 Annual Town Meeting originally appropriated for compensated absences-\$5,000.00,*
13. *Article#11 of the May 11, 2001 Annual Town Meeting originally appropriated for design of a sanitary disposal system at 28 Middleton Rd and a plotter printer-\$11,369.01,*
14. *Article#7 of the May 14, 2002 Annual Town Meeting originally appropriated for a medical rescue vehicle-\$10.55,*
15. *Article#6 of the May 13, 2003 Annual Town Meeting originally appropriated to purchase a fire department command vehicle-\$500.00,*
16. *Article#7 of the May 2003 Annual Town Meeting originally appropriated to repair the septic system at 28 Middleton Rd-\$3,562.00,*
17. *Article#8 of the October 26, 2004 Special Town Meeting originally appropriated for an engineering/architectural study for the basement of the West Boxford Library-\$500.00,*
18. *Article#11 of the May 10, 2005 Annual Town Meeting originally appropriated for retirement/sick bonuses-\$12,460.42,*

19. *Article#3 of the May 9, 2006 Special Town Meeting originally appropriated for reconstruction, renovation or replacement of the Town salt shed-\$786.23,*
20. *Article#6 of the May 9, 2006 Annual Town Meeting originally appropriated for independent evaluation of the emergency management practice drill and to purchase a fire utility pickup truck-\$2,427.58,*
21. *Article#18 of the May 9, 2006 Annual Town Meeting for partial funding of the Boxford Cultural Arts Council-\$1,169.20,*
22. *Article#4 of the October 24, 2006 Special Town Meeting originally appropriated to update the master plan of the Town-\$7,104.68,*
23. *Article#2 of the May 8, 2007 Special Town Meeting originally appropriated for land acquisition and associated legal costs for the Walker property-\$33,924.50,*
24. *Article#8 of the May 8, 2007 Annual Town Meeting originally appropriated to replace tires on various fire equipment, purchase a front end loader, purchase a dump truck and purchase a lawn mower-\$902.65,*
25. *Article#9 of the May 8, 2007 Annual Town Meeting originally appropriated for a feasibility study for a DPW garage and office-\$6,000.00,*
26. *Article#4 of the October 23, 2007 Special Town Meeting originally appropriated to purchase a police cruiser-\$1,992.86,*
27. *Article#5 of the October 23, 2007 Special Town Meeting originally appropriated to purchase and install guardrail at various locations on Main St. and Lily Pond Rd.-\$3,118.16,*
28. *Article#6 at the May 13, 2008 Annual Town Meeting originally appropriated for repairs to the irrigation well at Boy Scout Park and repairs to fire department Engine#2-\$2,661.20,*
29. *Article#13 of the May 13, 2008 Annual Town Meeting originally appropriated for a conceptual site plan for the land off Spofford Rd-\$25,000.00,*
30. *Article#14 of the May 13, 2008 Annual Town Meeting originally appropriated to construct an enclosed walkway between the DPW garage and office-\$3,540.96 and*
31. *Article#3 of the October 28, 2008 Special Town Meeting originally appropriated to purchase a police cruiser \$2,610.25*

*for a total appropriation of \$350,000 to fund the purchase of a new 2,500 gallon pumper tanker vehicle for the Fire Department to replace a 1986 pumper tanker vehicle, and to*

*authorize the Board of Selectmen to dispose of the old vehicle in any manner they deem appropriate, said funds to be expended under 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 **\$96,000** to fund the purchase of a **new 6-wheel dump/plow vehicle for the Department of Public Works** to replace a 1995 GMC 6-wheel dump/plow vehicle, and to authorize the Selectmen to dispose of the old vehicle in any manner they deem appropriate, 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 Budgeting Committee recommendation: "A" Essential

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to transfer from Free Cash, the sum of **\$96,000** to fund the purchase of a **new 6-wheel dump/plow vehicle for the Department of Public Works** to replace a 1995 GMC 6-wheel dump/plow vehicle, and to authorize the Selectmen to dispose of the old vehicle in any manner they deem appropriate, 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 total sum of **\$39,000** to fund various projects including \$20,000 for building maintenance of various town buildings, \$10,000 to fund new and replacement equipment for the Communications Department; and \$9,000 to fund an actuarial study for compliance with GASB 45 for the Finance Department; 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 Budgeting Committee recommendation on building  
maintenance request: "B" High Priority

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to transfer from Free Cash, the total sum of **\$39,000** to fund various projects including \$20,000 for building maintenance of various town buildings, \$10,000 to fund new and replacement equipment for the Communications Department; and \$9,000 to fund an actuarial study for compliance with GASB 45 for the Finance Department; said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 8.** 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 supports adoption of this article

Board of Selectmen supports adoption of this article

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NOTE: At this time, we anticipate that **Articles 9 & 10** will be offered as "contingent appropriations". This means that although the debt appropriation for the article could be approved at the Town Meeting, that appropriation would be fully contingent upon successful passage of a Proposition 2 ½ override ballot question. Should the override question fail, the appropriation would be rendered null and void.  
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*Upon a motion made and duly seconded, it was VOTED to set the annual curbside solid waste collection fee at \$2.50 per 32-gallon bag or container (each use).*

**ARTICLE 9.** To see if the Town will vote to appropriate \$470,000 for architectural, project management, engineering services and other related expenses necessary for the design development, permitting, and bidding of a new Boxford Village Library at 10 Elm Street; said design generally in accordance with the approved 2004 library construction grant application which will provide up to \$2,784,242 in state construction reimbursement; and that to fund said appropriation, to raise and appropriate, transfer from available funds and/ or authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$470,000; and further to authorize the Board of Library Trustees and the Permanent Non-School Building Committee to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect the design and permitting of said project; said funds to be expended under the direction of the Permanent Non-School Building Committee; or take any other action thereon.

Sponsored by the Trustees of the Boxford Libraries  
Finance Committee supports adoption of this article  
Board of Selectmen do not support the adoption of this article  
Capital Budget Committee Recommendation: "D" Does not recommend

*Upon a motion made and duly seconded, the AMENDMENT was VOTED "PASSED" by a greater than 2/3 voice vote to add the phrase "provided however that no funds shall have been borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts required to pay for any bonds or notes issued pursuant to this vote from the limitations of Chapter 59, Section 21C of the General Laws, Proposition 2 ½ so-called."*

*Upon a motion made and duly seconded, the ARTICLE FAILED to carry a 2/3 hand count (YES 239 and NO 161) that the sum of \$470,000 is hereby appropriated to pay costs of architectural, project management, engineering services and other related expenses necessary for the design development, permitting, and bidding of a new Boxford Village Library at 10 Elm Street; said design generally in accordance with the approved 2004 library construction grant application which will provide up to \$2,784,242 in state construction reimbursement; and that to fund said appropriation, the Treasurer, with the*



approval of the Board of Selectmen is authorized to borrow \$470,000 under and pursuant to Chapter 44, Section 7(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however that no funds shall be borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts required to pay for any bonds or notes issued pursuant to this vote from the limitations of Chapter 59, section 21C of the General Laws, Proposition 2 ½ so-called; and further, that the Board of Library Trustees and the Permanent Non-School Building Committee are each authorized to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect the design and permitting of said project, said funds to be expended under the direction of the Permanent Non-School Building Committee.

**ARTICLE 10.** To see if the town will vote to raise and appropriate, transfer from available funds and/ or authorize the Treasurer, with the approval of the Board of Selectmen to borrow **\$250,000 for architectural, engineering, permitting, bidding, and all other related expenses to design and permit the renovation and expansion of 188 Washington Street to serve as a new Senior Center;** said funds to be expended under the direction of the Permanent Non-School Building Committee; or take any other action thereon.

Sponsored by the Council on Aging  
Finance Committee does not support adoption of this article  
Board of Selectmen does not support adoption of this article  
Capital Budget Committee Recommendation: "D" Does not recommend

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

*Upon motion made and duly seconded, the article was VOTED "DEFEATED" by hand count (YES 93 and NO 116) that the sum of \$250,000 is hereby appropriated to pay the costs of architectural, engineering, permitting, bidding, and all other related expenses to design and permit the renovation and expansion of 188 Washington Street to serve as a new Senior Center; and that to fund said appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$250,000 under and pursuant to Chapter 44, Section 7(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however that no funds shall be borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts required to pay for any bonds or notes issued pursuant to this vote from the limitations of Chapter 59, section 21C of the General Laws, Proposition 2 ½ so-called; and further, that the Board of Selectmen and the Permanent Non-School Building Committee are each authorized to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect the design and permitting of said project, said funds to be expended under the direction of the Permanent Non-School Building Committee.*

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to adjourn this Town Meeting to a time certain, namely Wednesday, May 13, 2009 @ 7:30p.m.at Masconomet Regional District School 20 Endicott Road, Boxford,MA.*

*Annual Town Meeting night #2 was called to order @ 7:35 p.m. by Moderator, Jerry Johnston.*

*The articles were disposed of as follows:*

**ARTICLE 11.** To see if the Town will vote to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise, **permanent easements and temporary construction easements for a culvert repair project** near 26 Topsfield Road as shown as a plan entitled, "Permanent and Temporary Construction Easements Topsfield Road", 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

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Board of Selectmen to accept and acquire by purchase, gift, eminent domain or otherwise, permanent easements and temporary construction easements for a culvert repair project near 26 Topsfield Road as shown as a plan entitled, "Permanent and Temporary Construction Easements Topsfield Road", said plan and proposed easement on file with the Town Clerk.*

**ARTICLE 12.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$20,000** to replenish the **Town Unemployment Fund**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored 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 replenish the Town Unemployment Fund, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 13.** 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 2010, with each item to be considered a separate appropriation:

**Appropriations:**

From FY 2010 estimated revenues for Sawyer-Richardson Open Space Bond expense	\$247,156
From FY 2010 estimated revenues for Lincoln Hall Historic Renovation Bond expense	\$64,875
From FY 2010 estimated revenues for Haynes Land Purchase Bond expense	\$170,500
From FY 2010 estimated revenues for Committee Administrative Expenses	\$35,250

**Reserves:**

From FY 2010 estimated revenues for Historic Resources Reserve	\$5,625
From FY 2010 estimated revenues for Community Housing Reserve	\$ 70,500
From FY 2010 estimated revenues for Budgeted Reserve	\$100,000

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 a 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 2010, with each item to be considered a separate appropriation:*

**Appropriations:**

From FY 2010 estimated revenues for Sawyer-Richardson Open Space Bond expense	\$247,156
From FY 2010 estimated revenues for Lincoln Hall Historic Renovation Bond expense	\$64,875
From FY 2010 estimated revenues for Haynes Land Purchase Bond expense	\$170,500
From FY 2010 estimated revenues for Committee Administrative Expenses	\$35,250

Reserves:

From FY 2010 estimated revenues for Historic Resources Reserve	\$ 5,625
From FY 2010 estimated revenues for Community Housing Reserve	\$70,500
From FY 2010 estimated revenues for Budgeted Reserve	\$100,000

**ARTICLE 14.** To see if the Town will vote to charge for each written demand issued by the Collector of Taxes a fee of \$10.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective July 1, 2009; 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 charge for each written demand issued by the Collector of Taxes a fee of \$10.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective July 1, 2009.*

**ARTICLE 15.** 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) and section 192-8 (proposed language in bold and underlined):

s. 192-5(A): 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~~ **250** 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.

s. 192-8: Abutter - The owner of any property any portion of which lies within ~~500~~ **250** 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 the pond association if in existence.

or take any other action thereon

Sponsored by the Conservation Commission

*Upon a motion made and duly seconded, it was **VOTED** by **majority voice vote** to amend the Wetlands Protection Bylaw, Town Code, Chapter 192 by inserting language in section 192-5(A) and section 192-8 as shown in Article #15 of this warrant (proposed language in bold and underlined).*

**ARTICLE 16.** To see if the Town will vote to accept the following roads described below, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift: said plans on file with the Town Clerk:

**Holmes Road** in its entirety, from Station 0+00 to Station 16+01.11 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds;

**Stone Road** in its entirety, from Station 0+00 to Station 6+93.70 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds;

**Wildmeadow Road** in its entirety, from Station 0+00 to Station 40+33.51 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds;

or take any other action thereon.

Sponsored by the Planning Board  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was **VOTED** by a **greater than 2/3 voice vote** to accept the following roads described in Article #16 of this warrant, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift: said plans on file with the Town Clerk.*

**Holmes Road** in its entirety, from Station 0+00 to Station 16+01.11 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds;

**Stone Road** in its entirety, from Station 0+00 to Station 6+93.70 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds;

*Wildmeadow Road in its entirety, from Station 0+00 to Station 40+33.51 as shown on a plan entitled, "Subdivision Plan of Boxford Meadows in Boxford, MA owned by Abbott-Forbes LTD, dated October 6, 1976, by Essex Survey Service, Inc." and recorded in Essex South Registry of Deeds.*

**ARTICLE 17.** To see if the Town will vote to amend its Zoning Bylaw, Town Code, Chapter 196 by inserting the following new section "F" to §196-13 as follows:

**F. Small Wind Turbine Systems.**

1. The purpose of this by-law is to allow for streamlined and efficient permitting process to allow for small wind systems.
2. Small wind systems shall be those systems no greater than 60 kilowatts of rated name plate capacity proposed to be constructed after the effective date of this section.
3. Definitions
  - a. **Height:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.
  - b. **Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
  - c. **Small Wind Energy System:** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 60 kW or less.
  - d. **Wind turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.
4. General Requirements.
  - a. **Special Permit.** No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the Zoning Board of Appeals.
  - b. All such wind energy systems shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. Such permits may also impose reasonable conditions, safeguards

and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the small wind energy system, should they occur.

- c. Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.
- d. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### 5. General Siting, Design, Lighting and Sign Standards

- a. Setbacks. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all inhabited structures, overhead utility lines, public road or right of way and property boundaries. The Board may reduce the minimum setback distance if written permission is granted by the entity with care and control over the affected asset.
- b. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the Special Permit.
- c. Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- d. Signage and Advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the town sign regulations.

#### 6. Safety, Aesthetic and Environmental Standards.

- a. Unauthorized Access. Wind turbines or other structures part of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

- b. Noise. The small wind energy system and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Permit Granting Authority agree that those provisions shall not be applicable.
  - c. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations, and ordinances.
7. Monitoring and Maintenance. The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.
8. Abandonment or Decommissioning.
- a. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed.
  - b. A small wind energy system shall be considered abandoned when it fails to operate for one year. Upon a Notice of Abandonment issued by the Building Inspector, the small wind energy system owner will have 30 days to provide sufficient evidence that the system has not been abandoned or the town shall have the authority to enter the owner's property and remove the system at the owner's expense.
9. Permit Process, Requirements & Enforcement. The building permit application shall be accompanied by deliverables including the following:
- a. A plot plan showing:
    - i. Property lines and physical dimensions of the subject property within 2 times the total height from the tower location;
    - ii. Location, dimensions, and types of existing major structures on the property;
    - iii. Location of the proposed wind system tower, foundations, guy anchors and associated equipment;
    - iv. The right-of-way of any public road that is contiguous with the property;
    - v. Any overhead utility lines.
  - b. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).



- c. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- d. Tower blueprint or drawing signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- e. Expiration. A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or the small wind energy system is abandoned.

10. Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.

11. Penalties. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by applicable law.

12. Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Boxford; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

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

Upon a motion made and duly seconded, it was **VOTED by a greater than 2/3 hand count (YES 145 NO 12)** to amend the Town's Zoning Bylaw, Town Code, Chapter 196 by inserting the a new section "F" to §196-13 as shown on a printed handout distributed and amended at this town meeting and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Boxford.

*F. Small Wind Energy Systems.*

- 1. The purpose of this by-law is to allow for streamlined and efficient permitting process to allow for small wind energy systems.*

2. *Small wind energy systems shall be those systems no greater than 60 kilowatts of rated name plate capacity proposed to be constructed after the effective date of this section.*

3. *Definitions.*

- a. *Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.*
- b. *Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.*
- c. *Small Wind Energy System: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity of 60 kW or less.*
- d. *Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.*

4. *General Requirements.*

- a. *Special Permit. No small wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the Zoning Board of Appeals.*
- b. *All such wind energy systems shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the small wind energy system, should they occur.*
- c. *Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed small wind energy systems shall comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.*
- d. *Utility Notification. No small wind energy system shall be installed until evidence has been given to the Building Inspector that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.*

5. *General Siting, Design, Lighting and Sign Standards.*

- a. *Setbacks. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all inhabited structures, overhead utility lines, public road or right of way and property boundaries. The Board may reduce the minimum setback distance if written permission is granted by the owners of the property or properties which abuts the property line from which the setback would be reduced.*
- b. *Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the Special Permit.*
- c. *Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.*
- d. *Signage and Advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the town sign regulations.*

6. *Safety, Aesthetic and Environmental Standards.*

- a. *Unauthorized Access. Wind turbines or other structures part of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.*
  - b. *Noise. The small wind energy system and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Permit Granting Authority agree that those provisions shall not be applicable.*
  - c. *Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and is otherwise prescribed by applicable laws, regulations, and ordinances.*
7. *Monitoring and Maintenance. The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures. The applicant shall provide*

*the Town with contact information, including emergency contact notification, to be used for all correspondence and communications regarding the wind energy system and the applicant shall ensure such contact information is accurate and updated.*

#### *8. Discontinuance and Removal.*

*a. Any wind energy facility not used for a period of two years or more without written permission from the special permit granting authority, or that has reached the end of its useful life, shall be considered discontinued, and shall be removed. When an applicant intends to decommission and/or remove a wind energy facility, the applicant shall notify the Zoning Enforcement Officer and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind energy facility no more than 150 days after the date of discontinued operations. At the time of removal, the affected portion of the site shall be restored as near as possible to the state it was in before the facility was constructed, unless put to another legally authorized, active use. Decommissioning and removal shall consist of:*

- 1. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.*
- 2. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.*
- 3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Enforcement Officer may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.*
- 4. Upon request, the applicant shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the wind energy facility. Failure to provide such evidence within thirty days of a written request from the Zoning Enforcement Officer addressed to the contact address provided and maintained by the applicant as required above shall be conclusive evidence that the wind energy facility has been discontinued.*
- 5. If the applicant fails to remove the wind energy facility in accordance with the requirements of this section, the town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and remove the facility at the expense of the facility owner and the owner(s) of the site on which the facility is located.*

#### *9. Permit Process, Requirements & Enforcement.*

(a) *The building permit application shall be accompanied by deliverables, including the following:*

1. *A plot plan showing:*

[a] *Property lines and physical dimensions of the subject property within 2 times the total height from the tower location;*

[b] *Location, dimensions, and types of existing major structures on the property;*

[c] *Location of the proposed wind system tower, foundations, guy anchors and associated equipment;*

[d] *The right-of-way of any public road that is contiguous with the property;*

[e] *Any overhead utility lines.*

2. *Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).*

3... *Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.*

4. *Tower blueprint or drawing signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.*

a. *Expiration. A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or the small wind energy system is abandoned.*

(10) *Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.*

(11) *Penalties. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by applicable law.*

(12) *Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.*

*and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Boxford.*

**ARTICLE 18.** To see if the Town will vote to amend its Zoning Bylaw, Town Code, Chapter 196 and correct a sequencing error by re-titling section "D – Farm Stand Activities" to now be section "E – Farm Stand Activities", or take any other action thereon.

Sponsored by the Town Clerk

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to PASSOVER Article 18.*

**ARTICLE 19.** The purpose of this Initiative Petition is to adopt a procedure for Boxford citizens to recall elected government officials under certain circumstances in the best interest of continuing good town governance and democracy. This Initiative Petition seeks to establish a recall procedure outlined below which has been adopted by many other Massachusetts towns, including Groveland and Georgetown, and to obtain the approval of the Massachusetts state legislature or any other government agency as necessary, or take any other action thereon.

### **AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BOXFORD.**

**SECTION 1.** Any holder of an elective office in the Town of Boxford ("Town") may be recalled there from by the registered voters of the Town as herein provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

**SECTION 2.** Two hundred registered voters of the Town may file an affidavit with the Town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. Within (five) working days of receipt of the affidavit the Town clerk shall thereupon issue a set of formal recall petitions to be distributed by either the Town Clerk or the petitioners of the recall. The forms are numbered and given the Town Clerk's official seal and are addressed to the board of selectman demanding the recall. The Town Clerk or the petitioners must fill out the top of the forms, naming the officer and the grounds for recall. In addition the petitions shall demand the election of a successor to the office. A copy of the petition shall be reviewed for completeness by the Town Clerk and entered in a record book to be kept in the office of the Town clerk. The Town's registered voters then have thirty (30) days to return and file their recall petition with the Town clerk. To go forward with the recall the Town Clerk must receive recall petition forms containing the signatures, names and street addresses of at least 15 per cent of the registered voters of the Town who voted in the last election. Within five (5) working days of receipt, the Town clerk shall submit the petition to the registrars of

voters in the Town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the Town.

**SECTION 3.** If the petition shall be found and certified by the Town clerk to be sufficient, it shall be submitted with his or her certificate to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days, the Board of Selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate, but if any other Town election is scheduled to occur within 100 days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

**SECTION 4.** An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy, and unless the officer requests otherwise in writing, the Town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this section.

**SECTION 5.** The incumbent shall continue to perform the duties of his or her office until the recall election. If the incumbent is not removed, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he or she shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall thereupon be considered removed and the office vacant.

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

For the recall of (name of officer) { }

Against the recall of (name of officer) { }

Immediately at the right of each proposition there shall be a designated place for voters to vote for either of the propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws, and beneath this, the names of candidates nominated as hereinbefore provided.

If a majority of votes on the question is against the recall, the ballots for candidates need not be counted or take any action relative thereto. If a majority of the votes cast upon the question of recall is in favor of the recall, the officer shall be recalled and the ballots for candidates shall be counted. The candidate receiving the highest number of votes shall be declared elected.

**SECTION 7.** A recall petition shall not be filed against an officer within 3 months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the Town.

**SECTION 8.** A person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall not be appointed to any Town office within 2 years after the recall or resignation.

Sponsored by Initiative Petition

The purpose of this Initiative Petition is to create a procedure for the citizens of Boxford to vote on regulations proposed by the Board of Health effecting agriculture.

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to move Article 19 as printed in the warrant.*

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to withdraw amendments #1, #2, #3 and 4#.*

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

*Upon a motion made and duly seconded, amendment #5 was VOTED by majority voice vote to strike Article 19 as printed and replace it with new wording:*

*To direct the board of Selectmen to form an ADHOC committee to study a recall process for elected officials and to make recommendations at the next town meeting. The members shall be comprised of the petitioner, a petitioner designee and three other members appointed by the Board of Selectmen.*

**ARTICLE 20.** To see if the people of the Town desire to authorize their respective representatives of the House and Senate to take all actions necessary to enact the following legislation;

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

All bylaws and regulations affecting agriculture, the keeping and care of farm animals, agricultural structures and fencing, promulgated by the Boxford Board of Health, with exception to orders issued to abate a nuisance, emergencies affecting public health or safety within the Town of Boxford, come before Town Meeting for a vote, retroactive April 1, 2009

*or be made therein without departing from the spirit and intent.*



Sponsored by Initiative Petition

Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to move Article 20 as printed in the warrant.

Upon a motion made and duly seconded, the motion to call the question was **DENIED**.

Upon a motion made and duly seconded, the second motion to call the question was **PASSED** by majority voice vote.

Upon a motion made and duly seconded, it was **VOTED PASSED** by hand count of **YES 98 and No 71** to authorize their respective representatives of the House and Senate to take all actions necessary to enact the following legislation; Be it enacted by Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

All bylaws and regulations affecting agriculture, the keeping and care of farm animals, agricultural structures and fencing, promulgated by the Boxford Board of Health, with exception to orders issued to abate a nuisance, emergencies affecting public health or safety within the Town of Boxford, come before Town Meeting for a vote, retroactive April 1, 2009 or be made therein without departing from the spirit and intent.

**Article 21** To transact any other business that may legal come before said meeting.

Upon a motion made and duly seconded, it was **VOTED** to dissolve town meeting @ 10:00p.m.

First night of Annual Town Meeting attendance was 430 registered voters and night two attendance was 172 registered voters.

A True Record:

  
Patricia Shields, Town Clerk

**RAISE AND APPROPRIATE:**

Article #4 Town Budget FY 2010 \$25,088,497.00

**FREE CASH:**

Article #5 \$ 147,871.83 New pumper/tanker Fire Dept  
Article #6 \$ 96,000.00 Dump/plow vehicle  
Article #7 \$ 39,000.00 Maintenance town buildings  
Article #12 \$ 20,000.00 Town Unemployment Fund

**OTHER AVAILABLE FUNDS:**

Article #5 \$ 22,713.00 Assessors' Overlay Release  
Article #5 \$ 179,415.17 Old article appropriations  
Article #4 \$ 13,571.00 Septic Loan Program

**REVOLVING ACCOUNTS:**

Article #2 \$ 145,000.00 Recycling, Printing, Library Photocopy,  
Conservation, Highway Safety, Council  
on Aging, & Town Building Rental.

**COMMUNITY PRESERVATION FUNDS:**

Article #13 \$693,906.00

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**BORROWING: FAILED      Proposition 2 ½ override ballot question: FAILED**

Article #9      New Boxford Village Library      (\$470,000)  
Article #10      New Senior Center      (\$250,000)

**TOWN OF BOXFORD**  
**SPECIAL TOWN MEETING – October 27, 2009**

Before the start of Special Town Meeting the newly formed Library Solution Team gave an explanation of their charge and the Finance Committee reported on what the Town's state of affairs would be upon completion of this special town meeting.

**Voters of the Town of Boxford met @** Masconomet Regional District High School on Tuesday, October 27, 2009. Moderator, Jerry Johnston, called the special town meeting to order @ 7:25 pm.

**Articles for 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 **\$3,000** and amend the FY 2010 budget appropriations voted in Article #4 of the May 12, 2009 Annual Town Meeting and **INCREASE the Municipal Finance Departments' line item** by said \$3,000; **to fund annual lease payments for a replacement photocopy machine in the Town Hall**, 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 raise and appropriate the sum of \$3,000 and amend the FY 2010 budget appropriations voted in Article #4 of the May 12, 2009 Annual Town Meeting and INCREASE the Municipal Finance Departments' line item by said \$3,000; to fund annual lease payments for a replacement photocopy machine in the Town Hall.***

**SPECIAL TOWN MEETING MINUTES – October 27, 2009**

*Upon a motion made and duly seconded, it was **VOTED by unanimous voice vote to take action on an article in this warrant out of order, specifically to take action on Article #19 immediately upon completion of Article #10.***

**ARTICLE 2.** 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 Ipswich Road, known as the Stevens Pond 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 August 4, 2009", 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

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 Ipswich Road, known as the Stevens Pond 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 August 4, 2009", 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 3.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$4,500 to install and replace equipment at the Stevens Pond dry hydrant**, and other related expenses as necessary, 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 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 **\$4,500 to install and replace equipment at the Stevens Pond dry hydrant**, and other related expenses as necessary, funds to be expended under the direction of the Board of Selectmen.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$12,000 to install exhaust fans and louvers and to repair and replace portions of the rear exterior wall of the Department of Public Works**, and other related expenses as necessary, 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 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 **\$12,000 to install exhaust fans and louvers and to repair and replace portions of the rear exterior wall of the Department of Public Works**, and other related expenses as necessary, 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 **\$47,000 for a replacement DPW one-ton dump body truck with plow**, 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 recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from Free Cash, the sum of \$47,000 for a replacement DPW one-ton dump body truck with plow, 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 6.** To see if the Town will vote to authorize the Board of Selectmen to seek approval to subdivide, and to 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 a 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 7, 2009, containing 36.2 acres more or less, to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care, custody and control of the Boxford Conservation Commission to be used 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 7, 2009, containing 25.9 acres more or less, to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care, custody and control of the Board of Selectmen, to be used 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 7, 2009, containing 13.4 acres more or less, to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care custody and control of the Board of Selectmen to be used 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; and (4) passive recreational trails 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.

*Amendment #1 to Article # 6 was VOTED by hand count 118 in Favor and 178 Opposed. Upon a motion made and duly seconded, the amendment was DEFEATED.*

*Amendment #2 to Article #6 was VOTED to PASS OVER.*

*Upon a motion made and duly seconded, it was VOTED "PASSED" by a show of hand to allow discussion on both Article # 6 & Article #7.*

*Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to call for a vote on Article #6.*

*Upon a motion made and duly seconded, it was VOTED by hand count of (YES -255 NO-40) to end discussion on Article #6.*

*Upon a motion made and duly seconded, it was VOTED "DEFEATED" by a greater than 2/3 hand count of ( 201 YES - 111 NO) to authorize the Board of Selectmen to seek approval to subdivide, and to 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 a 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 7, 2009, containing 36.2 acres more or less, to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care, custody and control of the Boxford Conservation Commission to be used 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 7, 2009, containing 25.9 acres more or less, to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care, custody and control of the Board of Selectmen, to be used 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 7, 2009, containing 13.4 acres more or less, Special Town Meeting - October 27, 2009 to be transferred from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the care custody and control of the Board of Selectmen to be used 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; and (4) passive recreational trails for use by the public.*

**ARTICLE 7.** To see if the Town will vote to transfer from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the Board of Selectmen for community housing purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to convey and transfer any or all of the Town's interest in a portion of land designated for Community Housing as shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 7, 2009, containing 13.4 acres more or less, being a portion of 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 to a selected developer and contractor for the purpose of construction and sale of community housing pursuant to the Community Preservation Act (M.G.L. ch. 44B); said conveyance and transfer contingent upon said developer obtaining regulatory approval and financing for said construction, and to authorize the Board of Selectmen to enter into all agreements, including binding contracts and purchase and sale agreements

and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said conveyance and transfer; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to "PASSOVER" Article #7. To transfer from the care, custody and control of the Board of Selectmen as currently held for one or more of the purposes authorized under the Community Preservation Act to the Board of Selectmen for community housing purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to convey and transfer any or all of the Town's interest in a portion of land designated for Community Housing as shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 7, 2009, containing 13.4 acres more or less, being a portion of 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 to a selected developer and contractor for the purpose of construction and sale of community housing pursuant to the Community Preservation Act (M.G.L. ch. 44B); said conveyance and transfer contingent upon said developer obtaining regulatory approval and financing for said construction, and to authorize the Board of Selectmen to enter into all agreements, including binding contracts and purchase and sale agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said conveyance and transfer.*

**ARTICLE 8.** To See if the Town will vote to transfer the care, custody, management and control of the town owned land on Middleton Road known as the Haynes land, acquired by the Town by vote of Special Town Meeting of October 23, 2007 (Article 13), and more fully described in an Order of Taking recorded at the Essex South Registry of Deeds in Book 27401, Page 149, to the Board of Selectmen to be held for purposes of open space and recreational use, or take any other action thereon.

Sponsored by Initiative Petition  
Board of Selectmen does not recommend adoption of this article  
Community Preservation Act Committee does not recommend adoption of this article

*Upon a motion made and duly seconded, it was VOTED "FAILED" by a hand count of 104 YES -133 NO" not to transfer the care, custody, management and control of the town owned land on Middleton Road known as the Haynes land, acquired by the Town by vote of Special Town Meeting of October 23, 2007 (Article 13), and more fully described in an Order of Taking recorded at the Essex South Registry of Deeds in Book 27401,*



Page 149, to the Board of Selectmen to be held for purposes of open space and recreational use, or take any other action thereon.

*The above motion was moved as written in the warrant.*

**ARTICLE 9.** To see if the Town will vote to appropriate \$10,000 from the Budgeted Reserve of the Community Preservation Fund to fund consulting services and field work associated with the preparation and presentation to the Boxford Conservation Commission of an application by the Haynes Land Committee for a wetland resource area delineation of 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 Haynes Land Study Committee  
and Community Preservation Committee  
Board of Selectmen recommends adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budget Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED "PASSED" by a greater than majority voice vote to appropriate \$10,000 from the Budgeted Reserve of the Community Preservation Fund to fund consulting services and field work associated with the preparation and presentation to the Boxford Conservation Commission of an application by the Haynes Land Committee for a wetland resource area delineation of the Haynes Land, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.*

**ARTICLE 10.** 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, (adoption 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  
Board of Selectmen does not recommend adoption of this article  
Community Preservation Act Committee does not recommend adoption of this article

*Upon a motion made and duly seconded, it was VOTED "DEFEATED" by voice vote pursuant to M.G.L. ch. 44B § 16, 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, (adoption 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.*

*Motion was moved as written in the warrant.*

**ARTICLE 19.** 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 a recall provision for elected officials in the Town of Boxford; 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. The purpose of this home rule petition is to adopt a procedure for Boxford citizens to recall elected government officials under certain circumstances in the best interest of continuing good town governance and democracy. This home rule petition seeks to establish a recall procedure, as has been adopted by many other Massachusetts towns, and to obtain the approval of the Massachusetts Legislature, or any other government agency as necessary:

**AN ACT PROVIDING FOR  
RECALL ELECTIONS IN THE TOWN OF BOXFORD.**

**SECTION 1 - PURPOSE:** To establish a procedure for Boxford citizens to recall elected government officials in the best interest of continuing good town governance and democracy.

**SECTION 2 - GROUNDS:** Any holder of an elective office in the Town of Boxford ("Town") may be recalled from office for any reason by the registered voters of the Town.

**SECTION 3 - INITIAL RECALL AFFIDAVIT:** An Initial Recall Affidavit signed by at least two hundred registered voters of the Town containing their names and addresses may be filed with the Town Clerk. That initial recall affidavit must contain the name of the officer and the office sought to be recalled and a statement of the grounds for recall.

**SECTION 4 - RECALL PETITION:** Within fourteen (14) calendar days of receipt of the Initial Recall Affidavit, the Board of Registrars of Voters shall (1) verify the signatures on the Initial Recall Affidavit and (2) the Town Clerk shall thereupon deliver to the voters making the Affidavit a formal numbered printed Recall Petition sheet and given the Town Clerk's official seal, and addressed to the board of selectman demanding the recall. The Town Clerk shall fill out the top portion of each Recall Petition sheet naming the elected official, the grounds for recall as stated in the petition, the names of the first ten voters signing the Affidavit, and shall demand the election of a successor to the office. A copy of the Recall Petition shall be reviewed for completeness by the Town Clerk and entered in a record book to be kept in the office of the Town Clerk.

The Town's registered voters making the initial Affidavit then have thirty (30) days from the date of delivery of the Recall Petition sheets in which to file their signed Recall Petition sheets with the Town Clerk.

To go forward with the recall election, the Town Clerk must receive by the (30) day deadline noted above the required number of signed Recall Petition sheets containing the signatures, names and street addresses of at least 12.5 per cent of the registered voters of the Town as of the date the signed Recall Petition sheets are delivered Town Clerk.

Within five (5) working days of receipt, the Town Clerk shall submit the Recall Petition sheets to the Board of Registrars of Voters, and the Board of Registrars of Voters shall forthwith certify thereon the number of signatures which are names of registered voters of the Town.

**SECTION 5-SCHEDULING OF ELECTION:** If the total Recall Petition sheets shall be found and certified by the Town Clerk to be sufficient, it shall be submitted with the certificate of the Town Clerk to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given from the Selectmen, then the Board of Selectmen shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after the date the election is called after receipt of the certificate, but if any other Town election is scheduled to occur within 100 days after the date of said certificate, the Board of Selectmen may postpone the holding of the recall election to the date of such other election and may include the question of recall on the ballot for such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

**SECTION 6 – CANDIDATE:** An officer sought to be removed may be a candidate to succeed him or her in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the Town Clerk shall place his or her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the law relating to elections, unless otherwise provided in this section.

**SECTION 7 –PERFORMANCE OF DUTIES DURING PROCESS:** The incumbent shall continue to perform the duties of his or her office until the recall election. If the incumbent is not removed, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he or she shall be considered removed from office immediately and the office vacant.

**SECTION 8 –BALLOTS:** Ballots used in a recall election shall contain the following question:

<i>Example</i>	YES	NO
Shall <i>(insert name and office)</i> be recalled from office.		

Immediately at the right of the proposition, there shall be a designated place for voters to vote for or against the proposition.

Following the proposition shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" appears the names of candidates nominated as hereinbefore provided.

If the majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In such an instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates need not be counted.

**SECTION 9 -TIME LIMITS:** An initial recall affidavit shall not be filed against an officer within 3 months after he or she takes office or within the last 3 months of his or her term; nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters of the Town.

**SECTION 10 -PROHIBITION PERIOD:** A person who has been recalled from an office or who has resigned from office while a recall petition was pending against him or her shall not be appointed to any Town office within 2 years after the recall or resignation.  
or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and Recall Study Committee.

*Three amendments to Article #19 were all "DEFEATED" by a majority voice vote.*

*Upon a motion made and duly seconded, it was VOTED "PASSED" by a hand count of (YES 90 - NO 65) to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth in article #19 of this Special Town Meeting Warrant, authorizing a recall provision for elected officials in the Town of Boxford; 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. The purpose of this home rule petition is to adopt a procedure for Boxford citizens to recall elected government officials under certain circumstances in the best interest of continuing good town governance and democracy. This home rule petition seeks to establish a recall procedure, as has been adopted by many other Massachusetts towns, and to obtain the approval of the Massachusetts Legislature, or any other government agency as necessary.*

**ARTICLE 11.** To see if the Town will raise and appropriate or transfer from available funds, the sum of \$90,237 and amend the FY 2010 budget appropriations voted in Article #4 of the May 12, 2009 Annual Town Meeting and **INCREASE the Masconomet Operational Assessment line item by \$106,826 and DECREASE the Masconomet Debt**

Assessment line item by \$16,589; and thereby approve the district certified budget as amended September 16, 2009, or take any other action thereon.

Sponsored and supported by the Masconomet Regional School District  
Committee

Board of Selectmen to make recommendation at Town Meeting

Finance Committee to make recommendation at Town Meeting

*By a motion made and duly seconded, it was VOTED by unanimous voice vote to "PASSOVER" Article #11.*

**ARTICLE 12.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$39,000 and amend the FY 2010 budget appropriations voted in Article #4 of the May 12, 2009 Annual Town Meeting and **INCREASE the Finance Committee Reserve line item** by said \$39,000; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from Free Cash, the sum of \$39,000 and amend the FY 2010 budget appropriations voted in Article #4 of the May 12, 2009 Annual Town Meeting and INCREASE the Finance Committee Reserve line item by said \$39,000.*

**ARTICLE 13.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$7,000 to supplement a site assessment studying the potential placement of a municipal wind turbine system within the Town of Boxford, and other related expenses as necessary, 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 recommends adoption of this article

Upon a motion made and duly seconded, it was **VOTED by unanimous voice vote** to call the vote on **Article #13.**

*Upon a motion made and duly seconded, it was VOTED "PASSED" by a show of hands to transfer from Free Cash, the sum of \$7,000 to supplement a site assessment studying the potential placement of a municipal wind turbine system within the Town of Boxford, and other related expenses as necessary, funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 14.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$11,000 to repair and replace portions of the roof at the Elm

**Street Library**, and other related expenses as necessary, funds to be expended under the direction of the Board of Library Trustees; or take any other action thereon.

Sponsored and supported by the Board of Library Trustees  
Board of Selectmen recommends adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budget Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from Free Cash, the sum of \$11,000 to repair and replace portions of the roof at the Elm Street Library, and other related expenses as necessary, funds to be expended under the direction of the Board of Library Trustees.*

**ARTICLE 15.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,000 to install a water heater at the Elm Street Library, and other related expenses as necessary, funds to be expended under the direction of the Board of Library Trustees; or take any other action thereon.

Sponsored and supported by the Board of Library Trustees  
Board of Selectmen recommends 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 from Free Cash, the sum of \$2,000 to install a water heater at the Elm Street Library, and other related expenses as necessary, funds to be expended under the direction of the Board of Library Trustees.*

**ARTICLE 16.** To see if the Town will vote to appropriate \$44,668 from the Historic Resources Reserve of the Community Preservation Fund and \$5,332 from the Budgeted Reserve, for a total of \$50,000, to fund the historic preservation of the Cummings House (original East Library building) consisting of the preservation of twenty-one windows including replacement shutters, and the preservation of a front entry way, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Board of Library Trustees and Community Preservation Comm.  
Board of Selectmen recommends adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budget Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$36,000 from the Historic Resources Reserve of the Community Preservation Fund to fund the historic preservation of the Cummings House (original East Library building) consisting of the preservation of twenty-one windows including*

*replacement shutters, and the preservation of a front entry way, such funds to be expended under the direction of the Community Preservation Committee.*

**ARTICLE 17.** To see if the Town will vote to approve the expenditure of **\$5,500 from the unspent portion of the Lincoln Hall Historic Rehabilitation funds** as previously appropriated for this same purpose by vote taken at Boxford Town Meeting held October 23, 2007 under Article #14 as later supplemented by subsequent vote of the Town to fund the **preparation of architectural plans and construction documents** for the rehabilitation of the kitchen in Lincoln Hall, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Community Preservation Committee

Finance Committee does not recommend adoption of this article

Capital Budgeting no vote.

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to approve the expenditure of \$5,500 from the unspent portion of the Lincoln Hall Historic Rehabilitation funds as previously appropriated for this same purpose by vote taken at Boxford Town Meeting held October 23, 2007 under Article #14 as later supplemented by subsequent vote of the Town to fund the preparation of architectural plans and construction documents for the rehabilitation of the kitchen in Lincoln Hall, such funds to be expended under the direction of the Community Preservation Committee.*

**ARTICLE 18.** To see if the Town will vote to accept the provisions of Mass General Laws, Chapter 32, Section 4(2)(b1/2), under which persons eligible for retirement under Chapter 32 shall be able to claim service as a call firefighter in the Town of Boxford for purposes of calculating creditable service, or take any other action thereon.

Sponsored and supported by the Board of Selectmen

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to accept the provisions of Mass General Laws, Chapter 32, Section 4(2)(b1/2), under which persons eligible for retirement under Chapter 32 shall be able to claim service as a call firefighter in the Town of Boxford for purposes of calculating creditable service.*

**ARTICLE 20.** To see if the Town will vote to authorize the **Town to become a member of the North Shore Agricultural and Technical School District** in accordance with Chapter 463 of the Acts of 2004 (as amended), or take any other action thereon.

Sponsored and supported by the North Shore Regional Vocational School District  
Board of Selectmen recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Town to become a member of the North Shore Agricultural and*

Technical School District in accordance with Chapter 463 of the Acts of 2004 (as amended).

ARTICLE 21. To transact any other business to legally come before this meeting.

Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote to dissolve

Special Town Meeting @ 11:52 pm.

Attendance for Boxford's Special Town Meeting was 340 registered voters.

Thanks for the memories.

A True Record:

  
Patricia Shields, Town Clerk

**RAISE AND APPROPRIATE**

Article # 1 Town Hall Copy Machine **\$3,000.00**

**FREE CASH**

Article # 3 Replacement Dry Hydrant \$ 4,500.00  
Article # 4 DPW Garage Repairs \$12,000.00  
Article # 5 DPW One Ton Dump/Plow Truck \$47,000.00  
Article #12 Increase Finance Committee Reserve \$39,000.00  
Article #13 Wind Turbine Site Assessment \$ 7,000.00  
Article #14 Roof Repair Elm Street Library \$11,000.00  
Article #15 Elm Street Library (new water heater) \$ 2,000.00

**\$122,500.00**

**OTHER AVAILABLE FUNDS**

Article # 17 (CPA) Lincoln Hall Historic Rehab unspent funds \$5,500.00  
STM Art. # 14 of October 23, 2007

**COMMUNITY PRESERVATION FUNDS**

Article # 9 (CPA) Wetland Delineation Haynes Land \$10,000.00  
Article # 16 (CPA) Elm Street Library Replace windows \$36,000.00  
Historic Resources Reserve \$46,000.00