

**ANNUAL TOWN MEETING
MAY 14, 2011**

Voters of the Town of Boxford met in the Masconomet Regional School Field House on Saturday, May 14, 2011 at 9:00 a.m.

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 receive and place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed.

ARTICLE 2. To see if the Town will authorize the establishment of the following **revolving accounts** as authorized by Chapter 44, § 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 2012 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 2012 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 2012 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 **\$20,000** for Fiscal Year 2012 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 2012 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 2012 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 2012 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 following revolving accounts as listed in Article #2 of this warrant and as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each Fiscal Year.

ARTICLE 3. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2012, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 19 of this warrant; or take any other action thereon.

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

Upon a motion made and duly seconded it was voted by unanimous voice vote to adopt the Classification Plan and Compensation Plan for FY 2012, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 19 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 2012, 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: \$ 26,220,748.
The proposed budget is printed on pages 20 and 21 of this warrant.
Board of Selectmen recommends adoption of this article

Upon a motion made and duly seconded it was voted by unanimous voice vote to raise and appropriate \$26,207,182 and transfer \$13,566 from the "Receipts Reserved for Appropriation – Septic Loan Program" for a total appropriation of \$26,220,748, for the use of several departments for Fiscal Year 2012, 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.

NOTE: At this time, we anticipate that **Article 5** will be offered as a "contingent appropriation." This means that although the appropriation could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of the related Proposition 2½ ballot question. Should the override question fail, the appropriation would be rendered null and void, and the Masconomet Regional School District budget would be rejected (the district budget must be accepted by at least two of the three member communities).

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$64,825 for the purposes of additionally funding the Fiscal Year 2012 Masconomet Regional School District Assessment**, thereby completing the funding required to meet the total assessment and approve the district certified budget, provided that the appropriation authorized herein shall be contingent upon the vote at the Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called; or take any other action thereon.

Sponsored by the Masconomet Regional School Committee
Finance Committee recommends adoption of this article
Board of Selectmen does not recommend adoption of this article

Upon motion made and duly seconded, it was voted by majority voice vote to raise and appropriate the sum of \$11,970 for the purposes of additionally funding the Fiscal Year 2012 Masconomet Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget.

NOTE: At this time, we anticipate that **Articles 6 & 7** will be offered as a "contingent debt exclusions." This means that although the debt appropriation could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of the related Proposition 2½ ballot question. Should the debt exclusion question fail at the election, the Town Meeting debt appropriation would be rendered null and void.

ARTICLE 6. To see if the Town will appropriate the sum of **\$175,000** to pay costs of architectural, engineering, permitting, and all other related expenses to **complete the first phase of design of a new Council on Aging Center to be located at 188 Washington Street**, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** 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 therefor; 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; and to authorize the Council on Aging 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 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 and supported by the Council on Aging

Finance Committee does not recommend adoption of this article

Board of Selectmen recommends adoption of this article

Capital Budgeting Committee recommendation: "D" Does not recommend

A motion was made and duly seconded to transfer from free cash the sum of \$175,000 to pay costs of architectural, engineering, permitting, and all other related expenses to complete the first phase of design of a new Council on Aging Center to be located at 188 Washington Street, and to authorize the Council on Aging 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 of said project; said funds to be expended under the direction of the Permanent Non-School Building Committee.

A motion was made and duly seconded to amend the motion on the floor with the following: to appropriate the sum of \$175,000 to pay costs of architectural, engineering, permitting, and all other related expenses to complete the first phase of design of a new Council on Aging Center to be located at 188 Washington Street, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum 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; and to authorize the Council on Aging and the Permanent Non-School Building Committee to enter into any and all agreements and execute any and all instruments as may become necessary on behalf of the Town of Boxford to affect the design 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 a hand count of 100 yes; 126 no not to pass over the question.

Upon a motion made and duly seconded it was voted by majority voice vote to call the question.

Upon a motion made and duly seconded it was voted by a hand count of 123 yes; 95 no it was voted to amend the original motion to read: to appropriate the sum of \$175,000 to pay costs of architectural, engineering, permitting, and all other related expenses to complete the first phase of

design of a new Council on Aging Center to be located at 188 Washington Street, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum 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; and to authorize the Council on Aging and the Permanent Non-School Building Committee to enter into any and all agreements and execute any and all instruments as may become necessary on behalf of the Town of Boxford to affect the design 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 a hand count of 137 yes; 87 no to appropriate the sum of \$175,000 to pay costs of architectural, engineering, permitting, and all other related expenses to complete the first phase of design of a new Council on Aging Center to be located at 188 Washington Street, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum 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; and to authorize the Council on Aging and the Permanent Non-School Building Committee to enter into any and all agreements and execute any and all instruments as may become necessary on behalf of the Town of Boxford to affect the design of said project; said funds to be expended under the direction of the Permanent Non-School Building Committee. The motion failed to pass by the required two-thirds vote.

ARTICLE 7. To see if the Town will vote to appropriate \$350,000 to pay costs of purchasing a certain improved parcel of land known as the **Colby Property, located at 158 Washington Street**, consisting of 1.7 acres more or less with building(s), said parcel shown as Map 10, Block 2, Lot 6 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the Town for general municipal purposes, said land to be managed and controlled by the Board of Selectmen; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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; and to authorize the Board of Selectmen 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 acquisition of said property; and to authorize the Board of Selectmen to dispose of the building(s) on said property in any manner it deems appropriate; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by Initiative Petition

Finance Committee does not recommend adoption of this article

Board of Selectmen recommends adoption of this article

Capital Budgeting Committee recommendation: "D" Does not recommend

On a motion made and duly seconded it was voted by a greater than two-thirds show of hands to appropriate \$285,000 in land purchase price costs and \$15,000 in legal and bond and any other expenses, for a total appropriation of \$300,000 to pay costs of purchasing a certain improved parcel of land known as the Colby Property, located at 158 Washington Street, consisting of 1.7 acres more or less with building(s), said parcel shown as Map 10, Block 2, Lot 6 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the Town for general municipal purposes, said land to be managed and controlled by the Board of Selectmen; that to meet this appropriation to transfer the sum of \$34,000 from a donation gift fund established for this purpose and that the Treasurer, with the approval of the Selectmen, is authorized to borrow \$266,000 under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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; and to authorize the Board of Selectmen 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 acquisition of said property; and to authorize the Board of Selectmen to dispose of the building(s) on said property in any manner it deems appropriate; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 8. To act on the list of proposed capital purchases for FY 2012 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 2012, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored and supported by the Board of Selectmen

Estimate: \$ 406,724.

Finance Committee recommends adoption of this article

Capital Budget Committee Recommendations as noted

Building Committee Recommendations as noted

The proposed capital budget is printed on page 22 of this warrant.

Upon a motion made and duly seconded, it was voted by a majority voice vote to transfer \$406,724 from Free Cash to fund the list of proposed capital purchases for FY 2012 as shown on page 22 of this warrant, for the use of several departments for fiscal year 2012, and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$8,600 to fund the purchase of one new ground speed controller to regulate spreader vehicle deployment of sand and salt, said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

Sponsored and supported by the Board of Selectmen
Finance Committee does not recommend adoption of this article

Upon a motion made and duly seconded, it was voted by a majority voice vote to transfer from Free Cash the sum of \$8,600 to fund the purchase of one new ground speed controller to regulate spreader vehicle deployment of sand and salt, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,510 to purchase, install and operate approximately ten (10) propane powered CO2 mosquito traps to supplement mosquito control efforts on recreational fields, said funds to be expended under the direction of the Board of Health, or take any other action thereon.

Sponsored and supported by the Board of Health
Finance Committee does not recommend adoption of this article
Board of Selectmen does not recommend adoption of this article

Upon a motion made and duly seconded, it was voted by a majority voice vote to transfer from Free Cash the sum of \$6,510 to purchase, install and operate approximately ten (10) propane powered CO2 mosquito traps to supplement mosquito control efforts on recreational fields, said funds to be expended under the direction of the Board of Health.

ARTICLE 11. To see if the Town will vote to set the annual curbside solid waste collection fee at \$2.50 per 32-gallon bag or container (each use); or take any other action thereon.

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

Upon a motion made and duly seconded, it was voted by unanimous voice vote to set the annual curbside solid waste collection fee at \$2.50 per 32-gallon bag or container (each use).

ARTICLE 12. To see if the Town will vote to increase the fee charged by the Collector of Taxes for Municipal Lien Certificates from the current \$25 to \$50; 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 majority voice vote to increase the fee charged by the Collector of Taxes for Municipal Lien Certificates from the current \$25 to \$50; or take any other action thereon.

ARTICLE 13. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$30,000 to 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 \$30,000 to the Town Unemployment Fund, said 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 \$20,800 to fund an existing retirement bonus benefit equal to 50% of accumulated, but unused sick days available to retiring employees with more than twenty-five years consecutive service with the Town of Boxford, 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 \$20,800 to fund an existing retirement bonus benefit equal to 50% of accumulated, but unused sick days available to retiring employees with more than twenty-five years consecutive service with the Town of Boxford, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 15. To see if the Town will vote to close the unspent portions of the following articles to the general fund:

- ATM May 11, 2010 – Article 7 - \$94,774 for the purpose of painting exterior and interior and replacing flooring of Elm Street Library;
- ATM May 12, 2009 – Article 7 – \$3,116 for the purpose of replacing heating system at the West Fire station;
- STM October 27, 2009 – Article 13 - \$6,000 for the purpose of site assessment on municipal wind turbine

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 close the unspent portions of the following articles to the general fund:

- ATM May 11, 2010 – Article 7 - \$94,774 for the purpose of painting exterior and interior and replacing flooring of Elm Street Library;
- ATM May 12, 2009 – Article 7 – \$3,116 for the purpose of replacing heating system at the West Fire station;
- STM October 27, 2009 – Article 13 - \$6,000 for the purpose of site assessment on municipal wind turbine

ARTICLE 16. To see if the Town will vote to appropriate or reserve from the Community Preservation Fund FY 2010 estimated 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 2012, with each item to be considered a separate appropriation:

Appropriations:

From FY 2012 estimated annual revenues for Sawyer-Richardson Open Space Bond expense \$236,396
From FY 2012 estimated annual revenues for Lincoln Hall Historic Renovation Bond expense \$ 57,138

From FY 2012 estimated annual revenues for Haynes Land Purchase Bond expense	\$163,250
From FY 2012 estimated annual revenues for Committee Administrative Expenses	\$ 34,450

Reserves:

From FY 2012 estimated annual revenues for Historic Resources Reserve	\$ 11,862
From FY 2012 estimated annual revenues for Community Housing Reserve	\$ 69,000
From FY 2012 estimated annual revenues for Budgeted Reserve	\$ 75,000

or take any other action thereon.

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

Upon a motion made and duly seconded, it was voted by majority voice vote to appropriate or reserve from the Community Preservation Fund FY 2010 estimated 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 2012, with each item to be considered a separate appropriation:

Appropriations:

From FY 12 estimated annual revenues for Sawyer-Richardson Open Space Bond expense	\$236,396
From FY 12 estimated annual revenues for Lincoln Hall Historic Renovation Bond expense	\$ 57,138
From FY 12 estimated annual revenues for Haynes Land Purchase Bond expense	\$163,250
From FY 12 estimated annual revenues for Committee Administrative Expenses	\$ 34,450

Reserves:

From FY 12 estimated annual revenues for Historic Resources Reserve	\$ 11,862
From FY 12 estimated annual revenues for Community Housing Reserve	\$ 69,000
From FY 12 estimated annual revenues for Budgeted Reserve	\$ 75,000

ARTICLE 17. To see if the Town will vote to amend the vote taken at Boxford Town Meeting held October 23, 2007 under article #14 as later supplemented by subsequent vote of the Town authorizing the appropriation of funds for the Lincoln Hall Historic Rehabilitation to expand the purpose of said appropriation to include **the restoration and rehabilitation of the kitchen in the historic Lincoln Hall and associated construction oversight expenses** and to approve the expenditure of \$24,999 for such purpose, said funds to be expended under the direction of the Board of Selectmen and the Community Preservation Committee; or take any other action thereon.

Sponsored by the Community Preservation Committee

Finance Committee does not recommend adoption of this article

Board of Selectmen recommends adoption of this article

Capital Budget Committee recommendation: "D" Does not recommend

Upon a motion made and duly seconded, it was voted by a greater than two-thirds voice vote to call the question.

Upon a motion made and duly seconded, it was voted by majority voice vote to amend the vote taken at Boxford Town Meeting held October 23, 2007 under article #14 as later supplemented by subsequent vote of the Town authorizing the appropriation of funds for the Lincoln Hall Historic Rehabilitation to expand the purpose of said appropriation to

include the restoration and rehabilitation of the kitchen in the historic Lincoln Hall and associated construction oversight expenses and to approve the expenditure of \$24,999 for such purpose, said funds to be expended under the direction of the Board of Selectmen and the Community Preservation Committee.

ARTICLE 18. To see if the Town will vote to authorize the Board of Selectmen to grant a perpetual restriction to the BTA/BOLT, Inc. or other similar non-profit group limiting the use of all or a portion of Restricted Area D and Restricted Area E in Land Use Area 3 to conservation and open space purposes as shown on a plan filed in the Town Clerk's office entitled "Conservation Restriction and Use Area Plan" dated April 8, 2010 prepared by Donohoe and Parkhurst, Inc., (the "Restriction Plan"), said areas being a portion of a property located on Middleton Road known as the "Haynes Land" and shown as Parcel 2 on a plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee of 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, or to take any other action thereon.

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

Upon motion made and duly seconded it was voted by a greater than two-thirds voice vote to authorize the Board of Selectmen to grant a perpetual restriction to the BTA/BOLT, Inc. or other similar non-profit group limiting the use of all or a portion of Restricted Area D and Restricted Area E in Land Use Area 3 to conservation and open space purposes as shown on a plan filed in the Town Clerk's office entitled "Conservation Restriction and Use Area Plan" dated April 8, 2010 prepared by Donohoe and Parkhurst, Inc., (the "Restriction Plan"), said areas being a portion of a property located on Middleton Road known as the "Haynes Land" and shown as Parcel 2 on a plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee of 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

ARTICLE 19. To see if the Town will vote to accept the following road described below, as a public way, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift: said plans on file with the Town Clerk:

Eagle's Nest Lane in its entirety, from Station 0+00 to 6+48.32 as shown on a plan entitled, "As-Built Plan of Eagle's Nest Lane in Boxford, MA", prepared for Powderhill Development Corp., dated November 2, 2010 and prepared by Hancock Survey Associates, Inc., recorded at the Essex South Registry of Deeds at Plan Book 427 and Page 88.

or take any other action thereon.

Sponsored by the Planning Board

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

Eagle's Nest Lane in its entirety, from Station 0+00 to 6+48.32 as shown on a plan entitled, "As-Built Plan of Eagle's Nest Lane in Boxford, MA", prepared for Powderhill Development Corp., dated November 2, 2010 and prepared by Hancock Survey Associates, Inc., recorded at the Essex South Registry of Deeds at Plan Book 427 and Page 88.

ARTICLE 20. To see if the Town will vote to **amend the Town Zoning Map** and re-zone the parcels listed below currently in the "R-A Residence Agricultural District" to now be in the "O – Official or Open Space District", as shown on a plan on file with the Town Clerk:

<u>Common Name</u>	<u>As shown on Assessors' records Map-Block-Lot(s)</u>	<u>Size (Acres)</u>
Anvil Farms – Main Street	5-1-11A	27.0a
Walker Wetland – Baldpate Road	15-2-13.1 & 15-2-13.2	15.56a
Town Beach – Stiles Pond Road	17-2-27.1	7.7a
Unnamed – Off Pine Plain Road	7-1-3	18.09a
Unnamed – Corner Main St and Porter Road	13-2-59	0.5a
Cedar Pond – Balmoral Road	24-3-27	9.8a
Haynes Land – Middleton Road	28-2-17.1	75.52a
Cargill Fields – Middleton Road	32-2-6 & 32-2-26	14.5a
Holmes Pond – Wildmeadow Road	40-1-703.	6a

or take any other action thereon.

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

Upon a motion duly made and seconded, it was voted by a greater than two-thirds show of hands to amend the Town Zoning Map and re-zone the parcels listed below currently in the "R-A Residence Agricultural District" to now be in the "O – Official or Open Space District", as shown on a plan on file with the Town Clerk:

<u>Common Name</u>	<u>As shown on Assessors' records Map-Block-Lot(s)</u>	<u>Size (Acres)</u>
Anvil Farms – Main Street	5-1-11A	27.0a
Walker Wetland – Baldpate Road	15-2-13.1 & 15-2-13.2	15.56a
Town Beach – Stiles Pond Road	17-2-27.1	7.7a
Unnamed – Corner Main St and Porter Road	13-2-59	0.5a
Cedar Pond – Herrick Road	24-3-27	9.8a
Haynes Land – Middleton Road	28-2-17.1	75.52a
Cargill Fields – Middleton Road	32-2-6 & 32-2-26	14.5a
Holmes Pond – Wildmeadow Road	40-1-70	3.6a

ARTICLE 21. To see if the Town will **vote to amend its Zoning Bylaw**, Town Code, Chapter 196 by inserting the following new section "C" to § 196-18. O Official or Open Space District and to amend section "A" of § 196-30. Site Plans, as follows:

§ 196-18. O Official or Open Space District.

C. Large Scale Ground Mounted Solar Photovoltaic Installation.

(1) Purpose. The purpose of this bylaw is to permit As-of-Right Siting of Large Scale Ground Mounted Solar Photovoltaic Installations in the Official or Open Space District by providing standards for the design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and that provide adequate financial assurance in the event of abandonment or removal of such Installations.

(2) Definitions.

AS-OF-RIGHT SITING - As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. Development eligible for As-of-Right Siting may be subject to site plan review to determine conformance with the Boxford Zoning Bylaw. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board.

CUSTOMER-OWNED GENERATOR – an installation owned by an entity other than an electric utility company.

LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION (also “Installation”) - A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

RATED NAMEPLATE CAPACITY- The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

(3) General requirements.

(a) The construction and operation of all Large Scale Ground Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of the Installation shall be constructed in accordance with the State Building Code. No Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

(b) No Large Scale Ground Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the Installation is to be located has been informed of the Installation and the owner or operator’s intent to install an interconnected customer-owned generator, as well as documentation from said utility company that it can and will connect said generator into its power grid. Off-grid systems shall be exempt from this requirement.

It was moved to amend Article 21 to read as follows:

Upon a motion made and duly seconded, it was voted not to amend the Zoning Bylaw, Town Code, Chapter 196 by inserting a new section “C” to § 196-18. O Official or Open Space District and not to amend section “A” of § 196-30. Site Plans, as printed in Article #21 on pages 9, 10, 11, 12 and 13 of this warrant.

ARTICLE 22: To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA) as it may be amended from time to time, by amending the Code of the Town of Boxford by inserting the following new Chapter 164 entitled “Stretch Energy Code” :

Chapter 164. STRETCH ENERGY CODE

§164-1. Adoption. The Town of Boxford has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

§164-2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

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 pass over Article 22.

ARTICLE 23: To see if the Town will vote to amend the Code of the Town of Boxford, by **deleting Article XI School Building Committee** in its entirety and inserting **in place thereof the following new bylaw** under Chapter 7, Commissions Committees and Boards: **Article XI Permanent Building Committee** as follows:

§ 7-19 Creation; Duties.

There shall be a committee to study the requirements and needs of all municipal buildings, including school buildings, in the Town of Boxford. The committee shall be known as the “Permanent Building Committee”. Said committee shall manage building projects as charged by the Town pursuant to votes of Town Meeting, this bylaw, and the Massachusetts General Laws.

§ 7-20 Membership.

Regular Members. The Permanent Building Committee shall consist of five (5) regular voting members, all serving without compensation. The appointing authority shall endeavor to appoint, to the extent possible, one registered architect, one licensed engineer, one licensed builder, one accountant, and one attorney; none of whom serve on other regulatory boards within the town. All regular members shall be residents of the Town of Boxford. All regular members shall be appointed for one (1) year terms by the Board of Selectmen.

Temporary Members. For each municipal project, two temporary members shall be appointed who are members, professional employees of the Town, and/or designees of the appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board or committee whose facility would be the recipient thereof. The temporary members shall be appointed at large for one (1) year terms by the Board of Selectmen. Temporary members shall have the right to vote on the activities of the Permanent Building Committee only with respect to the particular project for which such member was appointed.

§ 7-21 Purpose.

The Permanent Building Committee shall have continuing responsibility for the execution of major construction and maintenance projects for the Town, and for the development and annual updating of, a long-range building maintenance capital spending plan for all municipal buildings. Working with the Board of Selectmen, School Committee and other Town committees and boards which propose building and renovation projects, the Permanent Building Committee shall establish general criteria for Town building projects and guidelines for communication regarding these projects between and among interested committees and the public. The Permanent Building Committee shall oversee and supervise the planning, design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of all town buildings and recreation structures and playing fields and courts, including any significant installation, renovation or upgrade of service equipment and major systems.

§ 7-21.1 Duties of the Committee.

In carrying out its duties and responsibilities under this charge, the Committee shall:

1. Oversee and supervise the planning, design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All projects shall be developed in a manner consistent with the project goals and physical requirements of the appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board of committee whose facility would be the recipient thereof, in accordance with applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Administrator, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Administrator, acting as Chief Procurement Officer shall award and execute all designer services contracts and construction contracts.
2. Seek comments from and coordinate activities with appropriate Town officials, including but not limited to the Superintendent of Public Works, Town Administrator, School Superintendent, School Director of Facilities, Police Chief, Fire Chief, Director of Public Health, Director of Conservation, Inspector of Buildings, and other town boards and committees, including but not limited to the Planning Board, Zoning Board of Appeals, Conservation Commission, Historical Commission, Board of Health, Finance Committee, Capital Budgeting Committee, Community Preservation Committee.
3. Review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.
4. In consultation with the Superintendent of Public Works and School Facilities Director, conduct periodic review and audit of the physical condition of all municipal buildings, including service equipment and major systems.
5. In consultation with the Superintendent of Public Works and School Facilities Director, develop a rolling 10-year capital property management plan for the major maintenance,

construction, enlargement, or replacement of all municipal buildings, including service equipment and major systems.

6. On or about November 15 of each calendar year, prepare and present to the Board of Selectmen, School Committee, Finance Committee and Capital Budgeting Committee, a recommendation of major construction and/or maintenance project(s) to be undertaken by the Town in the ensuing fiscal year.

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 a majority hand count of 40 yes, 32 no to to amend the Code of the Town of Boxford, by deleting Article XI School Building Committee in its entirety and inserting in place thereof a new bylaw under Chapter 7, Commissions Committees and Boards: Article XI Permanent Building Committee as printed in Article #23 on pages 14 and 15 of this warrant.

ARTICLE 24: To see if the Town will vote to approve an amendment to the Agreement for the Establishment of the Masconomet Regional School District in the form set forth below:

EIGHTH AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF THE MASCONOMET REGIONAL SCHOOL DISTRICT

The Agreement Between the Towns of Boxford, Middleton and Topsfield, Massachusetts with Respect to the Formation of a Regional School District, as amended to the date hereof (the "Agreement"), is hereby further amended as follows:

Section 1. Section 1(A) of the Agreement is amended in its entirety to read as follows:

A. Powers, Duties and Composition

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter sometimes called the "Committee". The Committee shall consist of eleven (11) members; four (4) from Middleton; four (4) from Boxford and three (3) from Topsfield.

Section 2. Section 1(C) of the Agreement is amended in its entirety to read as follows:

C. Elected Members

In order to comply with proportional representation requirements mandated by the United States Constitution (also known as "one man, one vote"), the total number of representatives to the Committee from each of the Towns of Boxford and Topsfield shall be reduced by one. To accomplish this reduction, one position on the Committee held by a representative of the Town of Topsfield with a term expiring in 2012 shall be abolished upon the expiration of such representative's term in 2012. In addition, one of the two positions on the Committee held by the representatives of the Town of Boxford with a term expiring in 2012, shall be abolished upon the expiration of such representative's term. The Chairman of the Committee shall determine by lot the particular position to be eliminated.

To ensure that Topsfield maintains continuity of membership on the Committee, the terms of its representatives with terms expiring in 2014 shall be revised, on a one-time basis, so as to

provide that one representative shall be elected by Topsfield at the 2014 annual election to a term of one (1) year, and one representative shall be elected by Topsfield at the 2014 annual election for a term of three (3) years. After the 2014 annual election in Topsfield, the terms of all subsequent Topsfield members of the Committee shall be for three (3) years, or until his or her successor is elected and qualified.

Except as otherwise provided in this section, at the expiration of the term of office of all other elected members of the Committee, each member town shall, at its annual town election, elect a member of the Committee to serve for a term of three (3) years or until his or her successor is elected and qualified.

Notwithstanding any other provision of this Agreement to the contrary, on February first immediately following the official publication of the most recently conducted federal census, the Committee shall determine, on the basis of such census figures, the total population of each Member Town. (For the purposes of this provision, "official publication" means transmittal to Congress by the President in the case of the federal census.) Elected membership on the Committee shall be adjusted at that time, as is necessary to maintain compliance with one person one vote.

Section 3. The balance of the Agreement shall remain unchanged.

or take any other action thereon.

Sponsored by Masconomet Regional School District Committee
Board of Selectmen recommends adoption of this article

Upon a motion made and duly seconded, it was voted by unanimous voice vote to approve an amendment to the Agreement for the Establishment of the Masconomet Regional School District in the form as printed in article #24 on pages 15 and 16 of this warrant.

Annual Town Meeting adjourned at 1:37pm.

Respectfully submitted,

Robin Phelan

Minutes Boxford Special Town Meeting October 22, 2011

Boxford Special Town Meeting convened at 9:00 am on Saturday, October 22, 2011 in the Masconomet Regional School Auditorium with 209 voters in attendance. The meeting was called to order by Moderator Gerald Johnston. Articles of the Special Town Meeting were disposed of as follows:

ARTICLE 1. To see if the Town will vote to amend the vote taken under Article #4 of the May 14, 2011 Annual Town Meeting appropriating funds to defray the expenses of the Town for FY 2012 and, as necessary therefore, raise and appropriate, or transfer from available funds \$ **19,000 to INCREASE the Finance Committee Reserve line item**, 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 by Finance Committee Chair Geoffrey Buswick, and duly seconded, it was voted by majority voice vote to amend the vote taken under Article #4 of the May 14, 2011 Annual Town Meeting appropriating funds to defray the expenses of the Town for FY 2012 and, as necessary therefore, raise and appropriate **\$19,000 to increase the Finance Committee Reserve line item.**

ARTICLE 2. To see if the Town will vote to amend the vote taken under Article #4 of the May 14, 2011 Annual Town Meeting appropriating funds to defray the expenses of the Town for FY 2012 and, as necessary therefore, raise and appropriate, or transfer from available funds **\$12, 700 to INCREASE the DPW Salaries line item** to hire a 16 hour per week Account Clerk I clerical staff for the department, 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 by Selectman Stephen A. Davis, and duly seconded, it was voted by a majority voice vote to amend the vote taken under Article #4 of the May 14, 2011 Annual Town Meeting appropriating funds to defray the expenses of the Town for FY 2012, and, as necessary therefore, raise and appropriate **\$12,700 to increase the DPW Salaries line item** to hire a 16 hour per week Account Clerk I clerical staff for the department.

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$ **33,500 to purchase a replacement hydraulic rescue and vehicle extraction tool** for the Fire Department, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen

Finance Committee recommends adoption of this article
Capital Budget Committee Recommendation: " A " Essential

Upon a motion made by Selectman Peter Perkins and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash the sum of **\$33,500 to purchase a replacement hydraulic rescue and vehicle extraction tool** for the Fire Department, 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 **\$33,700 to fund the repair and reconstruction of the Main Street Fire Station Parking lot and a portion of the apparatus entry floor**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

Upon a motion made by Selectman MaryAnne Nay and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash, the sum of **\$33,700 to fund the repair and reconstruction of the Main Street Fire Station Parking lot and a portion of the apparatus entry floor**, 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 **\$3,200 to fund a water treatment filter system for the Main Street Fire Station**, 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
Building Committee recommends adoption of this article

Upon a motion made by Selectman MaryAnne Nay and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash the sum of **\$3,200 to fund a water treatment filter system for the Main Street Fire Station**, funds to be expended under the direction of the Board of Selectmen.

NOTE: At this time, we anticipate that Articles 6 & 7 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 % debt exclusion ballot question at a Special Town Election scheduled for December 13, 2011. Should the debt exclusion question fail, the appropriation would be rendered null and void.

ARTICLE 6. To see if the Town will vote to appropriate **\$ 510,000 to fund repairs,**

renovations, additional water storage and expansion of the Spofford Pond School water treatment plant; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Proposition 2 V2 so- called: Chapter 59, section 21C of the General Laws; and to authorize the Elementary School 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 said repairs and renovations; said funds to be expended under the direction of the Elementary School Committee and the Permanent Building Committee; or take any other action thereon.

Sponsored and supported by the Elementary School Committee
Finance Committee to make recommendation at Town Meeting
Capital Budgeting Committee to make recommendation at Town Meeting
Building Committee to make recommendation at Town Meeting
Board of Selectmen to make recommendation at Town Meeting

Upon a motion made by Boxford School Committee Chair Pamela Campbell Messenger and duly seconded, it was voted by unanimous voice vote to allow Facilities Manager Stephen Clifford and Weston and Sampson project manager Leah Stanton to speak.

Upon a motion made and duly seconded, it was voted by a greater than two-thirds majority to move the question.

Upon a motion made by Boxford School Committee Chair Pamela Campbell Messenger and duly seconded, it was voted 119 yes, 50 no to appropriate **\$445,000 in project expenses and \$10,000 in legal and bond and any other expenses, for a total appropriation of \$455,000 to fund repairs, renovations, additional water storage and expansion of the Spofford Pond School water treatment plant;** that to meet this appropriation the Treasurer, with approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Proposition 2 ½ so-called; Chapter 59, section 21C of the General Laws; and to authorize the Elementary School 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 said repairs and renovations; said funds to be expended under the direction of the Elementary School Committee and Permanent Building Committee. The motion passed by a greater than two-thirds majority vote.

ARTICLE 7. To see if the Town will vote to appropriate **\$ 410,000 to fund repairs, renovations, and replacement of ten classroom unit ventilators at the Spofford Pond School**; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Proposition 2 V2 so- called: Chapter 59, section 21C of the General Laws; and to authorize the Elementary School 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 said repairs and renovations; said funds to be expended under the direction of the Elementary School Committee and the Permanent Building Committee; or take any other action thereon.

Sponsored and supported by the Elementary School Committee
Finance Committee to make recommendation at Town Meeting
Capital Budgeting Committee to make recommendation at Town Meeting
Building Committee to make recommendation at Town Meeting
Board of Selectmen to make recommendation at Town Meeting

Upon a motion made by School Committee Chair Pamela Campbell Messenger it was voted by unanimous voice vote to appropriate **\$400,000 in project expenses and \$ 10,000 in legal and bond and any other expenses, for a total appropriation of \$410,000 to fund repairs, renovations, and replacement of ten classroom unit ventilators at the Spofford Pond School**; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Proposition 2 1/ 2 so- called: Chapter 59, section 21C of the General Laws; and to authorize the Elementary School 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 said repairs and renovations; said funds to be expended under the direction of the Elementary School Committee and the Permanent Building Committee.

ARTICLE 8. To see if the Town will vote to appropriate **\$295,000 to pay costs of purchasing** a certain improved parcel of land known as the **Colby Property, located at 158 Washington Street**, consisting of 1. 7 acres more or less with building(s), said parcel shown as Map 10, Block 2, Lot 6 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund

necessary expenses related to the purchase; that said land be conveyed to the Town for general municipal purposes, said land to be managed and controlled by the Board of Selectmen; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to **borrow said sum** under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and to authorize the Board of Selectmen 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 acquisition of said property; and to authorize the Board of Selectmen to dispose of the building(s) on said property in any manner it deems appropriate; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

NOTE: Private funds are being solicited to offset this appropriation; received to date: \$ 68,000.

Sponsored and Supported by the Board of Selectmen
Finance Committee does not recommend adoption of this article
Capital Budgeting Committee recommendation: " D" Does not recommend

A motion was made by Selectman Stephen A. Davis and duly seconded to appropriate \$ **275,000 in land purchase price costs and \$10, 000 in legal and bond and any other expenses, for a total appropriation of \$285,000 to pay costs of purchasing** a certain improved parcel of land known as the **Colby Property, located at 158 Washington Street**, consisting of 1. 7 acres more or less with building(s), said parcel shown as Map 10, Block 2, Lot 6 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the Town for general municipal purposes, said land to be managed and controlled by the Board of Selectmen; **that to meet this appropriation to transfer the sum of \$ 85,000 from a donation gift fund established for this purpose and that the Treasurer, with the approval of the Selectmen, is authorized to borrow \$200,000** under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and to authorize the Board of Selectmen 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 acquisition of said property; and to authorize the Board of Selectmen to dispose of the building(s) on said property in any manner it deems appropriate; said funds to be expended under the direction of the Board of Selectmen.

Upon a motion made by Robert Eisenberg and duly seconded, an amendment was offered to add the following language to the end of the original motion:

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 Proposition 2 ½, so-called, Chapter 59, Section 21C of the General Laws.

The proposed amendment was defeated by a hand count of 88 yes, 99no.

The original motion carried by a greater than two-thirds hand vote of 126 yes, 50 no.

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$50,000 to fund expert witness and consultant fees and expenses for the Boxford v. MassDOT lawsuit**, 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 by Selectman Charles Costello and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash, the sum of **\$50,000 to fund expert witness and consultant fees and expenses for the Boxford v. MassDOT lawsuit**, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 10. To see if the Town will vote **to revert the date of the Annual and Special Town Meetings to Tuesday evenings by amending its Town Bylaws**, Town Code, Chapter 36, Town Meeting and Elections, § 36- 1 (A) by deleting the text of said paragraph in its entirety and inserting in its place the following language:

The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the fourth Tuesday in October on an annual basis.

or take any other action thereon.

Sponsored and supported by the Board of Selectmen

A motion was made by Selectman Preston Galarneau, and duly seconded, **to revert the date of the Annual and Special Town Meetings to Tuesday evenings by amending Town Bylaws**, Town Code, Chapter 36, Town Meeting and Elections, § 36- 1(A) by deleting the text of said paragraph in its entirety and inserting in its place the following language:

The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the fourth Tuesday in October on an annual basis.

Upon a motion made by Bankson Riter and duly seconded, it was voted by a greater than two-thirds voice vote to move the question.

It was voted by an overwhelming majority voice vote to revert the date of the Annual and Special Town Meetings to Tuesday evenings by amending Town Bylaws, Town Code, Chapter 36, Town Meeting and Elections, § 36- 1(A) by deleting the text of said paragraph in its entirety and inserting in its place the following language:

The date of the Annual Town Meeting shall be the second Tuesday in May, and the date of the Annual Town Election shall be the following Tuesday. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the fourth Tuesday in October on an annual basis.

ARTICLE 11. To see if the Town will vote to change the date of the Annual Town Meeting to the 1st Saturday in May by amending its Town Bylaws, Town Code, Chapter 36, Town Meeting and Elections, § 36- 1 (A) by deleting the text of said paragraph in its entirety and inserting in its place the following language:

The date of the Annual Town Meeting shall be the first Saturday in May, and the date of the Annual Town Election shall be the third Tuesday in May. A Special Town Meeting shall be held at the discretion of the Board of Selectmen on the fourth Saturday in October on an annual basis or take any other action thereon.

Sponsored and supported by the Board of Selectmen

Upon motion made by Selectman Preston Galarneau and duly seconded, it was voted by unanimous voice vote to pass over Article 11.

Article 12. To see if the Town will vote to amend its Stormwater Management Bylaw, Town Code Chapter 160 § 3 Definitions, by deleting the crossed out number and inserting the bold number as follows:

500 **250** ABUTTER-Means the owner of any property any portion of which lies within 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 by Conservation Commissioner Francis DiLuna, and duly seconded, it was voted by unanimous voice vote to amend the Town' s Stormwater