

**ANNUAL TOWN MEETING
MAY 8, 2012**

Boxford's Tuesday, May 8, 2012 Annual Town Meeting convened in the Masconomet Regional School auditorium and was called to order by Moderator Gerald Johnston at 7:15pm with 186 voters in attendance.

Chairman Peter Perkins of the Board of Selectmen read the following proclamation:

WHEREAS Brad Hill was first elected as State Representative for the 4th Essex District in 1998, and Brad Hill has been Boxford's capable State Representative for 14 years and:

WHEREAS Due to redistricting Brad Hill's 4th Essex District will now no longer represent the Town of Boxford, and

WHEREAS Brad Hill has effectively balanced advocacy for restraint on state spending with unstinting support for the need for an effective municipal partnership and stable, dependable municipal aid and other local government issues, and;

WHEREAS Brad Hill responded first and has continued, without falter, to diligently fight for the residents of our town affected by the state's contamination of drinking water wells, and;

WHEREAS Brad Hill has embraced his leadership position and is responsible for building coalitions and support for landmark legislation including: increasing circuit breaker tax benefits for our seniors; implementing the highly successful "junior operator license" which has substantially lowered the injuries and death rates of our teenage drivers; and continuing today to advocate for increasing sentencing for habitual offenders, and:

WHEREAS Brad Hill has brought admiration and honor to himself, to his profession and to us, as our representative and as our friend;

NOW THEREFORE, we, the Board of Selectmen of the Town of Boxford, gratefully and with sincere appreciation for a job well done, declare **May 15, 2012 as BRAD HILL DAY** in the Town of Boxford.

Upon a motion made by Selectman Charles Costello and duly seconded, it was voted by unanimous voice vote that the Moderator NOT be required to read articles or motions of the warrant verbatim and further that he be authorized to summarize articles and motions as he deems appropriate.

Articles of the warrant 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 by Selectman Charles Costello 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 2013 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 2013 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 2013 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 2013 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 of Selectmen and used for the deposit of receipts collected through fines assessed against commercial motor vehicles by the Commercial Motor Vehicle Enforcement Unit; and further to allow the Board of Selectmen to expend fees not to exceed **\$10,000** for Fiscal Year 2013 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 2013 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 2013 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 by Selectman Charles Costello and duly seconded, it was voted by unanimous voice vote to authorize the establishment of the revolving accounts, as listed in Article

2 of the warrant, as authorized by Chapter 44 § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each Fiscal Year.

ARTICLE 3. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2013, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 12 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 by Personnel Board member Timothy Feeney and duly seconded, it was voted by unanimous voice vote to adopt the Classification Plan and Compensation Plan for FY 2013, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 12 of the 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 2013, 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: \$26,780,078
The proposed budget is printed on pages 13 and 14 of this warrant.
Board of Selectmen recommends adoption of this article.

Upon a motion made by Finance Committee Chairman Geoffrey Buswick and duly seconded, it was voted by a unanimous voice vote to raise and appropriate \$26,774,138 and transfer \$5,940 from the "Receipts Reserved for Appropriation-Septic Loan Program" for a total appropriation of \$26,780,078, for the use of several departments for Fiscal Year 2013, 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 shown on pages 13 and 14 of this warrant; 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 **\$238,000** for additional funding for the Fiscal Year 2013 Masconomet Regional School District Assessment, for the purpose of 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 2½, so called; 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 Chairman Geoffrey Buswick and duly seconded, it was voted by a greater than two-thirds vote to raise and appropriate the sum of \$238,000 for additional funding for the Fiscal Year 2013 Masconomet Regional School District Assessment, for the purpose of completing the funding required to meet the total assessment and approve the district certified budget, provided that the appropriation authorized at Town Meeting 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 2½, so called.

NOTE: At this time, we anticipate that **Articles 6 & 7** will be offered as a “contingent debt appropriations.” 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.

ARTICLE 6. To see if the Town will vote to appropriate **\$430,000 in equipment purchase costs, debt acquisition expenses, legal costs and any other expenses, to purchase a new pumper tanker for the Fire Department**, and authorize the Treasurer with the approval of the Board of Selectmen **to borrow said funds** pursuant to M.G.L. Chapter 44, Section 7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided that no funds shall be expended hereunder unless and until the Town shall have voted to exclude the amount needed to repay any bonds or notes issued pursuant to this vote from the limitations of M.G.L. Chapter 59, Section 21C; 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: “B” High Priority

Upon a motion made by Selectwoman Mary Anne Nay and duly seconded, it was voted by a greater than two thirds declared vote to appropriate \$430,000 in equipment purchase costs, debt acquisition expenses, legal costs and any other expenses, to purchase a new pumper tanker for the Fire Department, and authorize the Treasurer with the approval of the Board of Selectmen to borrow said funds pursuant to M.G.L. Chapter 44, Section 7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided that no funds be expended for this purpose unless and until the Town votes to exclude the amount needed to repay any bonds or notes issued pursuant to this vote from the limitations of M.G.L. Chapter 59, Section 21C; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 7. To see if the Town will vote to appropriate **\$205,000 in equipment purchase costs, debt acquisition expenses, legal costs and any other expenses, to purchase a new six-wheel heavy duty truck with dump/spreader body and wing plow for the Department of Public Works**, and authorize the Treasurer with the approval of the Board of Selectmen **to borrow said funds** pursuant to M.G.L. Chapter 44, Section 7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided that no funds shall be expended hereunder unless and until the Town shall have voted to exclude the amount needed to repay any bonds or notes issued pursuant to this vote from the limitations of M.G.L. Chapter 59, Section 21C; 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 by Chairman of the Board of Selectmen Peter Perkins and duly seconded, it was voted by a greater than two thirds declared vote to appropriate \$205,000 in equipment purchase costs, debt acquisition expenses, legal costs and any other expenses, to purchase a new six-wheel heavy duty truck with dump/spreader body and wing plow for the Department of

Public Works, and authorize the Treasurer with the approval of the Board of Selectmen to borrow said funds pursuant to M.G.L. Chapter 44, Section 7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided that no funds shall be expended for this purpose unless and until the Town votes to exclude the amount needed to repay any bonds or notes issued pursuant to this vote from the limitations of M.G.L. Chapter 59, Section 21C; 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 2013 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 2013 (except as noted), 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: \$344,805
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 15 of this warrant.

Upon a motion made by Selectman Preston Galarneau and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash the sum of \$344,805 to fund the list of proposed capital purchases for FY 2013 as shown on page 15 of this warrant, for the use of several departments for fiscal year 2013 (except as noted), and authorize expenditure of these funds under the direction of the appropriate listed department.

ARTICLE 9. To see if the Town will vote to appropriate the sum of \$126,000.00 plus \$4,000.00 acquisition costs and expenses for a total appropriation of **\$130,000 costs and expenses to pay the costs of acquiring, by gift, purchase, or eminent domain, for general municipal purposes, a certain parcel of land located off of Spofford Road, consisting of 18 acres,** more or less, owned by the various heirs of Raymond and Ester Perley, being a portion of Parcel 19-3-28 on Assessor's Map 15, and more particularly described as a portion of property described in a deed recorded with the Essex South District Registry of Deeds in Book 3236, Page 277; that such land be managed and controlled by the Board of Selectmen; and, as funding for such acquisition and costs related thereto, to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, said sum of money, and further, to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; 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: "B" High Priority

Upon a motion made by Selectman Charles Costello and duly seconded, it was voted by a greater than two thirds declared vote to transfer from Free Cash the sum of \$126,000.00 plus \$4,000.00 acquisition costs and expenses for a total transfer and appropriation of \$130,000 in costs and expenses to pay the costs of acquiring by eminent domain and authorize said taking by eminent domain for general municipal purposes, a certain parcel of land located off of Spofford Road, consisting of 18 acres, more or less, owned by the various heirs of Raymond and Ester Perley, being a portion of Parcel 19-3-28 on Assessor's Map 15, and more particularly described as a portion of property described in a deed recorded with the Essex South District Registry of Deeds in Book 3236, page 277; that such land be managed and controlled by the Board of Selectmen; and, as funding for such acquisition and costs related thereto, to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, said sum of money, and further, to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **money to acquire by gift, purchase, eminent domain, or otherwise** a certain 293' long, 20' wide drainage easement on a parcel of land located at 12 Meadowood Road, said easement shown as a portion of Map 37, Block 1, Lot 14 on the records of the Boxford Assessors, as shown on a plan entitled "Easement Plan 12 Meadowood Road, Boxford, MA" dated March 12, 2012, on file with the Town Clerk, 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 easement; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Estimate: \$5,000 (appraisal will be complete by Town Meeting)
Sponsored by the Board of Selectmen
Board of Selectmen to make recommendation at Town Meeting
Finance Committee to make recommendation at Town Meeting

Upon a motion made by Selectman Preston Galarneau and duly seconded, it was voted by a greater than two thirds declared vote to transfer from Free Cash the sum of \$1,300 to acquire, by eminent domain and authorize said taking by eminent domain a certain 293' long, 20' wide drainage easement on a parcel of land located at 12 Meadowood Road, said easement shown as a portion of Map 37, Block 1, Lot 14 on the records of the Boxford Assessors, as shown on a plan entitled "Easement Plan 12 Meadowood Road, Boxford, MA" dated March 12, 2012, on file with the Town Clerk, 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 easement.

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$250,000** to fund the Other Post Employment Benefits Trust Fund established under Article #14 of the October 22, 2011 Special Town Meeting, pursuant to M.G.L. Chapter 32B §20, or take any other action thereon.

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

Upon a motion made by Finance Committee Chairman Geoffrey Buswick and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash the sum of \$250,000 to fund the Other Post Employment Benefits Trust Fund established under Article 14 of the October 22, 2011 Special Town Meeting, pursuant to M.G.L. Chapter 32B §20.

ARTICLE 12. 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 by Alex Constan, Chairman of the Board of Health, 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 13. To see if the Town will vote to appropriate or reserve from the **Community Preservation Fund** FY 2013 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 2013, with each item to be considered a separate appropriation:

Appropriations:

From FY 2013 estimated annual revenues for Sawyer-Richardson Open Space Bond expense	\$208,285
From FY 2013 estimated annual revenues for Lincoln Hall Historic Renovation Bond expense	\$ 56,000
From FY 2013 estimated annual revenues for Haynes Land Purchase Bond expense	\$160,000

From FY 2013 estimated annual revenues for Committee Administrative Expenses	\$ 36,250
Reserves:	
From FY 2013 estimated annual revenues for Historic Resources Reserve	\$ 16,500
From FY 2013 estimated annual revenues for Community Housing Reserve	\$ 72,500
From FY 2013 estimated annual revenues for Budgeted Reserve	\$175,000
or take any other action thereon.	

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

Upon a motion by Peter Delaney, Chairman of the Community Preservation Committee, it was voted by unanimous voice vote to appropriate or reserve from the Community Preservation Fund FY 2013 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 2013, with each item to be considered a separate appropriation:

Appropriations:

From FY 2013 estimated annual revenues for Sawyer-Richardson Open Space Bond expense	\$208,285
From FY 2013 estimated annual revenues for Lincoln Hall Historic Renovation Bond expense	\$ 56,000
From FY 2013 estimated annual revenues for Haynes Land Purchase Bond expense	\$160,000
From FY 2013 estimated annual revenues for Committee Administrative Expenses	\$ 36,250

Reserves:

From FY 2013 estimated annual revenues for Historic Resources Reserve	\$ 16,500
From FY 2013 estimated annual revenues for Community Housing Reserve	\$ 72,500
From FY 2013 estimated annual revenues for Budgeted Reserve	\$175,000

ARTICLE 14. To see if the Town will vote to create a floodplain overlay zoning district by amending its Zoning Bylaws by deleting the existing section Article IV-New Construction and New Uses, § 196-12 Flood Hazard Areas and by adding the following new section, Article V-Use Regulations, §196-22.1 Floodplain District:

A. Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Boxford designated as Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Boxford are panel numbers 25009C0226F, 25009C0227F, 25009C0229F, 25009C0231F, 25009C0233F, 25009C0234F, 25009C0241F, 25009C0242F, 25009C0244F, 25009C0253F, 25009C0254F, 25009C0261F, 25009C0262F, 25009C0263F, 25009C0264F, and 25009C0401F dated July 3, 2012. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk,

B. Base Flood Elevation and Floodway Data

1) **Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

C. Notification of Watercourse Alteration

In a riverine situation, the Conservation Director shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

D. Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR), as may be currently in effect, which address construction in floodplain areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

1) In Zone AE, along watercourses that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- 2) All subdivision proposals must be designed to assure that:
- a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.

E. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.

- 4) Conservation of water, plants, wildlife
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Building lawfully existing prior to the adoption of these provisions.

Or take any other action thereon

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

Upon a motion made by Planning Board member Steve Merriam and duly seconded, it was voted by unanimous voice vote to create a floodplain overlay zoning district **by amending its Zoning Bylaws by deleting the existing section Article IV-New Construction and New Uses, § 196-12 Flood Hazard Areas and by adding the following new section, Article V-Use Regulations, §196-22.1 Floodplain District:**

A. Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Boxford designated as Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Boxford are panel numbers 25009C0226F, 25009C0227F, 25009C0229F, 25009C0231F, 25009C0233F, 25009C0234F, 25009C0241F, 25009C0242F, 25009C0244F, 25009C0253F, 25009C0254F, 25009C0261F, 25009C0262F, 25009C0263F, 25009C0264F, and 25009C0401F dated July 3, 2012. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk,

B. Base Flood Elevation and Floodway Data

1) **Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

C. Notification of Watercourse Alteration

In a riverine situation, the Conservation Director shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

D. Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR), as may be currently in effect, which address construction in floodplain areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

- 1) In Zone AE, along watercourses that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2) All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.

E. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Building lawfully existing prior to the adoption of these provisions.

ARTICLE 15. To see if the Town will vote to amend the Town Zoning Map and re-zone the recently acquired Town property known as the Colby Property, as shown on the records of the Assessors as Map 10, Block 2, Lot 6, 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; or take any other action thereon.

Sponsored and Supported by the Board of Selectmen

Upon a motion made by Selectman Peter Perkins and duly seconded, it was voted by unanimous voice vote to amend the Town Zoning Map and re-zone the recently acquired Town property known as the Colby Property, as shown on the records of the Assessors as Map 10, Block 2, Lot

6, 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.

ARTICLE 16. To see if the Town will vote to amend its bylaws and add the following new section:

Article XI Tree Warden §19-25 Appointment. A Tree Warden shall be appointed in accordance with MGL c 41 §106, as amended.

Or take any other action thereon.

Sponsored and Supported by the Board of Selectmen

Upon a motion made by Selectman Peter Perkins and duly seconded, it was voted to amend the Town's bylaws and add the following new section:

ARTICLE XI Tree Warden § 19-25 Appointment. A Tree Warden shall be appointed in accordance with MGL c 41 §106, as amended.

ARTICLE 17. To see if the Town will vote to transfer the sum of **\$43,019.40 from Receipts Reserved from Appropriation-Insurance Losses (Fund 2090) to Town Hall Construction (Fund 3045)** to pay for repairs to the Town Hall fire pump vault completed and subsequently reimbursed by insurance payment to the Town, or to take any other action thereon.

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

Upon a motion made by Selectwoman Mary Anne Nay and duly seconded, it was voted by unanimous voice vote to transfer the sum of \$43,019.40 from Receipts Reserved from Appropriation-Insurance Losses (Fund 2090) to Town Hall Construction (Fund 3045) to pay for repairs to the Town Hall fire pump vault completed and subsequently reimbursed by insurance payment to the Town.

ARTICLE 18. To transact any other business that may legally come before said meeting.

Upon motion made by Selectman Peter Perkins and duly seconded it was voted by unanimous voice vote to dissolve this Annual Town Meeting.

Annual Town Meeting adjourned at 9:16pm.

Respectfully submitted,

Robin Phelan

Robin Phelan, Town Clerk

BOXFORD SPECIAL TOWN MEETING
Tuesday, October 23, 2012
Minutes

Boxford Special Town Meeting was called to order by Moderator Gerald Johnston at 7:08pm. There were 132 voters in attendance.

A quorum being present, the Warrant Articles were disposed of as follows:

ARTICLE 1. To see if the Town will vote to raise and appropriate, or transfer from available funds to amend FY 2013 budget appropriations adopted as Article #4 of the May 8, 2012 Annual Town Meeting and **INCREASE the following department line items** by the amounts listed:

Council on Aging:	\$ 1,200
Recreation Committee	\$ 500
Technology	\$25,000

Or take any other action thereon.

Sponsored and supported by Board of Selectmen
Finance Committee to make recommendation at Town Meeting

Upon a motion made by Peter Perkins and duly seconded, it was voted by majority voice vote to amend the FY 2013 budget appropriations adopted as Article #4 of the May 8, 2012 Annual Town Meeting and **INCREASE the following department line items** by the amounts listed:

Council on Aging:	\$ 1,200
Recreation Committee	\$ 500
Technology	\$25,000

ARTICLE 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,285 to fund the first year of the FY 2013 through FY 2015 Collective Bargaining Agreement between the Town and the Boxford Communication Dispatchers and Police Secretary Employees Association**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

Upon a motion made by Selectwoman Mary Anne Nay and duly seconded, it was voted by unanimous voice vote to raise and appropriate, the sum of **\$10,285 to fund the first year of the FY 2013 through FY 2015 Collective Bargaining Agreement between the Town and the Boxford Communication Dispatchers and Police Secretary Employees Association**, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$3,000 to fund an updated actuarial valuation study of the**

Town's Other Post Employment Benefit liability, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by Board of Selectmen

Finance Committee recommends adoption of this article

Upon a motion made by Mary Anne Nay and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash, the sum of **\$3,000 to fund an updated actuarial valuation study of the Town's Other Post Employment Benefit liability**, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 4. To see if the Town will vote pursuant to G.L. Chapter 32B, § 20, as amended by Chapter 68, Section 57 of the Acts of 2011, **to designate the Health Care Security Trust (HCST) board of trustees to serve as custodian of the Town's OPEB Trust Fund**; and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to execute and deliver the Custodian and Investment Agreement with HCST; and further to authorize the Town Treasurer to sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment Trust (PRIT) or as otherwise directed by HCST and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the PRIT Management Board may direct; to authorize the Town Treasurer to transfer any and all funds that have been, and will in the future be, appropriated for the purpose of meeting the Town's OPEB funding requirement to HCST or PRIT; or take any other action thereon.

Sponsored and supported by Board of Selectmen

Finance Committee recommends adoption of this article

Upon a motion made by Mary Anne Nay and duly seconded, it was voted by unanimous voice vote

pursuant to G.L. Chapter 32B, § 20, as amended by Chapter 68, Section 57 of the Acts of 2011, **to designate the Health Care Security Trust (HCST) board of trustees to serve as custodian of the Town's OPEB Trust Fund**; and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to execute and deliver the Custodian and Investment Agreement with HCST; and further to authorize the Town Treasurer to sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserves Investment Trust (PRIT) or as otherwise directed by HCST and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the PRIT Management Board may direct; to authorize the Town Treasurer to transfer any and all funds that have been, and will in the future be, appropriated for the purpose of meeting the Town's OPEB funding requirement to HCST or PRIT.

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$20,625 to purchase tick control products for resale at cost to Town residents**, funds to be expended under the direction of the Board of Health; or take any other action thereon.

Sponsored and supported by Board of Health

Finance Committee does not recommend adoption of this article

Board of Selectmen recommends adoption of this article

Upon a motion made by Board of Health member Richard Fahrner and duly seconded, it was voted by a hand count of 72 yes, 44 no, to transfer from Free Cash, the sum of **\$19,800 to purchase tick control products for resale at cost to Town residents**, funds to be expended under the direction of the Board of Health.

ARTICLE 6. To see if the Town will authorize the establishment of a revolving account, as authorized by Chapter 44, §53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town of the total receipts and expenditures of each account for each Fiscal Year, for a Tick Control Product Revolving Account, under the direction of the Board of Health, and used for the deposit of fees and receipts collected for tick control products, and, further, to allow the Board of Health, to expend funds not to exceed **\$20,000** for Fiscal Year 2013 from said account for the purchase of tick control products and associated expenses, or take any other action thereon.

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

Upon a motion made by Richard Fahrner and duly seconded, it was voted by a majority voice vote to authorize the establishment of a revolving account, as authorized by Chapter 44, §53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town of the total receipts and expenditures of each account for each Fiscal Year, for a Tick Control Product Revolving Account, under the direction of the Board of Health, and used for the deposit of fees and receipts collected for tick control products, and, further, to allow the Board of Health, to expend funds not to exceed **\$20,000** for Fiscal Year 2013 from said account for the purchase of tick control products and associated expenses.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$15,000 to fund the engineering, survey and permit expenses and construction costs and any other costs associated with the repair, reconstruction and replacement of the culvert at 585 Main Street**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budgeting Committee to make recommendation at Town Meeting

Upon a motion made by Selectman Charles Killam, and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash, the sum of **\$15,000 to fund the engineering, survey and permit expenses and construction costs and any other costs associated with the repair, reconstruction and replacement of the culvert at 585 Main Street**, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000 to fund the engineering, survey and permit expenses and construction costs and any other costs associated with the repair, reconstruction**

and replacement of the culvert at 20 Kelsey Road, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by Board of Selectmen
Finance Committee recommends adoption of this article
Capital Budgeting Committee to make recommendation at Town Meeting

Upon a motion made by Charles Killam and duly seconded, it was voted by unanimous voice vote to pass over Article 8.

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$38,000 to fund the first phase of engineering, survey and permit expenses and any other costs associated with the design of the repair, reconstruction and replacement of the floor drains at the East Fire Station, 6 Middleton Road and the West Fire Station, 585 Main Street,** funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

Meeting

Upon a motion made by Charles Killam and duly seconded, it was voted by unanimous voice vote to transfer from Free Cash, the sum of **\$38,000 to fund the first phase of engineering, survey and permit expenses and any other costs associated with the design of the repair, reconstruction and replacement of the floor drains at the East Fire Station, 6 Middleton Road and the West Fire Station, 585 Main Street,** 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 **\$100,000 to purchase, including license fees, consultant expenses and all other costs, and install technology equipment in the Cole and Spofford Schools, including installation of wireless technology,** funds to be expended under the direction of the School Committee; or take any other action thereon.

Sponsored and supported by Elementary School Committee
Computer Management Committee recommends adoption of this article
Finance Committee recommends adoption of this article
Capital Budgeting Committee to make recommendation at Town Meeting
Board of Selectmen recommends adoption of this article

Upon a motion made by School Committee member David Rivers and duly seconded, it was voted by majority voice vote to transfer from Free Cash, the sum of **\$100,000 to purchase, including license fees, consultant expenses and all other costs, and install technology equipment in the Cole and Spofford Schools, including installation of wireless technology,** funds to be expended under the direction of the School Committee.

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$200,000 to purchase, including license fees, consultant expenses and all other costs, and install hardware and software technology equipment for municipal technology services, including installation of desktop and server equipment and accessories, and ongoing support, monitoring and technology service,** said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by Board of Selectmen
Computer Management Committee recommends adoption of this article
Finance Committee to make recommendation at Town Meeting
Capital Budgeting Committee to make recommendation at Town Meeting

Upon a motion made by Selectman Charles Costello and duly seconded, it was voted by majority voice vote to transfer from Free Cash, the sum of **\$222,000 to purchase, including license fees, consultant expenses and all other costs, and install hardware and software technology equipment for municipal technology services, including installation of desktop and server equipment and accessories, and ongoing support, monitoring and technology service,** said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 12. To see if the Town will vote to amend its Personnel Classification Plan adopted as Article #3 of the May 8, 2012 Annual Town Meeting and **set the compensation for the Plumbing/Gas Inspector at a weekly stipend of \$222 and set the compensation for the Electrical Inspector at a weekly stipend of \$296,** and provide for an hourly rate for both at \$25 per hour for extraordinary hours and/or emergency call back; or take any other action thereon.

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

Upon a motion made by Peter Perkins and duly seconded, it was voted by unanimous voice vote to amend the Personnel Classification Plan adopted as Article #3 of the May 8, 2012 Annual Town Meeting and **set the compensation for the Plumbing/Gas Inspector at a weekly stipend of \$222 and set the compensation for the Electrical Inspector at a weekly stipend of \$296,** and provide for an hourly rate for both at \$25 per hour for extraordinary hours and/or emergency call back.

ARTICLE 13. To see if the Town will vote to raise and appropriate, or transfer from available funds to amend FY 2013 budget appropriations adopted as Article #4 of the May 8, 2012 Annual Town Meeting and **INCREASE the following department line items** by the amounts listed:

Animal Control Officer (to increase the salary of the Animal Control Officer)	\$3,030
Board of Health (to increase the salary of the Director of Public Health)	\$5,130
Council on Aging (to increase the salary of the Director of COA)	\$4,170
Library Salaries (to increase the salary of the Library Director)	\$2,420

Or take any other action thereon.

Sponsored and supported by Personnel Board
Finance Committee to make recommendation at Town Meeting
Board of Selectmen recommends adoption of this article

Upon a motion made by Personnel Board Chair Timothy Feeney and duly seconded, it was voted by a hand count of 57 yes, 47 no, to raise and appropriate to amend FY 2013 budget appropriations adopted as Article #4 of the May 8, 2012 Annual Town Meeting and **INCREASE the following department line items** by the amounts listed:

Animal Control Officer (to increase the salary of the Animal Control Officer)	\$3,030
Board of Health (to increase the salary of the Director of Public Health)	\$5,130
Council on Aging (to increase the salary of the Director of COA)	\$4,170
Library Salaries (to increase the salary of the Library Director)	\$2,420

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$15,000 to fund engineering and surveying services associated with final closure of the Boxford Sanitary Landfill**, said funds to be expended under the direction of the Board of Health, or take any other action thereon.

Sponsored and supported by Board of Health
Finance Committee recommends adoption of this article
Capital Budgeting Committee to make recommendation at Town Meeting
Board of Selectmen recommends adoption of this article

Upon a motion made by Board of Health member Richard Taylor and duly seconded, it was voted by a unanimous voice vote to transfer from Free Cash, the sum of **\$15,000 to fund engineering and surveying services associated with final closure of the Boxford Sanitary Landfill**, said funds to be expended under the direction of the Board of Health.

ARTICLE 15. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$10,000 to fund the demolition and removal of the Town owned structure located at 158 Washington Street (formerly known as the Colby House) and for the construction of parking spaces by the Department of Public Works**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

Upon a motion made by Peter Perkins and duly seconded, it was voted by a greater than two thirds voice vote to transfer from Free Cash, the sum of **\$10,000 to fund the demolition and removal of the Town owned structure located at 158 Washington Street (formerly known as the Colby House) and for the construction of parking spaces by the Department of Public Works**, funds to be expended under the direction of the Board of Selectmen.

ARTICLE 16. To see if the Town will vote to transfer the care, custody, management, and control of a parcel of Town-owned land, formerly part of the King Edward Court cul-de-sac, encompassing approximately 12,315 square feet and shown as Lot J on a plan entitled "Boxford, Massachusetts Plan of Land Prepared for: John J. & Ellen M. Marks," which plan is on file with the Town Clerk, from the board or officer currently having the care, custody, management and control thereof for its current purpose, to the Board of Selectmen for purpose of conveyance; and to authorize the Board of Selectmen to convey said parcel to John J. Marks and Ellen M. Marks, both of 3 King Edward Court, for the sum of \$1,979 and on such terms and conditions as the Board of Selectmen shall determine to be in the best interest of the Town; and further 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 undertake the purpose of this article; or take any other action thereon.

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

Upon a motion made by Planning Board member Steve Merriam and duly seconded, it was voted by a greater than two thirds voice vote to allow Attorney Michael Barry, representative of John J. Marks and Ellen M. Marks, to speak.

Upon a motion made by Planning Board member Steve Merriam and duly seconded, it was voted by a greater than two thirds voice vote to transfer the care, custody, management, and control of a parcel of Town-owned land, formerly part of the King Edward Court cul-de-sac, encompassing approximately 12,315 square feet and shown as Lot J on a plan entitled "Boxford, Massachusetts Plan of Land Prepared for: John J. & Ellen M. Marks," which plan is on file with the Town Clerk, from the board or officer currently having the care, custody, management and control thereof for its current purpose, to the Board of Selectmen for purpose of conveyance; and to authorize the Board of Selectmen to convey said parcel to John J. Marks and Ellen M. Marks, both of 3 King Edward Court, for the sum of \$1,979 and on such terms and conditions as the Board of Selectmen shall determine to be in the best interest of the Town; and further 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 undertake the purpose of this article.

ARTICLE 17. To transact any other business to legally come before this meeting.

Upon a motion made by Peter Perkins and duly seconded, it was voted to adjourn Boxford's Special Town Meeting at 9:15pm.

Respectfully submitted,

Robin Phelan

Robin Phelan, Town Clerk