

ADJOURNED ANNUAL TOWN MEETING

May 11, 1988

Moderator DeWitt T. Minich called the second session of the Annual Town Meeting to order at 7:34 p.m.

As voted at last night's meeting, Article 6 was first in the order of business this evening.

ARTICLE 6. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to complete a State required audit of the Town accounts containing federal funds, said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$2000 to complete a State required audit of the Town accounts containing federal funds, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 28. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to fund the preliminary architectural drawings for a new Town Office Building, for the purpose of cost analysis and presentation to a future town meeting, said funds to be expended under the direction of the Board of Selectmen, or take any other action thereon.

The Finance Committee supports this article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$25,000 to fund the preliminary architectural drawings for a new Town Office Building, for the purpose of cost analysis and presentation to a future town meeting, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 29. To see if the Town will vote to amend Article One, Section One, of the General Bylaws by adding the following sub-section:

1-1-2 A special Town meeting may be called in accordance with General Laws, Chapter 39, Section 10, as amended; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 30. To see if the Town will vote to amend Article One, Section One, of the General Bylaws by adding the following sub-section:

1-1-3 The substance of any article, other than collective bargaining agreements, defeated at a Town Meeting shall not again be placed on the warrant until the next Annual Town Meeting except and unless in compliance with General Laws, Chapter 39, Section 10, as amended; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the article so that sub-section 1-1-3 becomes sub-section 1-1-2.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article One, Section One, of the General Bylaws by adding the following sub-section:

1-1-2 The substance of any article, other than collective bargaining, agreements, defeated at a Town Meeting shall not again be placed on the warrant until the next Annual Town Meeting except and unless in compliance with General Laws, Chapter 39, Section 10, as amended.

ARTICLE 31. To see if the Town will vote to revise Article One, Section 3, of the General Bylaws in its entirety to read:

1-3-1 The quorum necessary for the transaction of business at the Annual Town Meeting shall be 100 voters, but a number less than a quorum may adjourn the Annual Town Meeting to a later date; or take any other action thereon.

Upon motion made and duly seconded, the motion was defeated by majority voice vote.

ARTICLE 32. To see if the Town will vote to amend Article One, Section 3, of the General Bylaws by adding the following sub-section:

1-3-2 The quorum necessary for the transaction of business at any Special Town Meeting shall be half the Annual Town Meeting quorum, but a number less than a quorum may adjourn a Special Town Meeting to a later date; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over this article.

ARTICLE 33. To see if the Town will vote to revise Article 8, Section 2, sub-section 2, of the General Bylaws in its entirety to read:

8-2-2 No person shall fire or discharge any handgun, rifle, shotgun, or any other device or weapon within the limits of any park, playground, school, or other public property except with the consent of the Board of Selectmen. No person shall hunt with, fire, or discharge any such weapon on any private property except with the written consent of the owner or legal occupant thereof. Such consent shall be renewed annually with a copy sent to the Police Department which shall issue a Boxford Landowners Hunting Permit. Persons hunting without a Boxford Landowners Hunting Permit shall be fined one hundred fifty (\$150) dollars per occurrence; or take any other action thereon.

A short recess was called at 8:32 p.m. to allow time to consider wording of an amendment to the article. The meeting resumed at 8:41 p.m.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the article with the following:

change, "other public property" to read "other Town property";
add, after "shall be fined", the phrase "up to";
add, "Land owners discharging weapons on their own land or Public Safety Officers are exempt from the provisions of this bylaw".

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the amendment with following:

add, after "Land owners", the phrase "or legal occupants".

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend the amendment with the addition of the phrase "in the performance of their duty" after Public Safety Officers.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to revise Article 8, Section 2, sub-section 2 of the General Bylaws in its entirety to read:

8-2-2 No person shall fire or discharge any handgun, rifle, shotgun or any other device or weapon within the limits of any park, playground, school or other Town property except with the consent of the Board of Selectmen. No person shall hunt with, fire, or discharge any such weapon on any private property except with the written consent of the owner or legal occupant thereof. Such consent shall be renewed annually with a copy sent to the Police Department which shall issue a Boxford Landowners Hunting Permit. Persons hunting without a Boxford Landowners Hunting Permit shall be fined up to one hundred fifty (\$150) dollars per occurrence. Land owners or legal occupants discharging weapons on their own land or Public Safety Officers in performance of their duty are exempt from the provisions of this bylaw.

ARTICLE 34. To see if the Town will vote to amend Article 8, Section 4, of the General Bylaws by adding the following sub-section:

8-4-11 Any non-resident dog shall be restrained from running at large. A non-resident dog is defined to be any dog not owned by a Town resident or not licensed by the Town of Boxford; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article 8, sub-section 4, of the General Bylaws by adding the following sub-section:

8-4-11 Dogs which are either 1) not owned by a Town resident but kept in the Town and not licensed by the Town, or 2) owned or kept by a Town resident but not licensed by the Town shall be restrained from running at large.

ARTICLE 35. To see if the Town will vote to amend Article 8, Section 4, of the General Bylaws by adding the following sub-section:

8-4-12 The Dog Officer shall be allowed two (\$2) dollars for each dog within the Town found to be in violation of these Bylaws and shall be allowed boarding fees, consistent with the rates of the impounding kennel, for each day or portion thereof for the care of such dog. These fees shall be paid by the owner or keeper of the dog, if known, otherwise by the Town Treasurer. The Dog Officer shall be paid ten (\$10) dollars by the owner or keeper of each dog for processing its release. This sum shall be aid over to the Town Treasurer; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend Article 8, Section 4, of the General Bylaws by adding the following sub-section:

8-4-12 The Dog Officer shall be allowed two (\$2) dollars for each dog within the Town found to be in violation of these Bylaws and shall be allowed boarding fees, consistent with the rates of the impounding kennel, for each day or portion thereof for the care of such dog. These fees shall be paid by the owner or keeper of the dog, if known, otherwise by the Town Treasurer. The Dog Officer shall

be paid ten (\$10) dollars by the owner or keeper of each dog for processing its release. This sum shall be aid over to the Town Treasurer.

ARTICLE 36. To see if the Town will vote to amend Article 10, Section 2, of the General Bylaws by adding the following sub-section:

10-2-9 All dwellings, public buildings, and businesses shall be properly identified be number (assigned by the Building Inspector) in order to be reasonably visible to persons or vehicles approaching from either direction in the following manner: each building shall have its proper and legible street number affixed to the front entrance; if the number is not visible from the street, the property shall also display the proper legible number on an object affixed in the ground at the end of the driveway.

All new buildings shall be properly identified with specifications listed in this sub-section and in sub-section 10-2-8 before an occupancy permit is issued. All property owners shall be in compliance with this bylaw on or before September 1, 1988. All property owners shall be subject to a fine of fifty (\$50) dollars for each 30-day period of non-compliance; or take any other action thereon.

An amendment to the article was defeated by hand count, 60 affirmative and 76 negative.

Upon motion made and duly seconded, it was VOTED, by majority voice vote to amend Article 10, Section 2, of the General Bylaws by adding the following sub-section:

10-2-9 All dwellings, public buildings, and businesses shall be properly identified be number (assigned by the Building Inspector) in order to be reasonably visible to persons or vehicles approaching from either direction in the following manner: each building shall have its proper and legible street number affixed to the front entrance; if the number is not visible from the street, the property shall also display the proper legible number on an object affixed in the ground at the end of the driveway.

All new buildings shall be properly identified with specifications listed in this sub-section and in sub-section 10-2-8 before an occupancy permit is issued. All property owners shall be in compliance with this bylaw on or before September 1, 1988. All property owners shall be subject to a fine of fifty (\$50) dollars for each 30-day period of non-compliance.

ARTICLE 37. To see if th town will vote to amend Article 10, Section 2, the General Bylaws by adding the following sub-section:

10-2-10 Any person on public streets between 30 minutes before sunset and 30 minutes after sunrise and not on or in a motorized vehicle, shall wear highly reflective material on the front and back of their outer garments or carry a lighted flashlight; except when within 500 yards of their property or the property which they are visiting; or in times of an emergency. Persons not complying with the above shall be fined fifty (\$50) dollars per occurrence; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote to amend the article by changing the word "person" to "persons".

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the article with the following:

change the phrase "lighted flashlight" to "lighted appliance";

add the phrase "up to" after ... shall be fined, so as to read: "... shall be fined up to fifty (\$50) dollars..."

Upon motion made and duly seconded, the article was defeated by majority voice vote.

ARTICLE 38. To see if the Town will vote to revise Article 10, Section 3, sub-section 4, of the General Bylaws in its entirety to read:

10-3-4 No person shall by any noise, gesture, words or other means, frighten a horse or dog working in harness in any public way in the town; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to revise Article 10, Section 3, sub-section 4, of the General Bylaws in its entirety to read:

10-3-4 No person shall by any noise, gesture, words or other means, frighten a horse or dog working in harness in any public way in the town.

ARTICLE 39. To see if the Town will vote to combine the positions of Treasurer and Tax Collector by authorizing the Treasurer to act as Tax Collector pursuant to M.G.L. Chapter 41, Section 1; said authorization shall take effect upon the expiration of the term of the elected Collector of Taxes in May 1989; or take any other action thereon.

The Finance Committee chose not to take a position on this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to combine the positions of Treasurer and Tax Collector by authorizing the Treasurer to act as Tax Collector pursuant to M.G.L. Chapter 41, Section 1; said authorization shall take effect upon the expiration of the term of the elected Collector of Taxes in May 1989.

ARTICLE 40. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to authorize the Board of Selectmen to purchase or take by eminent domain a portion of the deed of land owned by Maureen T. Shiepe, 378 Mian Street, Boxford, shown as Parcel C on a plan of land in Boxford, MA, prepared for the Town of Boxford by Thomas E. Neve Associates, Inc., said parcel containing 276 square feet more or less, according to said plan, in order to lessen the curve in the road opposite 363 Main Street and the entrance to Stile Pond Road; said plan of land filed with the Town clerk in May 1987, or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over this article.

ARTICLE 41. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to authorize the Board of Selectmen to purchase or take by eminent domain a portion of the parcel of land owned by the heirs of Carol Tyson, 17 Timber Lane, Hampstead, NH, shown as Parcel B on a plan of land in Boxford, MA, prepared for the Town of Boxford by Thomas E. Neve Associates, Inc., said parcel containing 6211 square feet, more or less, according to said plan, in order to lessen the

curve in the road opposite 363 Main Street and the entrance to Stiles Pond Road; said plan of land filed with the Town Clerk in May 1987, or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over this article.

ARTICLE 42. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to authorize the Board of Selectmen to purchase or lease a portion of the parcel of land owned by Bessie Carr located on the south side of Middleton Road as shown on a plan recorded in Essex South District Registry of Deeds as plan number 26 of 1965, containing 4.70 acres more or less, for school purposes, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$70,000 to authorize the Board of Selectmen to purchase or lease a portion of the parcel of land owned by Bessie Carr located on the south side of Middleton Road as shown on a plan recorded in Essex South District Registry of Deeds as plan number 26 of 1965, the portion to contain approximately 2 acres more or less, for school purposes.

ARTICLE 43. To see if the Town will vote to authorize the Selectmen to execute and deliver a deed to Peter J. Shulman for a parcel of land known as Peabody Meadow, recorded in Essex South District Registry of Deeds, Book 5861, page 371, containing 6.5 acres more or less; and, to accept in exchange from Peter J. Shulman a deed to the Inhabitants of Boxford for a parcel of land known as Peabody Orchard, recorded in said Records Book 8076, page 305, containing 5.5 acres more or less; said parcel to be under the management of the Boxford Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, or take any action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to authorize the Selectmen to execute and deliver a deed to Peter J. Shulman for a parcel of land known as Peabody Meadow, recorded in Essex South District Registry of Deeds, Book 5861, page 371, containing 6.5 acres more or less; and, to accept in exchange from Peter J. Shulman a deed to the Inhabitants of Boxford for a parcel of land known as Peabody Orchard, recorded in said Records Book 8076, page 305, containing 5.5 acres more or less; said parcel to be under the management of the Boxford Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C.

ARTICLE 44. To see if the Town will vote to approve of the acquisition and transfer of title from G. Edwin Hadley and Jean L. Hadley to the inhabitants of Boxford, to a parcel of land on Spofford Pond Road abutting the town of Boxford "Dry Hydrant Area", said parcel to be approximately 1/4 acre according to a plan to be drawn at Town expense and to be recorded at the Essex South County Registry of Deeds, or take any other action thereon.

The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to approve the acquisition transfer of title from G. Edwin Hadley and Jean L. Hadley to the inhabitants of Boxford, to a parcel of land on Spofford Pond Road abutting the town of Boxford "Dry Hydrant Area", said parcel to be approximately 1/4 acre according to a plan to be drawn at Town expense and to be recorded at the Essex South County Registry of Deeds.

ARTICLE 45. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to purchase from Elinor C. Bemis all her rights, title and interest to use the private ways as shown on a plan recorded with the Essex South Registry of Deeds, Plan Book 131, Plan 60, for all purposes for which private ways may be used in the Town of Boxford, subject to the rights of any others who may be entitled to use the ways as set forth on said plan, or take any other action thereon. The Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$2,000 to purchase from Elinor C. Bemis all her rights, title and interest to use the private ways as shown on a plan recorded with the Essex South Registry of Deeds, Plan Book 131, Plan 60, for all purposes for which private ways may be used in the Town of Boxford, subject to the rights of any others who may be entitled to use the ways as set forth on said plan.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to adjourn the meeting at 10:55 p.m. and reconvene on Wednesday evening, May 18, 1988, at 7:30 p.m. in the Masconomet Regional High School auditorium.

Registered voters attending the meeting were 165. Counters and checkers for the meeting were appointed by Town Clerk Frank H. Weatherby.