

## ANNUAL TOWN MEETING

May 12, 1998

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, May 12, 1998. Moderator Gerald R. Johnston called the Annual Town Meeting to order at 7:33 p.m. The 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 motion made and duly seconded, it was VOTED, by unanimous voice vote, to place on file the reports of the Town Officers and Committees without ratification of any action taken or authorization of any action proposed.

Finance Committee recommended adoption of this article.

ARTICLE 2. To see if the Town will vote to set the annual curbside solid waste collection fee at \$1.50 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1999; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to set the annual curbside solid waste collection fee at \$1.50 per 32 gallon bag or container (each use), said fee to fund the town wide curbside collection service and related expenses for Fiscal Year 1999. Finance Committee recommended adoption of this article.

ARTICLE 3. To see if the Town will vote to appropriate the following sums to fund the Roadside Collection Solid Waste and Recycling Enterprise Fund for Fiscal Year 1999, said funds to be expended under the direction of the Board of Health:

Expenses, Contract	\$130,000
Expenses, Bulldozer Operation	20,000
Expenses, Sticker Printing	4,200
Misc.	7,000

**TOTAL** **\$161,200**

and that \$161,200 be raised from the enterprise fund receipts; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate the following sums to fund the Roadside Collection Solid Waste and Recycling Enterprise Fund for Fiscal Year 1999, said funds to be expended under the direction of the Board of Health:

Expenses, Contract	\$130,000
Expenses, Bulldozer Operation	20,000
Expenses, Sticker Printing	4,200
Misc.	7,000

**TOTAL** **\$161,200**

and that \$161,200 be raised from the enterprise fund receipts.  
Finance Committee recommended adoption of this article.

ARTICLE 4. To see if the Town will authorize the establishment of a Recycling Revolving Account as authorized by Chapter 44, § 53E of the Massachusetts General Laws, said account to be 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 \$15,000 for Fiscal Year 1999 from said account for the operation and maintenance of the Town Recycling Center; said authorization to be contingent upon the creation of specific recycling fees by the Board of Health for construction and demolition materials, tires and other materials banned from disposal in the landfill; and contingent upon an annual report from the Board of Health to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice to authorize the establishment of a Recycling Revolving Account as authorized by Chapter 44, § 53E of the Massachusetts General Laws, said account to be 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 \$15,000 for Fiscal Year 1999 from said account for the operation and maintenance of the Town Recycling Center; said authorization to be contingent upon the creation of specific recycling fees by the Board of Health for construction and demolition materials, tires and other materials banned from disposal in the landfill; and contingent upon an annual report from the Board of Health to the Town on the total receipts and expenditures of the Account each fiscal year.  
Finance Committee recommended adoption of this article.

ARTICLE 5. To see if the Town will authorize the establishment of a Printing Revolving Account authorized by Chapter 44, § 53B 1/2 of the Massachusetts General Laws, said account to be 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; to expend funds not to exceed \$10,000 for Fiscal Year 1999 from said account for the costs to the Town for printing and reimbursable advertising; and contingent upon an annual report from the Board of Selectmen to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice to authorize the establishment of a Printing Revolving Account authorized by Chapter 44, § 53B 1/2 of the Massachusetts General Laws, said account to be 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; to expend funds not to exceed \$10,000 for Fiscal Year 1999 from said account for the costs to the Town for printing and reimbursable advertising; and contingent upon an annual report from the Board of Selectmen to the Town on the total receipts and expenditures of the Account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 6. To see if the Town will authorize the establishment of a Library Photocopy Machine Revolving Account as authorized by Chapter 44, §53E ½ of the Massachusetts General Laws, said account to be under the direction of the Board of Library Trustees and used for the deposit of receipts collected through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and further to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1999 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Library Photocopy Machine Revolving Account as authorized by Chapter 44, § 53E 3 ½ of the Massachusetts General Laws, said account to be under the direction of the Board of Library Trustees and used for the deposit of receipts collected through public use of the photocopy machines at both the Boxford Village and West Boxford libraries; and further to allow the Board of Library Trustees to expend fees not to exceed \$5,000 for fiscal year 1999 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies and contingent upon an annual report from the Board of Library Trustees to the Town on the total receipts and expenditures of the Account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 7. To see if the Town will authorize the establishment of a Conservation Revolving Fund as authorized by Chapter 44, §53E 4 ½ of the Massachusetts General Laws, said account to be under the direction of the Conservation Commission and used for the deposit of receipts collected through fees by direction of the Conservation Commission and further to allow the Conservation Commission to expend fees not to exceed \$5,000 for fiscal year 1999 from said account for extraordinary Conservation Commission application review expenses and contingent upon an annual report from the Conservation Commission to the Town on the total receipts and expenditures of the Account each fiscal year; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the establishment of a Conservation Revolving Fund as authorized by Chapter 44, §53E 3 ½ of the Massachusetts General Laws, said account to be under the direction of the Conservation Commission and used for the deposit of receipts collected through fees by direction of the Conservation Commission and further to allow the Conservation Commission to expend fees not to exceed \$5,000 for fiscal year 1999 from said account for extraordinary Conservation Commission application review expenses and contingent upon an annual report from the Conservation Commission to the Town on the total receipts and expenditures of the Account each fiscal year.

Finance Committee recommended adoption of this article.

ARTICLE 8. To see if the Town will vote to amend various portions of Article 5 of its Bylaws, known as the Personnel Bylaw, by amending Section 9, "Position Classes: Salary, Wages and Pay Matrix" and replacing it with the Compensation Plan as submitted by the Personnel Board as printed in this warrant; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, voice vote, to amend various portions of Article 5 of known as the Personnel Bylaw, by amending Section 9, Classes: Salary, Wages and Pay Matrix" and replacing Compensation Plan as submitted by the Personnel Board by unanimous its Bylaws, "Position it with the as follows:

**TOWN OF BOXFORD  
COMPENSATION PLAN  
for  
CLASSIFICATION PLAN EMPLOYEES  
FISCAL YEAR 1999**

CLASSIFICATION	HOURLY RATES		
	Probation Period	First Year	Second Year
LIBRARY PERSONNEL			
Circulation Desk Attendant	6.00	6.50	7.00
Library Assistant	7.50	8.00	9.00
MINUTES SECRETARY	8.00	9.00	10.00
		<b>FY99</b>	
ADMINISTRATIVE ASSISTANT		14.90	
ALTERNATE BUILDING INSPECTOR		17.38	
ANIMAL CONTROL OFFICER		10.65	
CUSTODIAN		8.91	
DIRECTOR, COUNCIL on AGING		14.62	
ELECTION OFFICERS			
Wardens		6.59	
Inspectors		6.41	
FIELD ASSESSOR		15.00	
PLUMBING/GAS INSPECTOR		13.90	
WIRING INSPECTOR		13.90	
		<b>ANNUAL SALARY: FY99</b>	
CONSERVATION ADMINISTRATOR		34,952	
DIRECTOR, PUBLIC HEALTH		42,245	
PLANNER/ADMINISTRATOR		25,000	

Finance Committee recommended adoption of this article

ARTICLE 9. 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 1999, to wit: General Government, Finance, Public Safety, Education, Town Maintenance and all other necessary proper expenses during said fiscal year; or take any other action thereon.

Upon motion made and duly seconded, an amendment to increase the Personnel Board budget from \$9,700 to \$19,700 by transferring \$10,000 from Free Cash was VOTED by majority show of hands.

Upon motion made and duly seconded, an amendment to increase the Planning Board budget from \$19,050 to \$29,050 by transferring \$10,000 from Free Cash was VOTED by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$549,415 and transfer from Free Cash the sum of \$20,000, for a total of \$569,415, to fund the GENERAL GOVERNMENT departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$288,471 to fund the FINANCE departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$1,298,966 to fund the PUBLIC SAFETY departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, an amendment to increase the Library Salary budget from \$186,252 to \$189,389 by transferring \$3,137 from Free Cash was VOTED by majority show of hands.

Upon motion made and duly seconded, an amendment to increase the Library All Other budget from \$79,464 to \$80,200 by transferring \$736 from Free Cash was VOTED by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$10,137,532 and transfer from Free Cash the sum of \$3,873, for a total of \$10,141,405, to fund the EDUCATION departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$600,493 to fund the TOWN MAINTENANCE departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$86,618 to fund the INSPECTORS departments for the Town of Boxford for the Fiscal Year 1999.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$619,550 to fund the INSURANCE AND PENSIONS departments for the Town of Boxford for the Fiscal Year 1999.

Total to Raise and Appropriate	\$13,581,044
To Transfer from Free Cash	23,873
Total Budget Approved	\$13,604,917

Finance Committee recommended adoption of this article.

At this time, the Selectmen and Finance Committee anticipate that Articles 10 and 11 will be offered to the town as "contingent appropriations". This means that although the appropriation

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would be approved at the town meeting, that appropriation would be full contingent upon the successful passage of a related Proposition 2 1/2 override ballot question. Should EITHER the warrant article or the ballot question fail, the appropriation would be rendered null and void.  
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ARTICLE 10: To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$195,922 to complete the funding of the FY 1999 Masconomet Regional School District Assessment; or to take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$195,922 to additionally fund the town's share of the FY 1999 Masconomet Regional School District Assessment, said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.  
Finance Committee recommended against adoption of this article.

ARTICLE 11: To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$11,800 to additionally fund school repair and maintenance costs for the Boxford Elementary School budget for FY 1999; said funds to be expended by the Elementary School Committee; or to take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$11,800 to additionally fund school repair and maintenance costs for the Boxford Elementary School budget for FY 1999; said funds to be expended by the Elementary School Committee, said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.  
Finance Committee recommended adoption of this article.

ARTICLE 12: To see if the Town will vote to add the following section to the General Laws:

**Article 3 Appointed officers and Boards**

Section 14 Computer Management Committee

14-1 A Computer Management Committee consisting of five members shall be established. Members shall be appointed by the Selectmen for terms of three years, except that initially the terms of appointment shall be determined by the Selectmen so that one member so appointed shall initially have a one year appointment, two members so appointed shall have a two year appointment, and two members so appointed shall initially have a three year appointment. The Committee may later be expanded to seven members at the discretion of the Board of Selectmen.

14-2 The Computer Management Committee reporting to the Board of Selectmen is charged as follows:

To oversee the purchase, sale, maintenance, and training of users of all computers, computer networks, and computer software acquired by Town departments, boards and committees.

- B) All such purchases, whether budgeted or capital in nature, will be reviewed by the committee before an expenditure is authorized or recommended for authorization.
- C) The Committee will request an annual budget to be used in part to cover the cost of townwide service and training as may be necessary.
- D) The Committee will report their activities to the Town and Board of Selectmen yearly, or as requested by the Board of Selectmen.

The Computer Management Committee shall schedule, post and conduct meetings in accordance with MGL Chapter 39, Section 23B, the so called "open meeting law." Written minutes shall be taken, a copy of which shall be submitted to the Selectmen's Office; or take any other action thereon.

Upon motion made and duly seconded, an amendment to Article 12 was defeated by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 12.C)

Finance Committee recommended adoption of this article.

ARTICLE 13. To see if the Town will vote to transfer \$17,920 from the Selectmen's Budget for FY 1999 to a newly created budget line item entitled **Computer Management Committee**; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 13.

Finance Committee recommended adoption of this article.

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 At this time, the Selectmen and Finance Committee anticipate that Articles 14 through 16 will be offered to the town as "contingent appropriations 11. This means that although the appropriation could be approved at the town meeting, that appropriation would be full contingent upon the successful passage of a related Proposition 2 1/2 override ballot question. Should EITHER the warrant article or the ballot question fail, the appropriation would be rendered null and void.  
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ARTICLE 14: To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$10, 000 to additionally fund the Fiscal Year 1999 budget of the Computer Management Committee in order to provide professional support for computer equipment and software as directed by the Computer Management Committee, said funds to be expended by the Computer Management Committee, or to take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over Article 14.

ARTICLE 15: To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$10,000 to additionally fund the Fiscal Year 1999 budget of the Personnel

ward in order to provide professional support for review of municipal salaries and benefits as  
funded by the Personnel Board, said funds to be expended by the Personnel Board, or to take  
any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass  
Article 15.

ARTICLE 16: To see if the town will vote to raise and appropriate or transfer from available  
funds the sum of \$10,000 to additionally fund the Fiscal Year 1999 budget of the Planning  
Board in order to provide additional hours and increased compensation for the Planning Board  
Administrator, said funds to be expended by the Planning Board, or to take any other action

thereon.  
Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass  
Article 16.

ARTICLE 17: To see if the Town will vote will vote to transfer from available funds the sum  
of \$3,000 for the purpose of providing Senior Citizen Real Estate Tax Payment Vouchers for  
services rendered on behalf of various Town departments, pursuant to an agreement to be  
formulated by the Council on Aging and approved by the Board of Selectmen; or take any  
other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to  
transfer from Free Cash the sum of \$3,000 for the purpose of providing Senior Citizen Real  
Estate Tax Payment Vouchers for services rendered on behalf of various Town departments,  
pursuant to an agreement to be formulated by the Council on Aging and approved by the  
Board of Selectmen; said funds to be expended under the direction of the Council on Aging.  
Finance Committee recommended adoption of this article.

ARTICLE 18: To see if the Town will vote to raise and appropriate, or transfer from available  
funds the sum of \$2,000 for the purpose of participation in the Help for Abused Women and  
their Children (HAWC) program; said funds to be spent under the direction of the Board of  
Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to  
transfer from Free Cash the sum of \$2,000 for the purpose of participation in the Help for  
Abused Women and their Children (HAWC) program; said funds to be spent under the  
direction of the Board of Selectmen.  
Finance Committee did not recommend adoption of this article.

ARTICLE 19: To see if the Town will vote to raise and appropriate, or transfer from available  
funds the sum of \$21,910 for the support of the Tri-Town Council on Youth and Family  
Services, Inc.; said funds to be spent under the direction of the Board of Selectmen; or take any  
other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to  
transfer from Free Cash the sum of \$21,910 for the support of the Tri-Town Council on Youth  
and Family Services, Inc.; said funds to be spent under the direction of the Board of  
Selectmen.  
Finance Committee recommended adoption of this article.



ARTICLE 20: To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$160,000 to purchase new computer equipment, hardware, software, peripherals, and any other furniture or equipment in order to upgrade the computer systems of the offices of the Assessors, the Treasurer/ Collector of Taxes, and the Accountant, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$160,000 to purchase new computer equipment, hardware, software, software licenses and support agreements, peripherals, and any other furniture or equipment in order to upgrade the computer systems of the offices of the Assessors, the Treasurer/Collector of Taxes, and the Accountant, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: Essential

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At this time, the Selectmen and Finance Committee anticipate that Articles 21 through 30 will be offered to the town as "contingent appropriations". This means that although the appropriation could be approved at the town meeting, that appropriation would be fully contingent upon the successful passage of a related Proposition 2 1/2 override ballot question. Should EITHER the warrant article or the ballot question fail, the appropriation would be rendered null and void.  
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ARTICLE 21: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$108,122 for the purpose of purchasing, installing and equipping classroom computers, monitors and printers, and other technology equipment and wiring incidental thereto for the Masconomet Regional School District; said funds to be spent under the direction of the Masconomet Regional School Committee; \$108,122 for the purpose of purchasing, installing and equipping classroom computers, monitors and printers, and other technology equipment and wiring incidental thereto for the Masconomet Regional School District; said funds to be spent under the direction of the Masconomet Regional School Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$108,122 for the purpose of purchasing, installing and equipping classroom computers, monitors and printers, and other technology equipment and wiring incidental thereto for the Masconomet Regional School District; said funds to be spent under the direction of the Masconomet Regional School Committee; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: High Priority

ARTICLE 22: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$54,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc devices, CD

CD drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the fourth year of a five year technology plan for the Boxford Elementary Schools; said funds to be spent under the direction of the Boxford Elementary School Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate the sum of \$54,000 to purchase computer and related technology hardware and software, including: CPU's, monitors, printers, scanners, modems, laser disc drives, CD ROM drives, work stations and other peripherals, equipment, software licenses and support, and all other incidental items necessary to implement the fourth year of a five year technology plan for the Boxford Elementary Schools; said funds to be spent under the direction of the Boxford Elementary School Committee; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.  
Budgeting Committee recommendation: Essential

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to adjourn the meeting at 11:15 p.m. to a time certain, Wednesday, May 13, at 7:30 p.m. in the Boxford Regional High school Auditorium.

Registered voters attending the meeting were 279

## ADJOURNED ANNUAL TOWN MEETING May 13, 1998

Moderator Gerald R. Johnston called the second session of the Boxford Annual Town Meeting under at 7:34 p.m. The articles of the warrant were disposed of as follows:  
Business unrelated to this Annual Town Meeting:

The following vote will be forwarded to North Andover by letter in support of their application for a State grant to assist in the purchase of the indicated property.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to approve the action taken by the Town of North Andover to purchase the 11Renshaw11 parcel, a 44 acre parcel in the Lake Cochichewick area, of which 96 acres are located in the Town of Boxford; the Town of Boxford applauds and supports the efforts by North Andover to acquire and protect this important parcel.

Moderator Johnston then asked the attending body if they would, in the future, be in favor of selecting the articles from a town meeting warrant in a random process, after first voting on the operating budget. All articles relating to the same subject would be discussed and voted on at the same time. This would avoid the possibility of special interest groups appearing the night their articles were to be considered.

A majority of the voters in attendance were in favor of this process.

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$25,000 for the purpose of funding road reconstruction and drainage in the

Town of Boxford; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$25,000 for the purpose of funding road reconstruction and drainage in the Town of Boxford; said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: Essential

ARTICLE 24: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$22,000 to fund the purchase and installation of a computer system for the Boxford Fire Department; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$22,000 to fund the purchase and installation of a computer system for the Boxford Fire Department; said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: Low Priority

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$6,000 to purchase a computer and to complete various networking and other computer management work on the town owned computers used by the Boxford Inspection Services Departments; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$6,000 to purchase equipment needed for completion of various networking systems and to fund related installation and conversion expenses for town owned computers used by the Boxford Inspection Services Departments; said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 26: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$6,000 to purchase a new photocopier for use by the Boxford Town Libraries and its patrons; said funds to be spent under the direction of the Board of Library Trustees; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$6,000 to purchase and install a new photocopier for use by the Boxford Town Libraries and its patrons; said funds to be spent under the direction of the

Board of Library Trustees; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

ARTICLE 27: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the replacement of the Police/Communications Department emergency power generator; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the Article 27 to substitute the words "transfer from Free Cash the sum of \$20,000 in lieu of "raise and appropriate the sum of \$20,000.11

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$20,000 to fund the replacement of the Police/Communications Department emergency power generator; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: High Priority

ARTICLE 28: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to complete and expand a parking lot at the Spofford Pond School; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$100,000 to fund the completion and expansion of a parking lot at the Spofford Pond School; said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee recommendation: High Priority

ARTICLE 29: To see if the Town will vote to borrow \$160,000 in order to pay for architectural design and engineering services and to fund related permits and expenses necessary to obtain the required approvals and plans for the reconstruction and expansion of the Police/Communications building; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by a greater than two-thirds voice vote, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$160,000 in order to pay for architectural design and engineering services and to fund related permits and expenses necessary to obtain the required approvals and plans for the reconstruction and expansion of the Police/Communications building; said funds to be spent under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

A 2/3 vote was required.

Finance Committee recommended adoption of this article.  
Capital Budgeting Committee recommendation: Essential

ARTICLE 30: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$22,000 to complete the construction of the Chadwick Three Field adjacent to the Spofford Pond School; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$22, 000 to complete the construction of the Chadwick Three Soccer Field adjacent to the Spofford Pond School; said funds to be expended under the direction of the Board of Selectmen; said appropriation to be fully contingent upon successful passage of the related Proposition 2-1/2 ballot question.

Finance Committee recommended adoption of this article.  
Capital Budgeting Committee recommendation: Essential

ARTICLE 31: To see if the Town will vote to transfer the sum of \$28,552 from Article 28 approved at the May 14, 1996 Annual Town Meeting, but not yet expended, to complete the construction of the Chadwick Three soccer field adjacent to the Spofford Pond School; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer the sum of \$28,552 from Article 28 approved at the May 14, 1996 Annual Town Meeting, -but not yet expended, to complete the construction of the Chadwick Three soccer field adjacent to the Spofford Pond School; said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 32: To see if the Town of Boxford will vote to authorize the Board of Selectmen to grant an Easement to the New England Telephone and Telegraph Company and Massachusetts Electric Company for the purpose of providing for the transmission of intelligence and electricity, such easement locations being more particularly described below, in, on and over certain parcels of land being Town owned land as shown on a sketch (filed with the Town Clerk) and entitled "New England Telephone and Telegraph Company Engineering Sketch of Proposed Utility Poles and Cable Location, November 25, 1997, Stiles Pond Road South, Boxford, Massachusetts". Also described on Assessor's Map 17 as Lot 27.1 and also on Plan Book 130, Plan 81 on record at the Registry of Deeds; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 32.

ARTICLE 33: To see if the Town will vote to amend Article 1 of the General Bylaws, Section 1-2 (**Town Meetings and Elections**) as follows (**suggested new language in bold type**):

1-1-2 The substance of any article, other than collective bargaining agreements, defeated at a Town Meeting or at a **subsequent election** shall not again be placed on the warrant until the next Annual Town Meeting except and unless in compliance with

Massachusetts General Laws, Chapter 39, Section 10 as amended; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by a show of hands majority vote, to

pass over Article 33.

Finance Committee recommended adoption of this article.

ARTICLE 34: To see if the Town will vote to amend Article Three of the General Bylaws, Section 4 (Capital Budgeting Committee) by removing the word "annual" from the fifth line of 3-4-1. Line 5 would thus read: "reporting anticipated capital needs to the Town at each Town Meeting."; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article Three of the General Bylaws, Section 4 (Capital Budgeting Committee) by removing the word 'annual' from the fifth line of 3-4-1. Line 5 would thus read: "reporting anticipated capital needs to the Town at each Town Meeting."

Finance Committee recommended adoption of this article.

ARTICLE 35: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to grind and remove the log/stump pile at the Boxford Landfill; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to transfer from Free Cash the sum of \$9,400 to grind and remove the log/stump pile at the Boxford Landfill; said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 36: To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$3,600 to fund the Town's share of the Federal COPSFAST Grant; said funds to be spent under the direction of the Board of Selectmen or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$3,600 to fund the Town's share of the Federal COPSFAST Grant; said funds to be spent under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 37: To see if the Town will vote to amend its General Bylaws (Article V known as the PERSONNEL BYLAW as printed in at the end of this Warrant; or take any other action thereon.

Upon motions made and duly seconded, amendments to the PERSONNEL BYLAW increasing the size of the Personnel Board from three member to five were defeated by majority voice vote.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend its General Bylaws (Article V known as the PERSONNEL BYLAW) as follows:

Section 1 - Authorization

5-1-1 Pursuant to the authority contained in Section 108A and 108C of Chapter 41 of the General Laws, as amended, the **Board** may, as necessary, establish plans which may be amended from time to time by vote of the **Town** at a Town Meeting (a) classifying positions in the service of the Town other than those under the exclusive authority of a department or **administrative authority** other than this **Board**, (b) recommending appropriate **compensation plans**, (c) providing for the administration of said **classification** and compensation plans, and (d) advising the Board of Selectmen, Finance committee and all **departments** and **administrative authorities** employing or responsible for **Town employees** not covered by the **classification plan**, on all matters pertaining to **compensation**, personnel policies and administration, by making recommendations to said **departments** and **administrative authorities**.

## Section 2 – Definitions

5-2-1 As used in this bylaw, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth.

- a) **ADMINISTRATIVE AUTHORITY:** The elected or appointed official, board, commission or similar entity having jurisdiction over a function or activity.
- b) **BOARD:** The Personnel Board as described in Section 3.,
- c) **CLASS:** A position or group of positions essentially similar in respect to duties and responsibilities to the extent that a common scale of **compensation** can be applied with equity.
- d) **CLASSIFICATION PLAN:** A tabulation of **classes** as described in Section 4 of this bylaw plus **class SPECIFICATIONS WHICH ARE ON FILE WITH THE Board** and which are hereby incorporated by reference.
- e) **COMPENSATION:** Salary wages, benefit programs, fringe benefits and certain working conditions.
- f) **COMPENSATION PLAN:** Regulations and procedures relating to **employee compensation** as described in Section 5 of this bylaw.
- g) **CONTINUOUS EMPLOYMENT:** Employment uninterrupted except for required military service, authorized vacation, sick leave, bereavement leave, personal days, court leave or other authorized leave or absence.
- h) **DEPARTMENT:** Any department, board, committee, commission or other agency of the **Town** subject to this bylaw.
- i) **DEPARTMENT HEAD:** The officer, board or other body having immediate supervision and control of a department, in the instance of a department serving under the supervision and control of the Selectmen, the officer, board or other body immediately responsible to the Board of Selectmen for administration of the **department**.
- j) **EMPLOYEE:** Any person retained in the service of the Town on a **full-time** or **part-time** basis and receiving salary or wages.
- k) **FULL-TIME EMPLOYEE:** An **employee** retained for **full-time employment**.
- l) **FULL-TIME EMPLOYMENT:** Employment for not less than twenty (20) hours per week for fifty two (52) weeks per annum, minus legal holidays and authorized leave or

absence, including but not limited to military service leave, vacation, sick leave, bereavement leave, personal days and court leave.

m) **HOLIDAY:** The Lord's day and all days on which legal holidays are observed provided that the phrase "holiday," shall not include the Lord's day for purpose of holiday pay.

n) **OVERTIME:** In accordance with the Fair Labor Standards Act as it pertains to municipal employees.

o) **PART-TIME EMPLOYEE:** An employee retained for part-time employment.

p) **PART-TIME EMPLOYMENT:** Employment for a lesser period of time than that which constitutes full-time employment.

q) **PROBATIONARY EMPLOYEE:** A regular employee within the first ninety (90) days of her/his first year of employment.

r) **REGULAR EMPLOYEE:** An employee retained on a continuing basis in a regular position.

s) **REGULAR POSITION:** Any position in the Town services which has required or is likely to require the services of an employee for a period of more than six (6) uninterrupted calendar months.

t) **TEMPORARY EMPLOYEE:** An employee retained in a temporary position.

u) **TEMPORARY POSITION:** Any position in the Town which is not permanent, but which requires or is likely to require the services of an employee for a period not exceeding six (6) calendar months.

v) **TOWN:** The Town of Boxford, Massachusetts.

### Section 3 - Personnel Board

3-3-1 Membership - There shall be a Personnel Board consisting of three (3) members appointed by the Board of Selectmen. Terms of members shall begin and end coincident with the start of a fiscal year.

3-3-2 Qualifications - Members shall be residents of the Town. In making appointments to the Board the Board of Selectmen shall give preference to persons who will best represent the interest of both the employees and the taxpayers of the Town and to persons who are knowledgeable and experienced in the fields of personnel administration and labor relations. No elected official, Town employee or appointees to any other Town board, committee, commission or other agency of the Town shall be appointed to the Board. A member taking a position in such an entity must resign as a member of this Board.

3-3-3 Term - Each member of the Board shall serve for a term of three (3) years provided however that of the members initially appointed, one shall serve for a term of one (1) year, one for a term of two (2) years and one for a term of three (3) years. Subsequent appointments shall be made by the Board of Selectmen to be effective at the start of each fiscal year provided however that if a member shall resign or otherwise vacate the office at a time other than the commencement of a fiscal year a successor will be appointed at that time to complete the unexpired term.



5-3-4 Organization - At its first meeting after the adoption of this bylaw and annually thereafter, the **Board** shall organize by electing a Chairperson and a Vice Chairperson, both of whom shall be members of the **Board**. The **Board** shall meet with such frequency required to administer this bylaw, excepting it shall meet not less than six (6) times annually.

5-3-5 Proceedings - Two (2) members of the Board shall constitute a quorum for the transaction of business. A majority vote of the members present shall determine the action of the Board on all matters upon which it is authorized or required to pass under this bylaw. The **Board** shall keep a record of its proceedings. The **Board** may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefor.

#### 5-3-6 Duties

- a) Administer the provisions of this bylaw, except for such duties as may be specifically assigned by statute exclusively to other **departments** or **administrative authorities**, and decide all questions relating to the interpretation and application of this bylaw.
- b) Administer the **classification plan** and **compensation plan** and establish policies, procedures and regulations consistent with these plans.
- c) Maintain evaluation records of all **Town employees** (other than those employed by the School Department) and copies of all union and non-union contracts. Such records shall be kept in the office of the Town Accountant.
- d) Maintain and periodically review job descriptions, the **classification plan** and **compensation plan** and recommend such amendments to this bylaw as it deems necessary or advisable to maintain a fair and equitable personnel program.
- e) Advise the Board of Selectmen, Finance Committee and all **departments** and **administrative authorities** employing or responsible for **Town employees** on all matters pertaining to **compensation** and personnel policies and administration by making recommendations to said departments and **administrative authorities**.
- f) Perform the functions assigned to Personnel Relations Review Boards under the provision of Section 21B of Chapter 40 of the General Laws unless an **employee** or **class of employees** specifically delegates said function elsewhere by written contract.
- g) Authorize the initiation, any change or termination in the status or **compensation** of all **Town employees** subject to the **Board's** authority.
- h) Hire and supervise a personnel specialist to be responsible for gathering and analyzing information necessary to assist the Board in fulfilling its duties.

#### Section 4 - Classification Plan

5-4-1 All positions in the service of the Town except those excluded in sections 1 (a) and 1 (d) are hereby classified by titles. The **classification plan** shall be public information, maintained by the **Board** and, by reference, made a part hereof.

5-4-2 The Board shall maintain written job descriptions or specifications of the **classes** in the **classification plan**, each consisting of a statement describing the essential nature of the work and characteristics that distinguish the **class** from other **classes**. The description for any **class** shall be construed solely as a means of identification and not as prescribing what the duties or

responsibilities of any position shall be, or as modifying, or in any way affecting the power of any **administrative authority**, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

5-4-3 Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, upon presentation by the appropriate **Department Head** of substantiating data satisfactory to the **Board**, the **Board** shall allocate such new or changed position to its appropriate **class** as hereinafter provided.

5-4-4 The title of each **class**, as established by the **classification plan** shall be the official title of every position allocated to the **class** and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

Section 5 - Compensation Plan - The provisions of this section shall apply to **employees** included in the **Classification Plan**.

#### 5-5-1 New Appointees

a) New **employees** shall be paid the entry level rate for the grade unless the **department head** applies for and receives prior written approval of the **Board** to do otherwise.

b) Each new **employee** shall serve a probationary period of 90 calendar days. Unsatisfactory performance within this period shall be cause for termination.

#### 5-5-2 Promotions

a) When an **employee** is promoted to a position in a higher **class**, the **compensation** shall normally be increased to the minimum rate for the higher classification. In the case of overlapping ranges, the promoted **employee's** rate shall be increased to a step immediately above the **employee's** previous rate unless the department head applies for and receives prior written approval of the **Board** to do otherwise.

b) If an employee is transferred to a position in a class having a higher salary range than the class from which the **employee** was transferred, such change shall be deemed a promotion.

5-5-3 Demotions - When an **employee** is demoted to a lower **class** due to unsatisfactory job performance, the **employee's** rate of pay shall be lowered to fit within the approved range for the lower position. The precise rate will be determined by the **Board**.

5-5-4 Reallocation Downward - When an **employee** is reallocated by the **Town** administration to a **class** with a lower rate of pay for reasons other than unsatisfactory job performance, there shall be no reduction in the **employee's** rate of pay. The **employee's** rate of pay will not be increased until approved increases in the new **class** exceed the **employee's** former rate unless the **department head** applies for and receives prior written approval of the **Board** to do otherwise.

5-5-5 Reinstated Employees - A reinstated **employee** shall receive a rate of pay within the approved range for the position. The precise rate will be determined by the **Board**.

5-5-6 Overtime - Overtime pay shall be paid in accordance with the Fair Labor Standards Act as it applies to municipal **employees**.

5-5-7 Salary Adjustments:

- a) All **employees** shall have their performance reviewed annually by their **department head** or other supervisor for the purpose of determining which **employees** shall receive salary increases. Many factors may enter into any recommendation, but major emphasis shall be placed upon quality of performance rendered to the **Town** by the **employee**..
- b) Failure to submit an evaluation of an **employee's** performance will preclude a salary increase for that **employee** in the subsequent fiscal year unless the department head shall apply for a receive written approval of the Board to do otherwise. In such an instance the adjusted rate and its effective date will be determined by the **Board**.
- c) The results of the evaluation shall be submitted to the **Board** no later than sixty (60) days prior to the Annual Town Meeting. Recommended wage adjustments shall be submitted to the Finance Committee no later than forty-five (45) days prior to the Annual Town Meeting. In no case shall the **compensation** of any **employee** be raised above the maximum for the **employee's class**.

5-5-8 Longevity Payment - **Employees** who have completed ten (10) years or more of **continuous employment** will be eligible for an additional payment in accordance with the following schedule:

<u>Length of Service</u>	<u>Payment</u>
Completed ten (10) but fewer than fifteen (15) years	2.5% of base wages received in the previous fiscal year
Completed fifteen (15) years	5.0% of base wages received in the previous fiscal year

The longevity payment is in the form of a lump sum. It is calculated and paid after each fiscal year in which the employee becomes or remains eligible has ended. The payment is derived from base wages attributable to the employee's normally scheduled hours per week. It does not recognize time beyond that normally scheduled, overtime, leaves (other than vacations and holidays) or other absences.

Section 6 - Employee Benefits

5-6-1 Any **full time employee** is eligible to receive benefits.

5-6-2 Vacation Leave

- a) All eligible **employees** successfully completing their probationary period shall have the right to accrue vacation from their date of hire. vacation pay shall be based upon hours normally scheduled to be worked. Vacation leave accrued within a twelve (12) month

period following employment, regardless of when the fiscal year falls, should be taken within that twelve (12) month period. With the immediate supervisor's permission, up to five (5) vacation days may be carried over into the next twelve (12) month period. New employees will be eligible to use vacation time after twenty-six (26) consecutive scheduled worked weeks, including authorized leave.

Eligible employees with less than five (5) years of continuous employment shall be entitled to two weeks vacation each year.

Eligible employees who have completed five (5) but fewer than ten (10) years of continuous employment shall be entitled to three weeks vacation each year.

Eligible employees who have completed ten (10) but fewer than twenty-five (25) years of continuous employment shall be entitled to four weeks vacation each year.

Eligible employees who have completed twenty-five (25) years of continuous employment shall be entitled to five (5) weeks vacation each year.

Vacation leave may be taken at such time as the employee wishes, with the approval of the employee's immediate supervisor. Approval shall not be arbitrarily denied but may take into account production commitments, public safety concerns, availability of replacement personnel and similar considerations. Compensation for vacation periods is derived from base wages attributable to the employee's normally scheduled hours per week. Working for more than one department throughout an employee's career shall not be grounds for denial of this benefit.

6-3 Holidays - Eligible employees shall be entitled to the following holidays and shall receive their normal per diem compensation if scheduled to work on New Year's Day, Martin Luther King Day, President's Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas.

6-4 Sick Leave - Eligible employees shall be granted paid sick leave at their regular per diem rate on the basis of one allowed day for each twenty (20) days of work. No employee may accrue more than eighty-five (85) sick days at any time during the course of employment. Sick leave shall not be paid to any employee who has not worked at least sixty (60) calendar days following her/his probationary period. Paid sick leave shall not be granted unless the employee shall have notified his supervisor of the illness nor, in the case of more than three consecutive days of absence, unless a doctor's certificate of inability to work shall have been furnished to the department head if requested.

6-5 Health Insurance - Health insurance is available to eligible employees at their option. It is provided by Chapter 32B of the General Laws, as amended and accepted by the Town.

6-6 Retirement Plan - Retirement benefits are provided to eligible employees as provided by Chapter 66, Acts of 1946, of the General Laws.

6-7 Life Insurance - Life insurance shall be offered to all eligible employees on an equally shared premium basis.

5-6-8 An eligible **employee** who has completed the probationary period shall be allowed a maternity leave of absence as provided by Chapter 149, Section 105D, as amended.

5-6-9 All **full time employees** and management employees shall be eligible for three (3) days of personal leave during each fiscal year. No personal leave time may be carried over into a subsequent fiscal year.

5-6-10 All eligible **employees** shall be entitled to up to three days leave at the normal per diem rate due to a death in the immediate family. The immediate family includes a spouse, parent, child, siblings, legally adopted children, grandparents or relative living in the employee's household at the time of death. The length of the leave shall take into account the closeness of the relationship and travel arrangements necessary to attend either the funeral or memorial service.

#### Section 7 - Grievance Procedure

5-7-1 A "grievance,, shall be defined to mean any dispute between an **employee** and her/his appointing authority which arises out of an exercise of administrative discretion by said appointing authority with respect to the **employee's** condition of employment.

5-7-2 In accordance with section 5-3-6f the **Board** shall constitute the Personnel Review Board of the **Town** and as such have the powers and duties and shall perform the functions assigned to personnel relations review boards under the provisions of Section 21B, Chapter 40 of the General Laws. The **Board** in performing its duties as the Personnel Review Board shall be subject to the limitations imposed by said Section 21B and the bylaws of the Town.

5-7-3 Grievances shall be settled as follows:

Step 1 - The **employee** shall take up his/her grievance orally with his/her immediate supervisor who shall reach a decision and communicate it orally to the **employee** within three (3) working days.

Step 2 - If the grievance has not been settled as in Step 1, the grievance shall be presented in writing by the **employee** to the **employee's** supervisor within five (5) working days. The **employee's** supervisor shall attempt to resolve the grievance and shall give a decision to the **employee** in writing within five (5) working days of receipt of the written complaint.

Step 3 - If the grievance has not been settled as in Step 2, it shall be presented in writing by the **employee** to the **department head** within five (5) working days after receipt of the supervisor's written decision. The **department head** shall attempt to resolve the grievance and shall give a decision to the **employee** in writing within five (5) working days of receipt of the written complaint.

Step 4 - If the grievance has not been settled as in Step 3, it shall be presented in writing by the **employee** to the **Board** within five (5) working days after the receipt of the **department head's** written decision. The **Board** shall attempt to resolve the grievance by a meeting with the **employee**, the **employee's** supervisor and the **department head** within ten (10) working

after receipt of the written complaint. The Board shall give a decision to the employee and the department head in writing within ten (10) working days after the meeting. The decision of the Board shall be final and binding.

#### Section 8 - Amendments to the Plans

8-1 The classification plan and/or compensation plan and/or other provisions of this bylaw may be amended by vote of the Town at either a regular or special Town meeting in the same manner as other bylaws of the Town may be amended. However, no amendment shall be considered or voted on by Town meeting unless the amendment has first been considered by the Board and the Finance Committee.

8-2 The Board, of its own motion, may propose an amendment to the plans or other provisions of this bylaw on its findings resulting from its investigation as provided in Section

8-3 The Board shall report its recommendations on any proposed amendment to the Finance Committee and shall make its recommendations with regard to any amendment at the Town meeting at which time such amendment is considered.  
Finance Committee recommended adoption of this article.

ARTICLE 38: To see if the Town will vote to add the following new section to the General Laws as follows:

#### Article 3, Appointed officers and Boards

##### Section 15 Land-Committee

15-1 A Land Committee consisting of five members shall be established.  
Members of the Committee shall be appointed as follows:

One member selected by and from the Planning Board and appointed by the Selectmen.

One member selected by and from the Conservation Commission and appointed by the Selectmen.

One member selected by and from the Finance Committee and appointed by the Selectmen.

Two members to be selected and appointed by the Selectmen

At least one member of the committee shall have experience in the field of commercial real estate finance or acquisition.

15-2 Members shall be appointed for three years except that initially the terms of appointment shall be determined by the Selectmen so that one member so appointed shall initially have a one year appointment, two members so appointed shall initially

have a two year appointment, and two members so appointed shall initially have a three year appointment.

3-15-3 The Land Committee shall function as follows:

- A) All potential real estate acquisitions by the Town involving the purchase of land for conservation or other municipal purposes, will be referred to the Board of Selectmen to determine, in consultation with the Land Committee, if the potential acquisition fits within the Town's Master Plan. If the Board of Selectmen determines that the acquisition comports with the Town's Master Plan, the Land Committee will consider such potential acquisition as set forth below and subsequently make recommendations as it deems appropriate to the Selectmen.
- B) The Land Committee will obtain from the potential seller, or from other available sources all pertinent information it deems necessary regarding the real estate in question. For the purchase of land as a single acquisition or as a series of related acquisition where the total estimated market price or assessed value exceeds \$250,000 (to be determined in consultation with the Board of Selectmen on a case by case basis), such information must include two complete self contained appraisal reports prepared by independent appraisers licensed and certified by the Commonwealth of Massachusetts to perform commercial appraisals, a real estate land development plan which is supported by perc tests or soil tests showing the number of home sites which can be reasonably expected to be built on the property in question. The requirement for a land plan may be waived by the Land Committee with the approval of the Board of Selectmen where the highest and best use of the property is not residential development or where the Land Committee and the Board of Selectmen determine that it is not in the best interests of the Town to obtain the plan. When required, such plan shall be accompanied by a written review from the Boxford Planning Board. For the purchase of land as a single acquisition or as a series of related acquisitions, where the total estimated market price or assessed value is less than \$250,000 (to be determined in consultation with the Board of Selectmen on a case by case basis), a land development plan is optional and the appraisals may be limited.
- C) The Land Committee will render a written recommendation to the Selectmen with copies to the Finance Committee, Planning Board and Conservation Commission. The report will be submitted in a timely manner, providing adequate time for review prior to potential Town action. The Committee's report will include the reasons for said recommendation including a review of all appraisals, a review of the land plan supporting such appraisals, an explanation of the differences, if any, between the purchase price and the appraised fair market value.
- D) If the Town votes to purchase land recommended by the Land Committee, the Selectmen will subsequently purchase services to conduct a title examination and an environmental profile study (i.e. MGI. c 2 1E) in order to ensure that both are satisfactory to the Board of Selectmen prior to purchase of the land.

The Land Committee will request an annual budget which will be used in part to cover the cost of appraisals and other expenses of the Land Committee.

The Land Committee working with the Board of Selectmen will develop at least yearly, a prioritized list of potential land acquisitions showing the rationale for priorities. The Committee will report their activities to the Board of Selectmen on an annual basis or as requested by the Board of Selectmen. Such reports will include a review of priorities, the status of activities related to potential land transactions and any land newly identified for potential purchase.

The Boxford Land Committee shall schedule, post and conduct meetings in accordance with M.G.L. c.39, S21B, the so-called "open meeting law". Written minutes shall be taken, a copy of which shall be submitted to the Selectmen's office;

or take any other action thereon.

Upon motion made and duly seconded, it was VOTED by unanimous voice vote, to pass over Article 38.

Finance Committee recommended adoption of this article.

ARTICLE 39: To see if the Town will vote to add the following new section to the General Laws as follows; or take any other action thereon (Sponsored by Initiative petition)

#### Section XX Land Committee

A Y-ZA Land Committee consisting of five members shall be established.

Members of the Committee shall be appointed as follows:

One member selected by and from the Planning Board and appointed by the Selectmen

One member selected by and from the Conservation Commission and appointed by the Selectmen

One member selected by and from the Finance Committee and appointed by the Selectmen

One member selected by and from the Capital Budgeting Committee and appointed by the Selectmen

One member to be selected and appointed by the Selectmen.

It is desirable that at least one member of the Committee shall have experience in the field of real estate finance or acquisition.

Members shall be appointed for three years except that initially the terms of appointment shall be determined by the Selectmen so that one member so appointed shall initially have a one year appointment, two members so appointed shall have a two year appointment, and two members so appointed shall initially have a three year appointment.

All potential Town of Boxford land purchases and sales as well as leases and rentals will be referred to the Land Committee.



After going through the process of due diligence: site walks, reviewing plans, obtaining appraisals, and other steps, the Boxford Land Committee deems necessary, and after reviewing the particular projects with the Boards, whose members sit on the Land Committee, the said Committee shall make written and oral recommendations to the Selectmen and the Town.

The Committee will adopt operating procedures and policies with respect to the above activities and will publicize same on a regular basis and make them available to the public and the Town of Boxford. A public hearing will be held prior to the adoption or amendment of these policies and procedures.

The Land Committee will request an annual budget which will be used to cover the cost of appraisals and other costs necessary to conduct its business.

The Land Committee will report on their activities to the Board of Selectmen and the Town on a regular basis (no less than quarterly)

Their minutes shall be available in the Town Offices.

The Boxford Land Committee shall schedule, post and conduct meetings in accordance with MGL Chapter 39, Section 233, the so called "open meeting law." April 1, 1998.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 39.

ARTICLE 40: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$10,000 to fund appraisals and other professional assistance fees and expenses incidental to, the independent valuation of any properties identified by the Boxford Land Committee as under consideration for possible purchase by the Town of Boxford, said funds to be expended under the direction of the Boxford Land Committee; or to take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 40.

ARTICLE 41: To see if the Town will vote to transfer \$10,000 from the Selectmen's FY 1999 budget to a newly created budget line item entitled Land Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 41.

It, was announced, prior to voting on the following article, that the Planning Board had held the appropriate public hearings on Articles 42 through 49.

ARTICLE 42: To see if the Town will vote to accept the following as a public way:  
**FIELDSTONE WAY** in its entirety from station 0+00 to station 11+159 as shown on plan entitled "As-Built Plan, Fieldstone Way, Ponds Edge Estates, Boxford, MA, prepared for Stavredes Realty Trust, by Parsons and Faja, Inc., May 18, 1997, and recorded in the Essex South District Registry of Deeds, Plan Book 323, Plan #99, including any easements

...enant thereto. [Also see Plan Book 286, Plan 30 for Definitive Subdivision Plan, also  
...ed in Essex South Registry of Deeds]; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept  
... following as a public way:

**FIELDSTONE WAY** in its entirety from station 0+00 to station 11+159 as shown on plan  
... "As-Built Plan, Fieldstone Way, Ponds Edge Estates, Boxford, MA, prepared for  
... Realty Trust, by Parsons and Faia ' Inc., May 18, 1997, and recorded in the Essex  
... District Registry of Deeds, Plan Book 323, Plan #99, including any easements  
...enant thereto. [Also see Plan Book 286, Plan 30 for Definitive Subdivision Plan, also  
...ed in Essex South Registry of Deeds].

**ARTICLE 43:** To see if the Town will vote to accept the following as a public way:

**ANDREWS FARM ROAD** in its entirety from station 0+00 to station 18+54.51 as shown  
... a plan entitled "As-Built Plan of Andrews Farm Subdivision," Boxford, MA, prepared for  
... Lockwood Lane Realty Trust, Douglas R. Conn, Trustee, and 15 Silverbrook Road Realty  
... Douglas R. Conn, Trustee, by Hancock Survey, Inc., dated April 24, 1995, and  
...ed in Essex South Registry of Deeds, Plan Book 307, Plan #20, including any easements  
...enant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass over  
... Article 43.

**ARTICLE 44:** To see if the Town will vote to accept the following as a public way:

**ANDREWS FARM ROAD** in its entirety from station 0+00 to station 5+24.93 as shown on a plan  
... "As built Plan of Andrews Farm Subdivision, 11 Boxford, MA, prepared for 94  
... Lockwood Lane Realty Trust, Douglas R. Conn, Trustee, and 15 Silverbrook Road Realty  
... Douglas R. Conn, Trustee, by Hancock Survey, Inc., dated April 24, 1995, and  
...ed in Essex South Registry of Deeds, Plan Book 307, Plan #20, including any easements  
...enant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to pass  
... Article 44.

**ARTICLE 45:** To see if the Town will vote to accept the following as a public way:

**POWDERHOUSE LANE** in its entirety from station 0+00 to station 1'+06.45 as shown on  
... plan entitled "As built/ Street Acceptance Plan of Powderhouse Lane," Boxford, MA,  
... for Powderhouse Realty Trust; Engineer Hancock Survey Associates, Inc. dated Dec.  
... 1995 and recorded in Essex South Registry of Deeds, Plan Book 323, Plan #93, including  
... easements appurtenant thereto. [Also see Definitive Subdivision Plan recorded in Essex  
... Registry of Deeds in Plan Book 283, Plan 64 and in Plan Book 286, Plan 601 ; or take  
... other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to  
... the following as a public way:

**POWDERHOUSE LANE** in its entirety from station 0+00 to station 14+06.45 as shown on  
... plan entitled "As built/ Street Acceptance Plan of Powderhouse Lane," Boxford, MA,  
... for Powderhouse Realty Trust; Engineer Hancock Survey Associates, Inc. dated Dec.  
... 1995 and recorded in Essex South Registry of Deeds, Plan Book 323, Plan #93, including

any easements appurtenant thereto. [Also see Definitive Subdivision Plan recorded in Essex South Registry of Deeds in Plan Book 283, Plan 64 and in Plan Book 286, Plan 60].

ARTICLE 46: To see if the Town will vote to accept the following as a public way: **SADDLE HILL ROAD** in its entirety, from station 0+00 to station 12+59.83 as shown on a plan entitled "As built Subdivision Plan of Saddle Hill Estates", Boxford, MA prepared for the Boxford Planning Board, dated January 6, 1993, by Thomas E. Neve Associates, Inc. and recorded in Essex South Registry of Deeds in Plan Book 9190, Plan 352, including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 46.

ARTICLE 47: To see if the Town will vote to accept the following as a public way: a portion of **GREAT POND DRIVE** from station 0+00 to station 15+00 as shown on a plan entitled "As built Subdivision Plan of Great Pond Drive", Baldpate Pond Subdivision, Phase II, Boxford MA prepared for Baldpate Pond Limited Partnership, dated October 5, 1995 by Thomas E. Neve Associates, Inc. See Definitive Subdivision Plan recorded in the Land Registration Office (at Land Court) as Plan #29220J and in the Essex South Registry of Deeds in Plan Book 291, Plan 83, including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way: a portion of **GREAT POND DRIVE** from station 0+00 to station 15+00 as shown on a plan entitled "As built Subdivision Plan of Great Pond Drive" Baldpate Pond Subdivision, Phase II, Boxford MA prepared for Baldpate Pond Limited Partnership, dated October 5, 1995 by Thomas E. Neve Associates, Inc. See Definitive Subdivision Plan recorded in the Land Registration Office (at Land Court) as Plan #29220J and in the Essex South Registry of Deeds in Plan Book 291, Plan 83, including any easements appurtenant thereto.

ARTICLE 48: To see if the Town will vote to accept the following as a public way: a portion of **MEETING PLACE CIRCLE** from station 0+00 to station 4+23.49 as shown on a plan entitled "As built Subdivision Plan of Great Pond Drive", Baldpate Pond Subdivision, Phase IV, Boxford MA prepared for Baldpate Pond Limited Partnership, dated February 16, 1996 by Thomas E. Neve Associates, Inc. and recorded in the Land Registration office (at Land Court) as Plan 29220L and in the Essex South Registry of Deeds in Plan Book 297, Plan 2, including any easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to accept the following as a public way: a portion of **MEETING PLACE CIRCLE** from station 0+00 to station 4+23.49 as shown on a plan entitled "As built Subdivision Plan of Great Pond Drive", Baldpate Pond Subdivision, Phase IV, Boxford MA prepared for Baldpate Pond Limited Partnership, dated February 16, 1996 by Thomas E. Neve Associates, Inc. and recorded in the Land Registration office (at Land Court) as Plan 29220L and in the Essex South Registry of Deeds in Plan Book 297, Plan 2, including any easements appurtenant thereto.

ARTICLE 49: To see if the Town will vote to accept the following as a public way:  
WALKER LANE in its entirety, from station 0+00 to station 6+71.35 as shown on a plan  
entitled "As built Subdivision Plan of Walker Lane", Boxford, MA prepared for Walker  
Development Corp., dated November 19, 1997, by Thomas E. Neve Associates, Inc. and  
recorded in the Essex South Registry of Deeds in Plan Book 324, Plan 21, including any  
easements appurtenant thereto; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to  
approve over Article 49.

ARTICLE 50: To see if the Town will vote to amend **Section VI of the Boxford Zoning**  
Bylaw as follows:

In Section **VI.I.3** change the Heading on the right hand column to read as follows:

"Maximum Number of Building Permits for New Dwellings Per Year, Beginning with  
the Filing Date with the Registry of Deeds of the Definitive Subdivision Plan."

Add the following sentence after the phasing table in Section **VI.I.3**:

"The phasing schedule shall be set forth on the Definitive Recorded Subdivision Plan;"  
or take any other action thereon.

Explanation: These changes will allow the Inspector of Buildings to monitor the phasing more  
effectively.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to  
amend **Section VI of the Boxford Zoning Bylaw** as follows:

In Section **VI.I.3** change the Heading on the right hand column to read as follows:

"Maximum Number of Building Permits for New Dwellings Per Year, Beginning with  
the Filing Date with the Registry of Deeds of the Definitive Subdivision Plan."

Add the following sentence after the phasing table in **Section VI.I.3**:

"The phasing schedule shall be set forth on the Definitive Recorded Subdivision Plan."

A 2/3 vote was required.

The Planning Board has held the appropriate hearings.

The Planning Board has held the appropriate hearings for Articles 51 to 57.

ARTICLE 51: To see if the Town will vote to replace **Section V.A.13, Paragraph C of the**  
**Boxford Zoning Bylaw** with the following:

"**Apartment Size:** The maximum floor size of an accessory apartment shall not  
exceed the lesser of 1000 square feet or 25% of the habitable area of the principal  
dwelling, as determined at the time of the Special Permit request. Habitable area is  
defined as finished, heated living space;"

or take any other action thereon.

Explanation: This change will maintain the integrity of the concept of "Accessory" apartment and clarify the manner in which the area calculation is made.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to replace **Section V.A.13, Paragraph C of the Boxford Zoning Bylaw** with the following:

**"Apartment Size:** The maximum floor size of an accessory apartment shall not exceed the lesser of 1000 square feet or 25% of the habitable area of the principal dwelling, as determined at the time of the Special Permit request. Habitable area is defined as finished, heated living space."

A 2/3 vote was required.

**ARTICLE 52:** To see if the Town will vote to amend a portion of **Section V.A.11.a of the Boxford Zoning Bylaw** as follows:

From: "Thirty (30) feet from the street"

To: "Thirty (30) feet from the front lot line"; or take any other action thereon.

Explanation: This change will eliminate confusion in measuring set backs.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend a portion of **Section V.A.11.a of the Boxford Zoning Bylaw** as follows:

From: "Thirty (30) feet from the street"

To: "Thirty (30) feet from the front lot line."

**ARTICLE 53:** To see if the Town will vote to amend a portion of **Section VI.B.5a of the Boxford Zoning Bylaw** as follows:

From: "Fifty (50) feet from the street line"

To: "Fifty (50) feet from the front lot line;"

or take any other action thereon.

Explanation: This change will eliminate confusion in measuring set backs.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend a portion of **Section VI.B.5a of the Boxford Zoning Bylaw** as follows:

From: "Fifty (50) feet from the street line"

To: "Fifty (50) feet from the front lot line."

**ARTICLE 54:** To see if the Town will vote to amend a portion of **Section VI.B.5.c of the Boxford Zoning Bylaw** as follows:

From: "Two hundred (200) feet of the street line"

To: "Two hundred (200) feet of the front lot line;"

or take any other action thereon.

Explanation: This change will eliminate confusion in measuring set backs.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend a portion of **Section VI.B.5.c of the Boxford Zoning Bylaw** as follows:

From: "Two hundred (200) feet of the street line"  
To: "Two hundred (200) feet of the front lot line."

**ARTICLE 55:** To see if the Town will vote to amend a portion of **Section VI.C of the Boxford Zoning Bylaw** as follows:

From: "Fifty (50) feet from the street line"  
To: "Fifty (50) feet from the front lot line;" or take any other action thereon.

Explanation: This change will eliminate confusion in measuring set backs.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend a portion of **Section VI.C of the Boxford Zoning Bylaw** as follows:

From: "Fifty (50) feet from the street line"  
To: "Fifty (50) feet from the front lot line."

**ARTICLE 56:** To see if the Town will vote to replace a portion of **Section IX, Paragraph 1 of the Boxford Zoning Bylaw** to read as follows:

1. Application for Permit. Any application for a new or altered use of land or structure shall be accompanied by a specific reference to the subject lot as recorded in the Registry of Deeds and plans of the lot, drawn to scale, showing the entire recorded ownership, all existing structures, all abutting streets, and the exact area and boundaries of the parcel assigned to the subject use";  
or take any other action thereon.

Explanation: Rewording the paragraph as shown will ensure that the Building Inspector sees all recorded plans before issuing a permit.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to replace a portion of **Section IX, Paragraph B.1 of the Boxford Zoning Bylaw** to read as follows:

"1. Application for Permit. Any application for a new or altered use of land or structure shall be accompanied by a specific reference to the subject lot as recorded in the Registry of Deeds and by a plan of the lot, drawn to scale, showing the entire recorded ownership, all existing structures, all abutting streets, and the exact area and boundaries of the parcel assigned to the subject use."

**ARTICLE 57:** To see if the Town will vote to replace **Section VI.H of the Boxford Zoning Bylaw** with the following new section:

## "H. Site Plans

For the purpose of (1) reasonably protecting the legitimate interests of adjoining property owners and occupants, (2) ensuring the most advantageous use of all properties, and (3) administering the provisions of this bylaw relating to parking and loading spaces, no permit shall be issued for any new building or structure in a Business, Manufacturing, Industrial Official, or Open Space District; nor for an addition to or alteration of an existing building for commercial use in any district; nor for any new building or structure in an Elderly Housing District until a site plan, prepared by a professional architect, engineer, or landscape architect, has been approved for a Special Permit by the Board of Appeals. Prior to the grant of any such Special Permit, the Board of Appeals shall refer such plans to the Inspector of Buildings, and to the Planning Board, for their respective review and recommendation.

The Site Plan shall provide for:

- a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw;
- b) convenience and safety of vehicular and pedestrian movement on the site, and for the location of the driveway openings in relation to street traffic;
- c) convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on site changes;
- d) adequacy as to the arrangement and, where not herein specified, the number of parking and loading spaces in relation to the proposed uses of the premises;
- e) arrangement, design and appearance of proposed buildings, structures, free standing signs, screening and landscaping;
- f) adequacy of water supply, method(s) of waste disposal, surface and subsurface drainage and lighting;
- g) to the extent that any change on site can reasonably be expected to substantially affect the neighborhood adjacent to the site, the Board of Appeals shall impose such restrictions as are reasonably related to mitigating any such negative impact. In assessing potential negative impact on the adjacent neighborhood, the Board of Appeals shall consider all of the factors set forth in subsections a-f hereof, as well as the potential for increased litter, noise or light pollution;
- h) the Planning Board may from time to time adopt rules prescribing reasonable minimum regulations under this section;

Site plans shall include existing and proposed: (a) boundaries; (b) structures; (c) parking and loading spaces; (d) driveways and driveway openings; (e) service areas and other open areas; (f) facilities for lighting, for water supplies, for sewage, refuse and other waste disposal, for drainage, for screening, and (g) landscape features; or take any other action thereon.

Explanation: This new wording will better define site plan requirements.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Section VI.H of the Boxford Zoning Bylaw with the following new section:

#### "H. Site Plans

For the purpose of (1) reasonably protecting the legitimate interests of adjoining property owners and occupants, (2) ensuring the most advantageous use of all properties, and (3) administering the provisions of this bylaw relating to parking and loading spaces, no permit shall be issued for any new building or structure in a Business, Manufacturing, Industrial Official, or open Space District; nor for an addition to or alteration of an existing building for commercial use in any district; nor for any new building or structure in an Elderly Housing District until a site plan, prepared by a professional architect, engineer, or landscape architect, has been approved for a Special Permit by the Board of Appeals. Prior to the grant of any such Special Permit, the Board of Appeals shall refer such plans to the Inspector of Buildings, and to the Planning Board, for their respective review and recommendation.

The Site Plan shall provide for:

Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw;

convenience and safety of vehicular and pedestrian movement on the site, and for the location of the driveway openings in relation to street traffic;

convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on site changes;

adequacy as to the arrangement and, where not herein specified, the number of parking and loading spaces in relation to the proposed uses of the premises;

arrangement, design and appearance of proposed buildings, structures, free standing signs, screening and landscaping;



- f) adequacy of water supply, method(s) of waste disposal, surface and subsurface drainage and lighting;
- g) to the extent that any change on site can reasonably be expected to substantially affect the neighborhood adjacent to the site, the Board of Appeals shall impose such restrictions as are reasonably related to mitigating any such negative impact. In assessing potential negative impact on the adjacent neighborhood, the Board of Appeals shall consider all of the factors set forth in subsections a-f hereof, as well as the potential for increased litter, noise or light pollution;
- h) the Planning Board may from time to time adopt rules prescribing reasonable minimum regulations under this section;

Site plans shall include existing and proposed: (a) boundaries; (b) structures; (c) parking and loading spaces; (d) driveways and driveway openings; (e) service areas and other open areas; (f) facilities for lighting, for water supplies, for sewage, refuse and other waste disposal, for drainage, for screening, and (g) landscape features

ARTICLE 58: To see if the Town will vote to authorize the Selectmen to sign a release deed to extinguish the Trail Easement set forth in a document dated November 8, 1995, Jennifer Snider, et al., recorded in the Essex South District Registry of Deeds in Book 13273, Page 547 (as confirmed in Book 13360, Page 460) and referenced in the Affidavit dated October 20, 1997, executed by Patricia Shields and recorded with the Essex South District Registry of Deeds in Book 14470, Page 432; or take any other action thereon.

Explanation: The aforementioned trail easement has never been utilized by the Town and, in fact, has been replaced by a subsequent relocated trail easement.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to authorize the Selectmen to sign a release deed to extinguish the Trail Easement set forth in a document dated November 8, 1995, Jennifer Snider, et. al., recorded in the Essex South District Registry of Deeds in Book 13273, Page 547 (as confirmed in Book 13360, Page 460) and referenced in the Affidavit dated October 20, 1997, executed by Patricia Shields and recorded with the Essex South District Registry of Deeds in Book 14470, Page 432.

ARTICLE 59: To see if the Town will vote to amend Article 12 of the General Bylaws (The **WETLANDS BYLAW** as printed in this Warrant); or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to amend the new paragraph to be added to Section 4 by replacing the words "by unanimous vote of Commission members", with "by a two-thirds majority vote of the Commission members present."

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to amend Article 12 of the General Bylaws, the **WETLANDS BYLAW** as follows:

Section 2 Jurisdiction.

*new paragraph:*

except as permitted by the Commission or as provided by this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; ponds; rivers; streams; creeks; banks; beaches; vernal pools; large isolated wetlands; lands within 100 feet of any of the aforesaid resource areas; lands under water bodies; lands subject to flooding or inundation by groundwater or surface waters; land within 100 feet of land subject to flooding or inundation; riverfront area as stated in Wetlands Protection Act Regulations 310 CMR 10.58 (2), as they may be amended; (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

### Section 3 Exceptions

*new paragraph:*

The application and permit required by this bylaw shall not be required for forestry activities when said activities have received approval by the Massachusetts Department of Environmental Management via an approved Forest Cutting Plan under the authority of the Massachusetts Forest Cutting Practices Act (MGL Chapter 132, Section 40-46) and only when the Forest Cutting Plan complies in all respects with the Massachusetts Forest Cutting Practices Regulations (304 CMR 11.00) as they may be from time to time amended.

*new paragraph:*

The application and permit required by this bylaw shall not be required for agricultural activities that comply in all respects with the definitions and requirements in Wetlands Protection Act Regulations 310 CMR 10.04 Agriculture (a) Land in agricultural use; and one or more of the following: 310 CMR 10.04 Agriculture (b) Normal maintenance of land in agricultural use 1 through 12; or 310 CMR 10.04 Agriculture (c) Normal improvement of land in agricultural use, as they may be from time to time amended.

### Section 4 Application for Permits and requests for Determination of Applicability

*new paragraph:*

At the time of a permit application (Notice of Intent), Request for Determination of Applicability, application for an Amendment to the Order of Conditions, application for Certificate of Compliance, application for Partial Certificate of Compliance, or request for Extension Permit), the applicant shall pay a filing fee specified in Regulations of the Commission. The fee is in addition to any fee required, if any, by the Wetlands Protection Act, MGL Chapter 131, Section 40, and Regulations 310 CMR 10.00, as they may be amended.

*Following new paragraph after the present fourth paragraph:*

In an appropriate case, a person may request in writing that the Commission review a minor activity proposed within a wetland resource area or buffer zone for a Determination of Negligible Impact. The Commission shall review the request at a public meeting within 21 days from receipt of the request. In order to approve the request, the Commission must find that the proposed activity will have negligible or no impact on the wetland resource area or buffer zone. A request for a Determination of Negligible Impact is decided upon at the sole

discretion of the Commission, can be denied for good cause including failure to submit information requested by the Commission, and can only be approved by a two-thirds majority vote of the Commission members present. A letter shall be sent informing the applicant of the Commission's decision within 21 days of the decision.

### Section 5 Public Notice and Hearings

#### *Revise fifth paragraph:*

The Commission shall conduct a public hearing or meeting on any application or Request for Determination of Applicability, with written notice given at the expense of the applicant at least five business days prior to the hearing or meeting . . . . . (rest of paragraph unchanged).

### Section 6 Permits, Determinations, and Conditions

#### *Revise second paragraph:*

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in the regulations of the Commission; for failure to avoid or present unacceptable significant or cumulative effects upon the resource area values protected by this bylaw;..... (rest of paragraph unchanged).

#### *Add to end of third paragraph:*

Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

### Section 7 Regulations

#### *Revise paragraph:*

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw effective when voted and filed with the town clerk.

#### *Add paragraph:*

At a minimum these regulations shall determine key terms in this bylaw not inconsistent with the bylaw. These regulations shall also determine procedures governing the amount and filing of fees.

### Section 8 Definitions

#### *Revise paragraph:*

Mean Annual High-Waterline shall be as defined in Wetlands Protection - Act Regulation 310 CMR 10.58 (2) , as they may be amended.

*Revise paragraph:*  
Riverfront Area is defined in Wetlands Protection Act Regulations 310 CMR 10 58 (2), as they may be amended.

#### Section 10 Enforcement

*Revise sixth paragraph:*  
Any person who violates any provision of this bylaw or regulations thereunder, or any permit, Enforcement order or violation Notice of the Commission or of the Conservation Administrator issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, or permit, Enforcement Order of Violation Notice violated shall constitute a separate offense.

*Revise heading in last column of table as follows:*  
Non-Compliance with an Order of Conditions, or Enforcement Order or Violation Notice

#### Section 11 Burden of Proof

*Revise paragraph:*  
The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have adverse significant or cumulative effect upon the resource area values protected by this bylaw.

#### Section 14 Fee Schedule

*Add after the second sentence:*

The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or Request for Determination of Applicability filed by a government agency or non-profit organization.

#### Section 15 Wetlands Identification

*Revise paragraph:*  
Wetlands Resource Areas and their boundaries shall be identified and delineated as specified in this Bylaw and/or promulgating Regulations. Bordering Vegetated Wetland shall be further delineated as specified in Wetlands Protection Act Regulations 310 CMR 10.55 (2) c., as they may be amended.

*Delete:*

Where appropriate, the commission may use additional criteria for identifying wetland and wetland boundaries including, but not limited to soil type.

ARTICLE 60: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000 to fund a Reserve Fund; said funds to be spent under the direction of the Finance Committee; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$100,000 to fund a Reserve Fund; said funds to be spent under the direction of the Finance Committee.

Finance Committee recommended adoption of this article.

ARTICLE 61: To see if the Town will vote to appropriate the sum of \$305,523 for highway maintenance and construction in anticipation of state aid allotment, said monies predicated on the receipt of an authorized M.A.#; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to pass over Article 61.

ARTICLE 62: To transact any other business that may legally come before said meeting.

Upon motion made and duly seconded, it was VOTED, by unanimous vote, to dissolve this Annual Town Meeting at 11:22 p.m.

Finance Committee recommended adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve this Special Town Meeting at 7:32 p.m.

Registered voters attending this meeting were 108. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record,

WITNESSES:

Patricia Shields  
Town Clerk

APPROPRIATIONS:

Article 1 (from State Ed. Dept. to Stabilization) \$49,000.00

TOTAL TO BE APPROPRIATED:

TRANSFERS:

Article 2

100,000.00  
(from Free Cash to fund surveys, etc., \$50,000.00  
town-owned land on Spofford Rd.)

Article 3 (from Free Cash to bills and charges) 4,446.51

Article 4 (from Free Cash to roads) 100,000.00

TOTAL TO BE TRANSFERRED: \$154,446.51

## SPECIAL TOWN MEETING

May 12, 1998

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, May 12, 1998. Moderator Gerald R. Johnston called the Special Town Meeting to order at 7:19 p.m. The articles of the warrant were disposed of as follows:

ARTICLE 1. To see if the Town will vote to appropriate the sum of \$49,000 received from the Massachusetts Department of Education through the Foundation Reserve Program to the Stabilization Fund of the Town; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to appropriate the sum of \$49,000 received from the Massachusetts Department of Education through the Foundation Reserve Program to the Stabilization Fund of the Town. Finance Committee recommended adoption of this article.

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 to fund a perimeter survey, topography determination and studies resulting in a drainage plan for the 81 acres more or less Town-owned parcel of land abutting Spofford Pond Road, said funds to be expended under the direction of the Board of Health; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$50,000 to fund a perimeter survey, topography determination and studies resulting in a drainage plan for the 81 acres more or less Town-owned parcel of land abutting Spofford Pond Road, said funds to be expended under the direction of the Board of Health. Finance Committee recommended adoption of this article.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund bills and charges from previous fiscal years; said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$4,446.51 to fund bills and charges from previous fiscal years; said funds to be spent under the direction of the Board of Selectmen. Finance Committee recommended adoption of this article.

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund road reconstruction and drainage in the Town, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash the sum of \$100,000 to fund road reconstruction and drainage in the Town, said funds to be spent under the direction of the Board of Selectmen.