

SPECIAL TOWN MEETING
October 27, 1998

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, October 27, 1998. Moderator Gerald R. Johnston called the meeting to order at 7:18 pm. The articles of the warrant were disposed of as follows:

ARTICLE 1. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Director of Communications**; 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 to fund the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Director of Communications**.

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, a sum of money to fund the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Animal Control Officer**; 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 \$5,342 to fund the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Animal Control Officer**.

Finance Committee recommended adoption of this article.

ARTICLE 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to additionally fund the Fiscal Year 1999 budget of the Animal Control Officer, said funds to be expended under the direction of the Board of Selectmen; or to 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 \$3,500 to additionally fund the Fiscal Year 1999 budget of the Animal Control Officer, said funds to be expended 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 the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Town Accountant**; 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 \$3,833 to fund the FY 1999 portion of the Personal Service Contract between the Town of Boxford and the **Town Accountant**.

Finance Committee recommended adoption of this article.

ARTICLE 5. To see if the Town will vote to delete in its entirety Article 7, Section 3 of the General Bylaws of the Town.

Section 3 Swimming Pools

7-3-1 The term "family swimming Pool" as used herein shall mean a swimming pool located in the Town and used or intended to be used solely by the owner, operator, lessee, or tenant thereof and his family, and by persons invited or permitted to use it without payment or any fee or charge (1973)

7-3-2 Every family swimming pool having a depth of eighteen inches or more shall be enclosed by a fence or wall not less than five feet high, constructed, erected, and maintained so that no person, child or adult, may pass under or through it except by opening a door or gate therein, which shall be equipped with a self-closing and self-latching device and shall be kept securely closed at all times when not in actual use. A dwelling house or accessory building may be used as part of such enclosure, and no self-closing and self-latching device shall be required on any door of a dwelling house so used. Every person in possession of land on which a family swimming pool having a depth of eighteen inches or more is situated either as owner, purchaser, mortgagee, lessee, or tenant shall cause a fence or wall to be constructed, erected, and maintained as herein provided and shall cause any door or gate to be equipped and kept closed in accordance with the provisions above. This section shall apply to every family swimming pool having a depth of eighteen inches or more and erected or installed at any time, whether before, on, or after the effective date of this bylaw. (1973) (\$50.00) (1990). Each three month period or fraction thereof of such violation shall be considered a separate offense, following notice of such violation. (1991)

7-3-3 An exception to the requirement that the swimming pool be fenced may be granted by the Board of Selectmen with the advice of abutting property owners upon the application of the party responsible for the pool for as long as it appears that by the nature of the surroundings, its siting or location, or the premises on which it is situated, it does not constitute an appreciable hazard. (1973)

or take any other action thereon.

Explanation: The Town's by-laws require a five foot fence around swimming pools, however, they allow for exceptions to be granted. This is not in agreement with State law which requires a four foot fence and does not allow exceptions. This article would remove Town regulations and State law would apply.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to delete in its entirety Article 7, Section 3 of the General Bylaws of the Town.

ARTICLE 6. To see if the Town will vote to amend Article 7, Section 6 of the General Bylaws by adding the following (Note: additions in bold print):

7-6-1 The use of herbicides, pesticides and other toxic materials shall be prohibited on Town-Owned lands unless approved by the Board of Health and where appropriate by the Conservation Commission. **Any such approval for herbicide, pesticide or toxic material use shall require the following:**

a) **A public hearing shall be held by the Board of Health and/or Conservation Commission on any request to use herbicides, pesticides or toxic material on Town lands. The date for such hearing(s) shall be posted at least two weeks in advance in the Town Hall and Board of Health and/or Conservation Commission office(s).**

b) **No herbicides, pesticides or toxic materials shall be used within 100 feet of a wetlands nor within 100 feet of a well. It shall be the responsibility of the applicator of the herbicide, pesticide or toxic material to locate and flag all wells and wetlands within 100 feet of an area to be sprayed.**

c) **No areas sprayed with herbicides, pesticides or toxic materials shall be used for recreational purposes for a period of at least 72 hours after application of a herbicide, pesticide or toxic material.**

d) **Unless shown to be physically unfeasible, all herbicides, pesticides or toxic material shall be applied with hand spraying equipment.**

e) **Unless shown by actual use in Boxford to be ineffective, organic and natural herbicides and pesticides shall be used.**

f) **All abutters to an area to be sprayed with herbicides, pesticides or toxic material shall be notified no less than 48 hours in advance of application. Such notification shall include a list of all herbicides, pesticides or toxic material to be applied together with application amounts.**

g) **Any Town Department or Committee responsible for any spraying of herbicides, pesticides or toxic material shall maintain a record of all applications, materials and amounts used, Material Safety Data Sheets and related safety and health information for a period of not less than five (5) years after application.**

h) **Upon motion made and duly seconded, an amendment to Article 6 failed by majority voice**

note.
A motion to move the question passed by majority voice vote.

Upon motion made and duly seconded, the original article failed by majority voice vote.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,000 to fund the purchase of a personal computer with CD-ROM capability to network with existing office computers, with related hardware and software, for the Selectmen's Office, 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 \$3,000 to fund the purchase of a personal computer with CD-ROM capability to network with existing office computers, with related hardware and software, for the Selectmen's Office, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Computer Study Committee recommended adoption of this article.

ARTICLE 8. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$4,000 to fund the purchase of a portable computer to network with existing office equipment, with related hardware and software, for the Board of Health Office, 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 majority voice vote, to transfer from Free Cash the sum of \$4,000 to fund the purchase of a portable computer to network with existing office equipment, with related hardware and software, for the Board of Health Office, said funds to be expended under the direction of the Board of Health.

Finance Committee recommended adoption of this article.

Computer Study Committee recommended adoption of this article.

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000 to fund the purchase of two computer workstations and one color printer, with related hardware and software, for the Boxford Town Libraries, said funds to be expended 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 pass over Article 9.

ARTICLE 10. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$10,400 to fund independent audits of the Town's financial statements for FY 1997 and FY 1998, said funds to be expended 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 \$10,400 to fund independent audits of the Town's financial statements for FY 1997 and FY 1998, said funds to be expended by the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 11. To see if the Town will vote to transfer from available funds an additional 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 an additional sum of \$3000 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.

Finance Committee recommended adoption of this article.

ARTICLE 12. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$8,400 to additionally fund the Utilities/Maintenance Budget for Fiscal Year 1999, 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 from Free Cash the sum of \$8,400 to additionally fund the Utilities/Maintenance Budget for Fiscal Year 1999, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 13. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$8,200 to fund the Fiscal Year 1999 portion of the 18 month (January 1, 1999 through June 30, 2000) Cleaning Services Contract for all Town Buildings, 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 from Free Cash the sum of \$8,200 to fund the Fiscal Year 1999 portion of the 18 month (January 1, 1999 through June 30, 2000) Cleaning Services Contract for all Town Buildings, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$20,000 for the purpose of installing acoustical treatment on the ceiling and walls of the cafeteria/auditorium of the Spofford Pond School, said funds to be expended under the direction of the Boxford School Committee; or take any other action thereon.

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

ARTICLE 15. To see if the Town will receive and place on file the report of the Task Force on Administrative Structure prepared for the Boxford Elementary School Committee on August 20, 1998; or take any other action thereon.

Upon motion made and duly seconded, it was VOTED, by majority voice vote, to receive and place on file the report of the Task Force on Administrative Structure prepared for the Boxford Elementary School Committee on August 20, 1998.

ARTICLE 16. To see if the Town will vote to support the Boxford School Committee in its attempt to re-negotiate the terms of the Tri-Town Union Agreement and failing that, to support the decision of the Boxford School Committee to take all necessary steps to pursue the dissolution of the Tri-Town Superintendency Union and establish Boxford's own Elementary School Superintendency; or take any other action thereon.

Upon motion made and duly seconded, an amendment to Article 16 failed by hand count vote, 73 in favor and 171 opposed.

Upon motion made and duly seconded, it was VOTED, by majority show of hands, to support the Boxford School Committee in its attempt to re-negotiate the terms of the Tri-Town Union Agreement and failing that, to support the decision of the Boxford School Committee to take all necessary steps to pursue the dissolution of the Tri-Town Superintendency Union and establish Boxford's own Elementary School Superintendency.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee did not recommend adoption of this article.

Upon motion made and duly seconded, it was VOTED, by unanimous voice vote, to adjourn the meeting at 11:25 p.m. to a time certain, Wednesday, October 28, at 7:15 p.m. in the Masconomet Regional High School Auditorium.

Registered voters attending the meeting were 358.