

SPECIAL TOWN MEETING
October 26, 1999

Voters of the Town of Boxford met at the Masconomet Regional High School on Tuesday, October 26, 1999. Moderator Gerald R. Johnston called the Special Town Meeting to order at 7:20 p.m.

ARTICLE 1. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$15,000** to additionally supplement the Fiscal Year 2000 Selectmen's Town Counsel Litigation account; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of **\$15,000** to additionally supplement the Fiscal Year 2000 Selectmen's Town Counsel Litigation account.

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 **\$1,000** to additionally supplement the Fiscal Year 2000 Council on Aging Senior Tax Program account; said funds needed to comply with the increase in minimum wage and to offer additional hours; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of **\$1,000** to additionally supplement the Fiscal Year 2000 Council on Aging Senior Tax Program account; said funds needed to comply with the increase in minimum wage and to offer additional hours.

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, the sum of **\$8,000** to purchase a 4-wheel drive response vehicle for the Animal Control Officers; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of **\$8,000** to purchase a 4-wheel drive response vehicle for the Animal Control Officers, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee made no recommendation (below minimum).

ARTICLE 4. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$16,000** to purchase a 4-wheel drive vehicle to replace a current Department of Public Works vehicle, and to authorize the Selectmen to trade the existing vehicle in any manner they deem appropriate; or take any other action thereon.

Boxford Info

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$16,000 to purchase a 4-wheel drive vehicle to replace a current Department of Public Works vehicle, and to authorize the Selectmen to trade the existing vehicle in any manner they deem appropriate, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee Recommendation: "B" – High Priority

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$40,000 to fund the Engineering and other studies necessary to design storm water drainage for a section of Spofford Road; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to raise and appropriate the sum of \$31,700 to fund the Engineering and other studies necessary to design storm water drainage for a section of Spofford Road, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee Recommendation: "B" – High Priority

ARTICLE 6. To see if the town will vote to raise and appropriate, or transfer from available funds, the sum of \$4,000 to fund the engineering and design studies necessary to design a 10,000 square foot wetland replication area on the town owned parcel located off Spofford Road; said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of \$4,500 to fund the engineering and design studies necessary to design a 10,000 square foot wetland replication area on the town owned parcel located off Spofford Road, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 7. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$8,000 to supplement the Fiscal Year 2000 Communications telephone account to permit purchase and monthly fees for sixteen additional portable communications telephones; or take any other action thereon.

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

ARTICLE 8. To see if the town will vote to raise and appropriate, or transfer from available funds, the sum of \$9,025 to purchase three semiautomatic external defibrillators to replace the current obsolete models and to fund necessary training and related expenses, and to authorize the Selectmen to trade the existing defibrillators in any manner they deem appropriate, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Boxford Info.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of **\$9,025** to purchase three semiautomatic external defibrillators to replace the current obsolete models and to fund necessary training and related expenses, and to authorize the Selectmen to trade the existing defibrillators in any manner they deem appropriate, said funds to be expended under the direction of the Board of Selectmen.

Finance 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 **\$1,500** to purchase landscape materials to improve landscape screening around the Cargill Ballfields; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by a majority hand count of 130 in favor, 83 against, to raise and appropriate the sum of **\$1,500** to purchase landscape materials to improve landscape screening around the Cargill Ballfields, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended adoption of this article.

ARTICLE 10. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$5,000** to repair the town public tennis courts located behind the Police Station; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of **\$5,000** to repair the town public tennis courts located behind the Police Station, said funds to be expended under the direction of the Board of Selectmen.

Finance Committee recommended 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 **\$10,000** to purchase eight (8) new computers, monitors, associated hardware, software, networking cables and other materials that may be required 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 a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of **\$10,000** to purchase eight (8) new computers, monitors, associated hardware, software, networking cables and other materials that may be required for use by the Boxford Town Libraries and its patrons, said funds to be spent under the direction of the Board of Library Trustees.

Finance Committee recommended adoption of this article.

Computer Management 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 **\$25,000** to be spent under the direction of the Board of Library Trustees; these funds to be used to commission a Library Consultant to develop a building program and commission an architect to do a feasibility study and provide schematic drawings on behalf of the Boxford Town Libraries; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to raise and appropriate the sum of **\$25,000** to be spent under the direction of the Board of Library Trustees; these funds to be used to commission a Library Consultant to develop a building program and commission an architect to do a feasibility study and provide schematic drawings on behalf of the Boxford Town Libraries.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee Recommendation: "C" – Low Priority

ARTICLE 13. To see if the Town will vote to authorize, appropriate and raise by borrowing or otherwise a sum of money for constructing, originally equipping and furnishing additions to the Police/Communications Building in its current location and for remodeling, reconstructing or making extraordinary repairs to the present building, including site improvements, communications facilities and other costs incidental and related to the project; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to move the question.

Upon a motion made and duly seconded, it was VOTED, by majority hand count vote of 236 in favor, 24 opposed, to authorize the Treasurer, with the approval of the Selectmen, to borrow **\$4,031,000** for constructing, originally equipping and furnishing additions to the Police/Communications Building in its current location and for remodeling, reconstructing or making extraordinary repairs to the present building, including site improvements, communications facilities and other costs incidental and related to the project; said appropriation fully contingent upon successful passage of related Proposition 2 ½ ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee Recommendation: "A" – Essential Priority

ARTICLE 14. To see if the Town will vote to borrow **\$385,000** 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 construction of a new Town Hall on Town owned property off Spofford Road, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by a greater than two-thirds vote of 206 in favor and 21 opposed, to authorize the Treasurer, with the approval of the Selectmen, to borrow **\$385,000** 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 construction of a new Town Hall on Town owned property off Spofford Road, said funds to be spent under the direction of the Board of Selectmen; said appropriation fully contingent upon successful passage of related Proposition 2 ½ ballot question.

Finance Committee recommended adoption of this article.

Capital Budgeting Committee Recommendation: "A" – Essential Priority

Boxford Int'l

ARTICLE 15. To see if the Town will authorize the Selectmen to petition the legislature to permit the Town to change the use of an 11.6 acre portion of the town owned land on Bayns Hill, originally acquired for "open space/public domain" use for the purpose of construction and maintenance of one telecommunications tower and associated buildings, equipment and fencing, being a portion of the land identified in the records of the Assessors as a 31.44 acre parcel located on Map 17, Block 2, Lot 31, and to authorize the Selectmen to define the exact location of the portion to be permitted for tower use, generally as shown on a plan of land entitled "Bayns

Hill Proposed Tower Site, Boxford Massachusetts", scale 1" = 200', dated October 4, 1999, prepared by the Town of Boxford and on file with the Town Clerk; and to authorize the Board of Selectmen to approve amendments to the proposed legislation, which are within the scope of the general public objectives of this petition, or take any other action thereon.

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

ARTICLE 16. To see if the Town will vote to transfer the care, custody, maintenance and control of a portion of the land described below, owned by the town and currently under the care, custody maintenance and control of the Board of Selectmen for open space and public domain purposes, to the Board of Selectmen for the purposes described herein and to authorize the Selectmen to investigate, negotiate and enter into a long term ten year lease of a 11.6 acre portion of the property now known as the town owned land on Bayns Hill, being a portion of the

property identified in the records of the Assessors as a 31.44 acre parcel located on Map 17, Block 2, Lot 31; said lease for the purpose of the construction and maintenance of one telecommunications tower and associated buildings, equipment and fencing; said authorization subject to the determination by the Selectmen that the Bayns Hill location is appropriate for municipal public safety radio dispatch and that any tower constructed will contain and maintain the municipal public safety radio system; and to authorize the Selectmen to define the exact location of the portion to be permitted for tower use, which is generally as shown on a plan of land entitled "Bayns Hill Proposed Tower Site, Boxford Massachusetts", scale 1" = 200', dated October 4, 1999, prepared by the Town of Boxford and on file with the Town Clerk; any resulting construction of a tower to be regulated by the Zoning Board of Appeals pursuant to town zoning by-laws, or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by a greater than two-thirds voice vote, to pass over this article.

ARTICLE 17. To see if the Town will vote to amend Section 5 of the Town's Historic Districts Commission Bylaw to delete the words "thirty (30)" appearing in the third line thereof and to substitute therefor the words "sixty" (60) so that the Section reads:

When taking action under the provisions of the second paragraph of Section 7 of the Historic Districts Act, General Laws, Chapter 40C, the Historic Districts Commission shall make a determination within sixty (60) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow; or take any other action thereon.

Explanation: The purpose of this amendment is to bring the Town's Historic Districts Commission Bylaw into compliance with the time period allowed by the State Historic Districts Act. The Historic Districts Commission meets on a monthly basis. Under the current Bylaw, the Commission must act at the meeting at which an application is submitted in order to comply with the Town's Bylaw. Failure to act within 30 days entitles the applicant to a certificate of hardship. The proposed amendment would allow the Commission the period of time allowed by state law to consider and act upon a submission by an applicant. It would also allow the Commission the opportunity to request additional information from the applicant and grant the applicant time within which to submit that information to the Commission.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote greater than two-thirds, to amend Section 5 of the Town's Historic Districts Commission Bylaw to delete the words "thirty (30)" appearing in the third line thereof and to substitute therefor the words "sixty" (60) so that the Section reads:

When taking action under the provisions of the second paragraph of Section 7 of the Historic Districts Act, General Laws, Chapter 40C, the Historic Districts Commission shall make a determination within sixty (60) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.

Sponsored by the Historic Districts Commission.

ARTICLE 18. To see if the Town will vote to adopt a revision and codification of the Bylaws of the Town, as set forth in a codification entitled "The Code of The Town of Boxford", dated October 26, 1999, a copy of which is on file in the Town Clerk's Office; said codification being a renumbering of the various bylaws, and said Code being a compilation of the present bylaws of the Town having no substantive changes in the text thereof unless previously amended by action of the Town Meeting; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to adopt a revision and codification of the Bylaws of the Town, as set forth in a codification entitled "The Code of The Town of Boxford", dated October 26, 1999, a copy of which is on file in the Town Clerk's Office; said codification being a renumbering of the various bylaws and minor clerical corrections, and said Code being a compilation of the present bylaws of the Town having no substantive changes in the text thereof unless previously amended by action of the Town Meeting.

Sponsored by the Town Clerk.

ARTICLE 19. To see if the Town will vote to approve the expenditure of **\$250,000** to enable the Conservation Commission to purchase a certain parcel of land known as the Hebb Property consisting of 6.00 acres, more or less, said parcel shown as a portion of Map 6, Block 1, Parcel 34 in the records of the Boxford Assessors; further as shown as lot #4, on a plan of land entitled: "Topographic Plan of Land in Boxford, MA, scale 1"= 80 feet, prepared by JA-BY Engineering, Inc., 363 Boston Street, Topsfield, MA on October 9, 1998 on file with the Town Clerk, together with all flowage and other rights and easements and subject to all well rights and easements; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may

hereafter be amended and other Massachusetts Statutes relating to Conservation, to be managed and controlled by the Conservation Commission, said funds to be expended from the debt authorized under Article 37 of the Boxford Annual Town Meeting held on May 14, 1997, and the Town and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of Boxford to affect said purchase; or take any other action thereon.

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

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts Legislature to change the town boundary line between the Towns of Boxford and Georgetown in the vicinity of Baldpate Pond, and to authorize the Selectmen to define the exact location of the new town boundary line, the proposed boundary line being generally as shown on a plan entitled "Plan of Land Showing the Reconfiguration of Town Boundary Between the Towns of Boxford and Georgetown, Massachusetts" dated September 8, 1999 and revised September 30, 1999, Scale 1" = 60', prepared by Apple Associates, Inc., a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to approve amendments to the proposed boundary line, which are within the scope of the general public objectives of this petition.

Further to authorize the Selectmen and Conservation Commission to enter into a memorandum of understanding with the Town of Georgetown delineating mutual jurisdictional responsibility for that portion of the Camp Denison property (Essex County Registry of Deeds Book 14617, Page 406) located within 100 feet of Baldpate Pond; or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to authorize the Board of Selectmen to petition the Massachusetts Legislature to change the town boundary line between the Towns of Boxford and Georgetown in the vicinity of Baldpate Pond, and to authorize the Selectmen to define the exact location of the new town boundary line, the proposed boundary line being generally as shown on a plan entitled "Plan of Land Showing the Reconfiguration of Town Boundary Between the Towns of Boxford and Georgetown, Massachusetts" dated September 8, 1999 and revised September 30, 1999, Scale 1" = 60', prepared by Apple Associates, Inc., a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to approve amendments to the proposed boundary line, which are within the scope of the general public objectives of this petition.

Further to authorize the Selectmen and Conservation Commission to enter into a memorandum of understanding with the Town of Georgetown delineating mutual jurisdictional responsibility for that portion of the Camp Denison property (Essex County Registry of Deeds Book 14617, Page 406) located within 100 feet of Baldpate Pond.

Finance Committee recommended adoption of this article.

ARTICLE 21. To see if the Town will rescind Article 55 of the May 11, 1999 Annual Town Meeting and restore its Bylaws to read:

Boxford Int.

Section 1. Board of Selectmen

2-1-1 "A Board of Selectmen of three members shall be elected from the Town at large for three year overlapping terms of office. The Board shall exercise general supervision over all matters affecting the interest and welfare of the Town" (1929); or take any other action thereon.

Upon a motion made and duly seconded, it was VOTED, by majority voice vote, to move the question.

Upon a motion made and duly seconded, it was DEFEATED, by majority voice vote to rescind Article 55 of the May 11, 1999 Annual Town Meeting and restore its Bylaws.

Sponsored by Initiative Petition.

ARTICLE 22. To see if the Town will vote to dissolve the Special Town Meeting.

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to dissolve the Special Town Meeting at 11:00 p.m.

Registered voters attending this meeting were 303. Counters and checkers for this meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:

Patricia Shields
Town Clerk

RAISE AND APPROPRIATE:

Article 1	(For Town Counsel, Litigation Cost FY2000)	\$ 15,000
Article 2	(For Council on Aging Tax Program FY2000)	1,000
Article 3	(For Purchase of Vehicle for Animal Control Officer FY2000)	8,000
Article 4	(For Purchase of Vehicle for Department of Public Works FY2000)	16,000
Article 5	(To Fund Engineering Studies/Storm Water Drainage/off Spofford Pond Road)	31,700
Article 6	(To Fund Engineering Studies/Design/Wetland Replication Area/off Spofford Pond Road)	4,500
Article 8	(For Purchase of Defibrillators for Fire Dept.)	9,025
Article 9	(For Purchase of Landscape Materials/Cargill Ballfields)	1,500
Article 10	(For Repair of Public Tennis Courts)	5,000
Article 11	(For Purchase of Computers for Town Libraries)	10,000
Article 12	(To Commission Library Consultant for Feasibility Study/Schematic Drawings)	25,000

TOTAL TO BE RAISED AND APPROPRIATED **\$ 126,725**

BORROW:

Article 13 (For Police/Communications Building) (Proposition 2 ½ Override)	\$4,031,000
Article 14 (For New Town Hall Study/Architectural Design) (Proposition 2 ½ Override)	385,000

TOTAL TO BE BORROWED \$4,416,000

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