

TOWN OF BOXFORD, SPECIAL TOWN MEETING, FEBRUARY 6, 2001

Voters of the Town of Boxford met at the Spofford Pond School on Tuesday, February 6, 2001. Moderator Gerald R. Johnston called the Special Town Meeting to order at 7:38 p.m. The Articles of the Warrant were disposed of accordingly.

ARTICLE 1. To see if the Town will vote to appropriate the sum of \$20,000 for debt acquisition and legal expenses and \$700,000 for land purchase expenses, for a total appropriation of \$720,000, to authorize the Selectmen to purchase for general municipal purposes, and to accept the deed to the Town of a fee simple interest in three (3) pork chop lots, consisting of 18 +/- acres, known as the Pearl land, located on Hovey's Pond Drive, described in the records of the Assessors as Lots #05-02-26.1, #05-02-26.2 and #05-02-26.4; further described as Lot No. 53 on a plan entitled "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797P, Cert. No. 57401 and Cert. No. 70001; also, Lots No. 54 and 55 on a plan entitled, "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797Q, Cert. No. 57401 and Cert. No. 70001; being the same premises described in the purchase and sale agreement between Nancy A. Pearl and Aztec Realty Trust, Marylee Messina trustee, with a preparation date of September 8, 2000; and to determine whether this sum shall be raised by borrowing or otherwise, or take any other action thereon.

Sponsored by the Board of Selectmen

Board of Selectmen does not recommend purchase of this land

Finance Committee does not recommend purchase of this land

Capital Budgeting Committee does not recommend purchase of this land

(Category D)

Land Committee does not recommend purchase of this land

*Upon a motion made and duly seconded, it was **VOTED**, by a hand count of 67 in favor and 107 opposed, to **DEFEAT** the article to appropriate the sum of \$20,000 for debt acquisition and legal expenses and \$677,947 for land purchase expenses, for a total appropriation of \$697,947; to authorize the Selectmen to purchase for general municipal purposes, and to accept the deed to the Town of a fee simple interest in three (3) pork chop lots, consisting of 18 +/- acres, known as the Pearl land, located on Hovey's Pond Drive, described in the records of the Assessors as Lots #05-02-26.1, #05-02-26.2 and #05-02-26.4; further described as Lot No. 53 on a plan entitled "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797P, Cert. No. 57401 and Cert. No. 70001; also, Lots No. 54 and 55 on a plan entitled, "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797Q, Cert. No. 57401 and Cert. No. 70001; being the same*

premises described in the purchase and sale agreement between Nancy A. Pearl and Aztec Realty Trust, Marylee Messina trustee, with a preparation date of September 8, 2000; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said total sum under and pursuant to Chapter 44, Section 7, Clause (3) of the General Laws, or any other enabling authority, and to issue bond or notes of the town therefore, provided however, that no sums shall be borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts necessary to repay any bonds or notes issued hereunder from the limitations imposed by Chapter 59, Section 21C of the General Laws, also known as Proposition 2-1/2.

An AMENDMENT (#1) to Article 1 was introduced as follows:

To add the words at the end of the motion ".....and provided further, that the appropriation authorized by this vote shall be reduced to the extent of any grants or gifts received by the Town to assist in the acquisition of the aforesaid parcels of land."

Upon a motion made and duly seconded, it was **VOTED**, by a majority voice vote, to appropriate the sum of \$20,000 for debt acquisition and legal expenses and \$677,947 for land purchase expenses, for a total appropriation of \$697,947; to authorize the Selectmen to purchase for general municipal purposes, and to accept the deed to the Town of a fee simple interest in three (3) pork chop lots, consisting of 18 +/- acres, known as the Pearl land, located on Hovey's Pond Drive, described in the records of the Assessors as Lots #05-02-26.1, #05-02-26.2 and #05-02-26.4; further described as Lot No. 53 on a plan entitled "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797P, Cert. No. 57401 and Cert. No. 70001; also, Lots No. 54 and 55 on a plan entitled, "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797Q, Cert. No. 57401 and Cert. No. 70001; being the same premises described in the purchase and sale agreement between Nancy A. Pearl and Aztec Realty Trust, Marylee Messina trustee, with a preparation date of September 8, 2000; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said total sum under and pursuant to Chapter 44, Section 7, Clause (3) of the General Laws, or any other enabling authority, and to issue bond or notes of the town therefore, provided however, that no sums shall be borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts necessary to repay any bonds or notes issued hereunder from the limitations imposed by Chapter 59, Section 21C of the General Laws, also known as Proposition 2-1/2 and provided further, that the appropriation authorized by this vote shall be reduced to the extent of any grants or gifts received by the Town to assist in the acquisition of the aforesaid parcels of land.

An AMENDMENT (#2) to Article 1 was introduced as follows:

To delete the words "general municipal purposes", and replace with the words "conservation purposes"; further to delete the words, "borrow said total sum under and pursuant to Chapter 44, Section 7, Clause (3) of the general laws, or any other enabling authority" and replace with the words, "borrow said total sum under and pursuant to Chapter 40, Section 8C of the general laws, or any other enabling authority; said land to be managed and controlled by the conservation commission."

Upon a motion made and duly seconded, it was VOTED, by a majority voice vote, to DEFEAT AMENDMENT #2, to appropriate the sum of \$20,000 for debt acquisition and legal expenses and \$677,947 for land purchase expenses, for a total appropriation of \$697,947; to authorize the Selectmen to purchase for conservation purposes, and to accept the deed to the Town of a fee simple interest in three (3) pork chop lots, consisting of 18 +/- acres, known as the Pearl land, located on Hovey's Pond Drive, described in the records of the Assessors as Lots #05-02-26.1, #05-02-26.2 and #05-02-26.4; further described as Lot No. 53 on a plan entitled "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797P, Cert. No. 57401 and Cert. No. 70001; also, Lots No. 54 and 55 on a plan entitled, "Plan of Land located in Boxford, MA, prepared for Barina Realty Trust, Nancy A. Pearl, R. Dennis Corrigan & Shannon D. Vale," Christiansen & Sergi Professional Engineers/Land Surveyors, Dated: February 9, 1999, and recorded as Land Court Plan No. 23797Q, Cert. No. 57401 and Cert. No. 70001; being the same premises described in the purchase and sale agreement between Nancy A. Pearl and Aztec Realty Trust, Marylee Messina trustee, with a preparation date of September 8, 2000; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said total sum under and pursuant to Chapter 40, Section 8C of the Generals Laws, or any other enabling authority; said land to be managed and controlled by the conservation commission, and to issue bond or notes of the town therefore, provided however, that no sums shall be borrowed or expended hereunder unless and until the town shall have voted to exclude the amounts necessary to repay any bonds or notes issued hereunder from the limitations imposed by Chapter 59, Section 21C of the General Laws, also known as Proposition 2-1/2 and provided further, that the appropriation authorized by this vote shall be reduced to the extent of any grants or gifts received by the Town to assist in the acquisition of the aforesaid parcels of land.

ARTICLE 2. To see if the Town will vote to accept General Laws Chapter 44 PP3-7, known as the Community Preservation Act, which establishes a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, to approve a property tax surcharge in an amount not to exceed three percent of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be

imposed on taxes assessed for fiscal years beginning on or after July 1, 2001, and to exempt from the surcharge any or all of the following: (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; (2) Class Three, Commercial and Class Four, Industrial, property in any year the town adopts a higher tax rate for those classes; or (3) \$100,000 of the assessed valuation of Class One, residential, parcels, or take any other action thereon.

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

*Upon a motion made and duly seconded, it was **VOTED**, by a majority voice vote, to accept General Laws Chapter 44 PP3-7, known as the **Community Preservation Act**, which establishes a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, to approve a property tax surcharge **that shall be in the amount of three (3) percent** of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2001, and to exempt from the surcharge (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community; and (2) \$100,000 of the assessed valuation of Class One, residential, parcels.*


ARTICLE 3. To transact **any other business** that may legally come before said meeting.

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to dissolve this special town meeting at 9:45 p.m.*

Registered voters attending the meeting were **180**. Town Clerk, Patricia Shields, appointed counters and checkers for the meeting.

A true record.

ATTEST:



Patricia Shields
Town Clerk