

**ANNUAL TOWN MEETING
MAY 11, 2004**

Voters of the Town of Boxford met at the Masconomet High School on Tuesday, May 11, 2004. Presentations were given by the HPC on housing study, the Finance Committee on the state of the Town's finances and the Chairman of the Capital Budgeting Committee. Moderator Gerald R. Johnston honored Boxford resident Judy Carr for her many years of service to the Town of Boxford.

Moderator Johnston called the Town Meeting to order at 7:40 p.m. The Articles of the Warrant were disposed of accordingly.

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 a 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.*

ARTICLE 2. To see if the Town will vote to instruct its representative to the General Court to file a **home rule petition**. The General Court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

"To amend the provisions of M.G.L., Chapter 59, Section 5, Clause 41A as they apply to the Town of Boxford by adjusting the following factors contained in these provisions by; (1) changing all references to "sixty-five years of age" to now read "fifty-five years of age"; (2) increasing all amounts contained in sub clause (2) to be no less than \$50,000; and, (3) to allow the annual percentage rate listed in paragraph 6 to be adjusted annually by majority vote of the Board of Selectmen to a rate between zero and eight per cent per annum"; or take any other action thereon.

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

EXPLANATION: The above article requests the Legislature to pass a law that affects Boxford only, which: (1) decreases the age requirement for eligibility for tax deferral from 65 to 55; (2) increases the maximum income eligibility for that deferral from \$40,000 to \$50,000 or more; and (3) lowers the percentage rate assessed to between 0% and 8% per annum to be set annually by vote of the Selectmen.

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to instruct its representative to the General Court to file a*

home rule petition. The General Court may make clerical or editorial changes of form only to the bill, unless the Boxford Board of Selectmen approves amendments to the bill before enactment by the General Court. The Boxford Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition:

"To amend the provisions of M.G.L., Chapter 59, Section 5, Clause 41A as they apply to the Town of Boxford by adjusting the following factors contained in these provisions by; (1) changing all references to "sixty-five years of age" to now read "fifty-five years of age"; (2) increasing all amounts contained in sub clause (2) to \$50,000; and, (3) to allow the annual percentage rate listed in paragraph 6 to be adjusted annually by majority vote of the Board of Selectmen to a rate between zero and eight per cent per annum".

ARTICLE 3. To see if the Town will authorize the establishment of the following **revolving accounts** as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year:

1) **Recycling Revolving Account** 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 **\$25,000** for Fiscal Year 2005 from said account for the operation and maintenance of the Town Recycling Center;

2) **Printing Revolving Account** 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; and further to allow the Board of Selectmen to expend funds not to exceed **\$10,000** for Fiscal Year 2005 from said account for the costs to the Town for printing supplies, equipment and reimbursable advertising;

3) **Library Photocopy Machine Revolving Account** 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 2005 from said account for ongoing supplies and maintenance of the copy machines, and purchase of other library supplies;

4) **Conservation Revolving Fund** under the direction of the Conservation Commission and used for the deposit of receipts collected through fees, including fees collected from

applications related to the Town of Boxford Wetlands Protection Bylaw, by direction of the Conservation Commission and further to allow the Conservation Commission, with the written approval of the Selectmen, to expend fees not to exceed **\$50,000** for fiscal year 2005 from said account for management of land under Conservation Commission control, and for other Conservation Commission expenses approved by a majority of the Commission;

5) **Highway Safety Revolving Account** under the direction of the Board Selectmen and used for the deposit of receipts collected through fines assessed against commercial motor vehicles by the Commercial Vehicle Enforcement Unit; and further to allow the Board of Selectmen to expend fees not to exceed **\$10,000** for fiscal year 2005 from said account for the purchase and maintenance of equipment related to highway safety; or take any other action thereon.

Sponsored by the Board of Selectmen

Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to authorize the establishment of the revolving accounts as listed in Article 3 of the Warrant as authorized by Chapter 44, § 53E½ of the Massachusetts General Laws, contingent upon an annual report to the Town on the total receipts and expenditures of each account for each fiscal year.*

ARTICLE 4. To see if the Town will vote to adopt the **Classification Plan and Compensation Plan** for FY 2005, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on page 13 of this warrant; or take any other action thereon.

Sponsored by the Personnel Board

Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED**, by unanimous voice vote, to adopt the **Classification Plan and Compensation Plan** for FY 2005, as submitted by the Personnel Board under Chapter 23 of the Town Code; said Classification Plan and Compensation Plan as printed on Page 13 of this warrant.*

ARTICLE 5. 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 2005, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year; and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Finance Committee

Estimate: \$ 22,216,380

Finance Committee recommends adoption of this article

The proposed budget is printed on pages 14 and 15 of this warrant.

NOTE: At this time, we anticipate that **Article 6 and 7** will be offered as a "contingent appropriations." This means that although the appropriation could be approved at the Annual Town Meeting, that appropriation would be fully contingent upon successful passage of the related Proposition 2½ ballot question. Should the override question fail, the appropriation would be rendered null and void, and in the case of Article 7, the Masconomet Regional School District budget would be rejected (the district budget must be accepted by at least two of the three member communities).
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AN AMENDMENT (#1) TO ARTICLE 5 was introduced as follows:

To adjust the police salary from \$924,739 to \$900,000.

AN AMENDMENT (#2) TO ARTICLE 5 was introduced as follows:

To change the Total Proposed 2005 Budget for the Elementary Schools from \$6,819,640 to \$6,883,298.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to defeat Amendment #1.*

*Upon a motion made and duly seconded, it was **VOTED** by a hand count of 72 in favor of Amendment #2 and 147 opposed. **AMENDMENT #2 TO ARTICLE 5 WAS DEFEATED.***

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to raise the sum of \$22,202,809 and transfer \$13,571 from the "Receipts Reserved for Appropriation – Septic Loan Program," for a total appropriation of **\$22,216,380**, for the use of several departments for fiscal year 2005, to wit: General Government, Finance, Public Safety, Education, Town Maintenance, Health & Human Services, Culture & Recreation, Insurance & Pensions, and all other necessary proper expenses during said fiscal year as printed in the Warrant on pages 14 and 15; and authorize expenditure of these funds under the direction of the appropriate listed department.*

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$85,000** to additionally fund the Fiscal Year 2005 Elementary School Budget for the fiscal year beginning July 1, 2004, contingent upon successful passage of the related Proposition 2 ½ ballot question; or take any other action thereon.

Sponsored by the Elementary School Committee
Finance Committee does not recommend adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to defeat **Article 6**.*

ARTICLE 7. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$40,600** to additionally fund the Fiscal Year 2005 Masconomet Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget, contingent upon successful passage of the related Proposition 2 ½ ballot question; or take any other action thereon.

Sponsored by the Masconomet Regional School Committee
Finance Committee recommends adoption of this Article.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to raise and appropriate the sum of **\$40,600** to additionally fund the fiscal year 2005 Masconomet Regional School District Assessment, thereby completing the funding required to meet the total assessment and approve the district certified budget, contingent upon successful passage of the related Proposition 2 ½ ballot question.*

ARTICLE 8. To act on the list of proposed capital purchases for FY 2005 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 2005, and authorize expenditure of these funds under the direction of the appropriate listed department; or take any other action thereon.

Sponsored by the Board of Selectmen
Estimate: **\$ 317,000.**
Finance Committee recommends adoption of this article
The proposed capital budget is printed on Page 16 of this warrant.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to transfer from free cash the sum of **\$317,000** to fund the list of proposed **capital purchases** as shown on Page 16 of the warrant, for the use of several departments for fiscal year 2005, and authorize expenditure of these funds under the direction of the Board of Selectmen.*

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$26,000** to purchase and equip one **police cruiser** for the Police Department, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Capital Budgeting Committee
Finance Committee recommends adoption of this article
Capital Budgeting recommendation: "A" Essential

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to transfer \$4,986.60 from the unexpended balance of Article #6 of the October 23, 2001 Special Town Meeting, originally appropriated to purchase a new police cruiser and transfer \$21,013.40 from free cash for a total appropriation of **\$26,000** to purchase and equip one new police cruiser for the Police Department and to authorize the Selectmen to dispose of the current cruiser pursuant to M.G.L. Chapter 30B, Section 15, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 10. To see if the Town will vote to set the **annual curbside solid waste collection fee at \$2.00** per 32-gallon bag or container (each use); or take any other action thereon

Sponsored by the Board of Health
Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to set the **annual curbside solid waste collection fee at \$2.00** per 32-gallon bag or container (each use).*

ARTICLE 11. To see if the town will vote to transfer from the Overlay Released by the Assessors the sum of **\$37,000** to fund all expenses, consultant fees, and personnel costs related to the ongoing **reevaluation, re-assessment, re-measure and re-list of various properties in Boxford**, said funds to be expended under the direction of the Board of Assessors; or take any other action thereon.

Sponsored by the Board of Assessors
Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to transfer the sum of **\$37,000** from the Overlay Released by the Assessors to fund all expenses, consultant fees, and personnel costs related to the ongoing **reevaluation, re-assessment, re-measure and re-list of various properties in Boxford**, said funds to be expended under the direction of the Board of Assessors.*

ARTICLE 12. To see if the town will vote to raise and appropriate, or transfer from available funds the sum of **\$3,000** to partially fund the **Boxford Cultural Arts Council**, said funds to be expended under the direction of the Boxford Cultural Arts Council; or take any other action thereon.

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

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

ARTICLE 13. 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 expended under the direction of the Board of Selectmen; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was **VOTED** by unanimous 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 expended under the direction of the Board of Selectmen.*

ARTICLE 14. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,769** for fiscal year 2005 for the **support of the Tri-Town Council on Youth and Family Services, Inc.**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by Board of Selectmen
Finance Committee recommends adoption of this article.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to transfer from free cash the sum of **\$25,769** for fiscal year 2005 for the **support of the Tri-Town Council on Youth and Family Services, Inc.**, said funds to be expended under the direction of the Board of Selectmen.*

ARTICLE 15. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$50,000** to partially fund the expected legal fees, expert fees, environmental studies, environmental remediation, trial costs, and any other expenses related to the defense of the town in the pending lawsuit, **Jeffrey A. Walker and Pamela A. Walker v. Town of Boxford and Full Circle Construction, Essex Superior Court, C.A. No. 01-1687A**, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

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

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to transfer from free cash the sum of **\$50,000** to partially fund*

the expected legal fees, expert fees, environmental studies, environmental remediation, trial costs, and any other expenses related to the defense of the town in the pending lawsuit, Jeffrey A. Walker and Pamela A. Walker v. Town of Boxford and Full Circle Construction, Essex Superior Court, C.A. No. 01-1687A, said funds to be spent under the direction of the Board of Selectmen.

ARTICLE 16. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$175,000** to fund the **Reserve Fund**, said funds to be expended under the direction of the Finance Committee; or take any other action thereon.

Sponsored by the Finance Committee
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to transfer from free cash the sum of \$175,000 to fund the Reserve Fund, said funds to be expended under the direction of the Finance Committee.

ARTICLE 17. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$15,000** to fund the **Stabilization Fund**; or take any other action thereon.

Sponsored by the Finance Committee
Finance Committee recommends adoption of this article.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to transfer from free cash the sum of \$15,000 to fund the Stabilization Fund.

ARTICLE 18. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$30,000** to replenish the **Town Unemployment Fund**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to transfer from free cash the sum of \$30,000 to replenish the Town Unemployment Fund, said funds to be expended under the direction of the Board of Selectmen.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to adjourn the Town Meeting to a time certain, namely 7:30

p.m. on Wednesday, May 12, 2004, to be held at Masconomet Regional High School Auditorium.

ARTICLE 19. To see if the Town will vote to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2005, with each item to be considered a separate appropriation:

Appropriations:

From FY 2005 estimate revenues for Sawyer-Richardson Open Space Bond

Expense **\$269,031**

From FY 2005 estimate revenues for Committee Administrative Expenses **\$ 37,500**

Reserves:

From FY 2005 estimated revenues for Historic Resources Reserve **\$ 75,000**

From FY 2005 estimated revenues for Community Housing Reserve **\$ 75,000**

or take any other action thereon.

Sponsored by the Community Preservation Committee

Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in fiscal year 2005, with each item to be considered a separate appropriation:*

Appropriations:

From FY 2005 estimate revenues for Sawyer-Richardson

Open Space Bond expense **\$269,031**

From FY 2005 estimate revenues for Committee

Administrative Expenses **\$ 37,500**

Reserves:

From FY 2005 estimated revenues for Historic Resources

Reserve **\$ 75,000**

From FY 2005 estimated revenues for Community Housing

Reserve **\$ 75,000**

ARTICLE 20. To see if the Town will vote to expend \$230,000 to purchase a certain parcel of land known as the **Davis Hayfield** consisting of 4.5 acres more or less, said parcel shown as a portion of Map 32, Block 3, Lot 11.1 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the town as an Historic Resources Purchase under Massachusetts General Laws Chapter 44B as it may hereafter be amended, said land to be managed and controlled by the Board of Selectmen; said purchase to be partially funded by **an appropriation of \$160,000 from the Historic Resources Reserve and \$5,000 from the FY 2005 estimated revenues of the Community Preservation Fund**; and partially funded by \$65,000 of privately raised funds; said land purchase to be fully contingent upon the Town's receipt of a lump sum payment of said privately raised funds on or before March 1, 2005; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction to be held by BTA/BOLT, Inc. and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase; or take any other action thereon.

Sponsored by the Community Preservation Committee

Finance Committee recommends adoption of this article

Capital Budgeting Committee recommends adoption of this article

AN AMENDMENT TO ARTICLE 20 was introduced as follows:

To strike the words "or lesser interest" from the Article.

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

*Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote, to expend \$230,000 to purchase a certain parcel of land known as the **Davis Hayfield** consisting of 4.5 acres more or less, said parcel shown as a portion of Map 32, Block 3, Lot 11.1 on the records of the Boxford Assessors, as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to accept a deed of a fee simple or lesser interest in said parcel together with all flowage and other rights and easements and subject to all well rights and easements and to fund necessary expenses related to the purchase; that said land be conveyed to the town as an Historic Resources Purchase under Massachusetts General Laws Chapter 44B as it may hereafter be amended, said land to be managed and controlled by the Board of Selectmen; said purchase to be partially funded by **an appropriation of \$160,000 from the Historic Resources Reserve and \$5,000 from the FY 2005 estimated revenues of the Community Preservation Fund**; and partially funded by \$65,000 of*

privately raised funds; said land purchase to be fully contingent upon the Town's receipt of a lump sum payment of said privately raised funds on or before March 1, 2005; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction to be held by BTA/BOLT, Inc. and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxford to affect said purchase.

ARTICLE 21. To see if the Town will vote to appropriate **\$120,000** from the Community Housing Reserve of the Community Preservation Fund to fund developmental activities to be conducted by the **Boxford Housing Partnership Committee for the development of community housing in Boxford** including on town owned land off Spofford Road; said funds to be expended under the direction of the Community Preservation Committee as Community Housing Expenditures; or take any other action thereon.

Sponsored by the Community Preservation Committee

Finance Committee recommends adoption of this article

AN AMENDMENT TO ARTICLE 21 was introduced as follows:

To insert the following after 'town owned land off Spofford Road' :

"any engineering or technical testing or studies to be performed on the land owned by the Town of Boxford off Spofford Pond Road shall be subject to review and approval by the Board of Health; "

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to defeat the Amendment.*

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote, to appropriate **\$120,000** from the Community Housing Reserve of the Community Preservation Fund to fund developmental activities to be conducted by the **Boxford Housing Partnership Committee for the development of community housing in Boxford** including on town owned land off Spofford Road; said funds to be expended under the direction of the Community Preservation Committee as Community Housing Expenditures*

ARTICLE 22. To see if the Town will vote to appropriate **\$40,000** from the Community Housing Reserve of the Community Preservation Fund to fund expenses of the **Boxford Housing Trust, Inc. for the creation, preservation, and support of community housing in Boxford**, said funds to be expended under the direction of the Community Preservation Committee as Community Housing Expenditures; or take any other action thereon.

Sponsored by the Community Preservation Committee

Finance Committee recommends adoption of this Article.

Upon a motion made and duly seconded, it was VOTED by majority voice vote, to appropriate \$40,000 from the Community Housing Reserve of the Community Preservation Fund to fund expenses of the Boxford Housing Trust, Inc. for the creation, preservation, and support of community housing in Boxford, said funds to be expended under the direction of the Community Preservation Committee as Community Housing Expenditures

ARTICLE 23. To see if the Town will vote to **accept the following roads** described below, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk:

Ashland Road in its entirety, from Station 0+00 to Station 18+17 as shown on a plan entitled, "Subdivision As Built, Village Estates Subdivision, Hickory Lane and Ashland Road", Boxford, MA prepared for Hill & Associates, dated October 1999, by Apple Associates, Inc. and recorded in Essex South Registry of Deeds;

Hickory Lane in its entirety, from Station 0+00 to Station 29+35 as shown on a plan entitled, "Subdivision As Built, Village Estates Subdivision, Hickory Lane and Ashland Road", Boxford, MA prepared for Hill & Associates, dated October 1999, by Apple Associates, Inc. and recorded in Essex South Registry of Deeds;

Laurel Hollow Road in its entirety, from Station 0+00 to Station 12+02.11 as shown on a plan entitled, "As Built Plan of Laurel Hollow Road in Boxford, Massachusetts", prepared for Michael Kenny, dated October 2, 2002, by Apple Associates, Inc. and recorded in Essex South Registry of Deeds;

Winding Oaks Way in its entirety, from Station 0+00 to Station 28+59 as shown on a plan entitled, "As Built Subdivision Plan of Winding Oaks", prepared for Walker Development, Corp. dated May 27, 2003, by Thomas E. Neve Associates, Inc. and recorded in Essex South Registry of Deeds;

Whitney Road in its entirety, from Station 0+00 to Station 13+96.86 as shown on a plan entitled, "Subdivision As Built of Bare Hill Farm", prepared for Bare Hill Farm Trust, dated July 15, 1993, by Arrow Associates, Inc. and recorded in Essex South Registry of Deeds;

Kate's Lane in its entirety, from Station 0+00 to Station 6+46.14 as shown on a plan entitled, "Subdivision As Built of Bare Hill Farm", prepared for Bare Hill Farm Trust, dated July 15, 1993, by Arrow Associates, Inc. and recorded in Essex South Registry of Deeds;

Hovey's Pond Road in its entirety, from Station 0+00 to Station 15+00 as shown on a plan entitled, "As Built Plan of Pearl Farm Estates located in Boxford MA", dated July 2003, by Christiansen & Sergi and recorded in Essex South Registry of Deeds;

Nancy's Way in its entirety, from Station 0+00 to Station 3+47.74 as shown on a plan entitled, "As Built Plan of Pearl Farm Estates located in Boxford MA", dated July 2003, by Christiansen & Sergi and recorded in Essex South Registry of Deeds;

Azalea Lane in its entirety, from Station 0+00 to Station 10+34.90 as shown on a plan entitled, "Definitive Plans, Kelsey's Highlands, dated 3/13/95 by Gregsak Engineering, Inc. and recorded in the Essex South Registry of Deeds;

Carolina Lane in its entirety, from Station 0+00 to Station 12+54+52 as shown on a plan entitled, "Definitive Plans, Kelsey's Highlands, dated 3/13/95 by Gregsak Engineering, Inc. and recorded in the Essex South Registry of Deeds;

Rose Lane in its entirety, from Station 0+00 to Station 6+18.75 as shown on a plan entitled, "Definitive Plans, Kelsey's Highlands, dated 3/13/95 by Gregsak Engineering, Inc. and recorded in the Essex South Registry of Deeds;

Bayns Hill Road in its entirety, from Station 0+00 to Station 14+21.15 as shown on a plan entitled, "Definitive Plan Bayns Hill Subdivision in Boxford, Massachusetts", prepared for McKinnon Real Estate Trust, dated September 20, 1995, by Hancock Survey Associates, Inc. and recorded in Essex South Registry of Deeds;
or take any other action thereon.

Sponsored by the Planning Board

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to **accept the roads described in Article 23, with the exception of Ashland Road, Hickory Lane, Laurel Hollow Road, and Bayns Hill Road, as public ways, including any appurtenant easements and to authorize the Board of Selectmen to acquire any necessary easements by gift; said plans on file with the Town Clerk.***

ARTICLE 24. To see if the Town will vote to transfer the care, custody, maintenance and control of the following described trail easement currently held by the Board of Selectmen and managed by the Conservation Commission to the Board of Selectmen for the purpose of **releasing all of the Town's rights, title and interest in the Berry Patch Lane trail easement** from 25 Berry Patch Lane recorded with the Essex South District Registry of Deeds because a new easement is in place, and to authorize the Board of Selectmen to petition the State Legislature to release the easement pursuant to Article 97 of the Massachusetts Constitution; said plans on file with the Town Clerk; or take any other action thereon.

Sponsored by the Planning Board

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to transfer the care, custody, maintenance and control of the following described trail easement currently held by the Board of*

Selectmen and managed by the Conservation Commission to the Board of Selectmen for the purpose of releasing all of the Town's rights, title and interest in the Berry Patch Lane trail easement from 25 Berry Patch Lane recorded with the Essex South District Registry of Deeds because a new easement is in place, and to authorize the Board of Selectmen to petition the State Legislature to release the easement pursuant to Article 97 of the Massachusetts Constitution; said plans on file with the Town Clerk.

ARTICLE 25. To see if the Town will vote to zone the two parcels of land obtained from the change of the Town boundary lines between the Towns of Boxford and Georgetown and the Towns of Boxford and North Andover, as **Official or Open Space District**. The two parcels are shown on plans: "Plan of Land Showing the Reconfiguration of Town Boundary Lines Between the Towns of Boxford and Georgetown dated September 8, 1999" and "Conceptual Plan: Town Boundary Relocation Between the Towns of North Andover and Boxford" copies of which are on file in the office of the Town Clerk; or to take any other action thereon.

Sponsored by the Planning Board

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

ARTICLE 26. To see if the Town will vote to amend the Zoning Bylaws §196-25 Accessory buildings and structures to include the new phrase shown in **bold**:

"Accessory buildings and structures, including detached garages **and all sheds**, shall not be closer than 50 feet from the front lot line, nor any closer to any side or rear line than the height of such accessory building above the ground, or 20 feet, whichever is greater...": or to take any other action thereon.

Sponsored by the Zoning Board of Appeals

*Upon a motion made and duly seconded, it was **VOTED** by a 2/3 voice vote, to defeat **Article 26**.*

ARTICLE 27. To see if the Town will vote to amend the Zoning Bylaws § 196-7 Restoration to be re-titled as "**Restoration/Reconstruction/Repair**" and to include the new phrases shown in **bold**, to now read:

A. Any legally nonconforming building or structure damaged by fire or other accidental or natural cause to the extent of not more than $\frac{3}{4}$ of its value at the time of damage, as determined by the Inspector of Buildings, may be reconstructed if rebuilding is commenced within one year and completed within two years from the date of the ~~catastrophe~~ **occurrence**, or else such reconstruction must comply with this bylaw. **Any**

change or expansion in total square footage, footprint, or dimensions will require a special permit from the Zoning Board of Appeals.

B. A residence in a district where residences are permitted, but on a nonconforming lot or with nonconforming yards, may be reconstructed or repaired without change if commenced within one year and completed within two years, without change in the lot size or yards. Any change or expansion in total square footage, footprint, or dimensions will require a special permit from the Zoning Board of Appeals; or to take any other action thereon.

Sponsored by the Zoning Board of Appeals

Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote, to amend the Zoning Bylaws § 196-7 Restoration as published in the Code of the Town of Boxford to be re-titled as "**Restoration/Reconstruction/Repair**" and to include the new phrases shown in bold, to now read:

A. Any legally nonconforming building or structure damaged by fire or other accidental or natural cause to the extent of not more than ¼ of its value at the time of damage, as determined by the Inspector of Buildings, may be reconstructed if rebuilding is commenced within one year and completed within two years from the date of the ~~catastrophe~~ occurrence, or else such reconstruction must comply with this bylaw. Any change or expansion in total square footage, footprint, or dimensions will require a special permit (or variance, if the proposed change or expansion does not comply with the zoning bylaws) from the Zoning Board of Appeals, upon a finding that such change or expansion will not be substantially more detrimental to the neighborhood than the existing structure.

B. A residence in a district where residences are permitted, but on a nonconforming lot or with nonconforming yards, may be ~~reconstructed~~ restored or repaired without change in the lot size or yards. Any change or expansion in total square footage, footprint, or dimensions will require a special permit (or variance, if the proposed change or expansion does not comply with the zoning bylaws) from the Zoning Board of Appeals, upon a finding that such change or expansion will not be substantially more detrimental to the neighborhood than the existing structure.

ARTICLE 28. To see if the Town will vote to amend the Zoning Bylaws §196-13 (B) Permitted Uses (3) by deleting at the end of paragraph "subject to section 196-31"; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to amend the Zoning Bylaws §196-13 (B) Permitted Uses (3) as published in the Code of the Town of Boxford by deleting at the end of paragraph "subject to section 196-31".

ARTICLE 29. To see if the Town will vote to amend the Zoning Bylaws §196-13 (B) (11) (m) by deleting the first sentence and inserting the following new sentence: "A shared driveway that serves up to three lots and shall only be located on one or more of the lots being served."; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to amend the Zoning Bylaws §196-13 (B) (11) (m) as published in the Code of the Town of Boxford by deleting the first sentence and inserting the following new sentence: "A shared driveway that serves up to three lots and shall only be located on one or more of the lots being served."

ARTICLE 30. To see if the Town will vote to amend the Zoning Bylaws by adding new paragraphs (9) and (10) to §196-13 (C):

(9) Accessory apartments shall be properly identified with at least three-inch tall numbers with the house number assigned by the Inspector of Buildings followed by a hyphen and the number one (house number-1) located at the entrance of the driveway. The same number should also be posted over or adjacent to the primary entrance of the apartment. This is to indicate to responding emergency personnel the existence of an apartment in the residence.

(10) The owner shall register all accessory apartments annually with the Town Clerk, including a list of occupants, as required by M.G.L C 51, Sec. 4 and Boxford Town Code Chapter 58-1; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

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

ARTICLE 31. To see if the Town will vote to amend the Zoning Bylaws §196-22 (C) (10) Wireless Communications Services District by deleting the last sentence and inserting the following new sentence: "The coloring scheme of the pole shall be at the discretion of the Board of Appeals based upon information provided during the public hearing"; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

*Upon a motion made and duly seconded, it was **VOTED** by a greater than 2/3 voice vote, to amend the Zoning Bylaws §196-22 (C) (10) Wireless Communications Services District as published in the Code of the Town of Boxford by deleting the last sentence and inserting the following new sentence: "The coloring scheme of the pole shall be at the discretion of the Board of Appeals based upon information provided during the public hearing.*

ARTICLE 32. To see if the Town will vote to amend the Zoning Bylaws §196-35 Definitions by adding the following paragraph:

"RECONSTRUCTION OR RESTORATION - rebuilding within the same footprint and total square footage and having similar dimensions"; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to amend the Zoning Bylaws §196-35 Definitions as published in the Code of the Town of Boxford by adding the following paragraph:*

~~"RECONSTRUCTION OR RESTORATION - rebuilding within the same footprint and total square footage and having similar dimensions.~~

ARTICLE 33. To see if the Town will vote to amend the Zoning Bylaws §196-46 Review by other Town Boards by adding the following paragraph:

"Other Town Boards, including the Planning Board, shall be requested to make a report and recommendation on each appeal, application or petition before the Board of Appeals, which report and recommendation may be filed as soon as practicable and not later than 35 days after the date of the notice of the appeal, application or petition. Lack of recommendation within said period shall be deemed lack of opposition thereto"; or take any other action thereon.

Sponsored by the Zoning Board of Appeals

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

ARTICLE 34. To see if the Town will vote to amend its Bylaws Town Code §1-5 Ch. 125, **Parking Fine Schedule** to read **\$15.00** instead of the incorrect \$10.00 fine now printed; or take any other action thereon.

Sponsored by the Board of Selectmen

*Upon a motion made and duly seconded, it was **VOTED** by unanimous voice vote, to amend the Town Bylaws Town Code §1-5 Ch. 125, **Parking***

Fine Schedule to read \$15.00 instead of the incorrect \$10.00 fine now printed.

ARTICLE 35. To see if the Town will vote to amend its bylaws and add the following section:

“It is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated within the town limits of the Town of Boxford, any compression brake, engine brake, brake commonly known as “Jake brake”, dynamic brake or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, if such device or devices results in excessive, loud, or otherwise unusual noise. Violation would be subject to a fine of \$200.00”; or take any other action thereon

Sponsored by Initiative Petition

Upon a motion made and duly seconded, it was VOTED by majority voice vote, to amend the Code of the Town of Boxford's bylaws by adding the following section:

“Except in the case of an emergency, it is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated within the town limits of the Town of Boxford, any compression brake, engine brake, dynamic brake or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, if such device or devices results in excessive, loud, or otherwise unusual noise. Violation would be subject to a fine of \$200.00”.

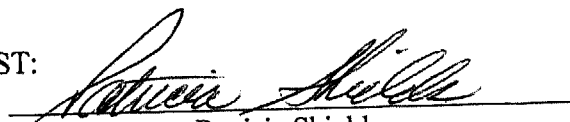
ARTICLE 36. To transact any other business that may legally come before said meeting.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to dissolve the Annual Town Meeting and adjourn

Registered voters attending Annual Town meeting first night were 247 and second night attendance was 138. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:


Patricia Shields
Town Clerk

RAISE AND APPROPRIATE:

Article 5 Town Budget FY 2005	\$	22,202,809
Article 7 Masconomet District School Assessment		40,600

TOTAL TO BE RAISED AND APPROPRIATED \$ 22,243,409

APPROPRIATION:

Article 20 Community Preservation Revenues FY 2005	\$	5,000
Article 20 Historic Resources Reserve		160,000
Article 21 Community Housing Reserve (Comm. Pres. Fund)		120,000
Article 22 Community Housing Reserve (Comm. Pres. Fund)		40,000

TOTAL TO BE APPROPRIATED \$ 325,000

TRANSFER:

Article 5 (from Receipts Reserved for Appropriation – (Septic Loan Program)		\$13,571
Article 8 (from Free Cash to appropriate listed departments)		317,000
Article 9 (from Unexpended Balance of Article 6)		4,986.60
Article 9 (from Free Cash to purchase Police cruiser)		21,013.40
Article 11 (from Overlay Released by the Assessors)		37,000
Article 13 (from Free Cash to HAWC)		2,000
Article 14 (from Free Cash to Tri-Town Council)		25,769
Article 15 (from Free Cash to fund defense in pending lawsuit)		50,000
Article 16 (from Free Cash to The Reserve Fund)		175,000
Article 17 (from Free Cash to Stabilization Fund)		15,000
Article 18 (from Free Cash to replenish the Town Unemployment Fund)		30,000

TOTAL TO BE TRANSFERRED \$ 691,340

TOWN COMMITTEE
 BLANKS
 WRITE-INS
 ALL OTHER
 TOTAL VOTES

PCT 3
 0
 0
 0
 0

SPECIAL TOWN MEETING
 MAY 11, 2004

Voters of the Town of Boxford met at the Masconomet High School on Tuesday, May 11, 2004. Moderator Johnston called the Town Meeting to order at 7:30 p.m. The Articles of the Warrant were disposed of accordingly.

ARTICLE 1. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$14,800 to fund the Town's share of a grant received to replace the Fire Department's self contained breathing apparatus equipment**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
 Finance Committee recommends adoption of this article
 Capital Budgeting Committee recommendation: "A" Essential

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer from Free Cash, the sum of \$14,800 to fund the Town's share of a grant received to replace the Fire Department's self contained breathing apparatus equipment, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 2. To see if the Town will vote to transfer the sum of **\$30,000.00** from the unspent portion of funds appropriated under Article #4 of the May 11, 1999 Special Town Meeting, originally appropriated to study the occurrence of arsenic in the bedrock drinking water aquifer, **to now fund any costs associated with the study of, and proposed treatment for the occurrence of arsenic in the Town Hall/Police Station bedrock public water supply well** as newly required by changes to the regulations of the environmental Protection Agency to be effective January, 2006, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Board of Selectmen
 Finance Committee recommends adoption of this article
 Capital Budgeting Committee Recommendation: "A" Essential

Upon a motion made and duly seconded, it was VOTED, by unanimous voice vote, to transfer the sum of \$30,000.00 from the unspent portion of funds appropriated under Article #4 of the May 11, 1999 Special Town

Meeting, originally appropriated to study the occurrence of arsenic in the bedrock drinking water aquifer, to now fund any costs associated with the study of, and proposed treatment for the occurrence of arsenic in the Town Hall/Police Station bedrock public water supply well as newly required by changes to the regulations of the Environmental Protection Agency to be effective January, 2006, said funds to be expended under the direction of the Board of Selectmen

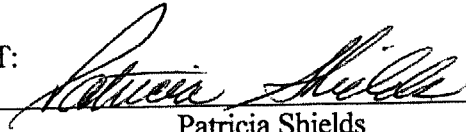
ARTICLE 3. To transact any other business that may legally come before said meeting.

Upon a motion made and duly seconded, it was VOTED by unanimous voice vote, to dissolve the Special Town Meeting.

Registered voters attending the meeting were 247. Counters and checkers for the meeting were appointed by Town Clerk Patricia Shields.

A true record.

ATTEST:



Patricia Shields
Town Clerk

TRANSFER:

Article 1 (from Free Cash to replace Fire Dept. apparatus)	14,800
Article 2 (from Article 4 of Special Town Meeting, May 11, 1999, unspent appropriated funds)	30,000
TOTAL TO BE TRANSFERRED	<u>\$ 44,800</u>