

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**Voters of the Town of Boxford** met at Masconomet Regional High School on Tuesday, October 23, 2007.

Moderator Gerald Johnston called **Special Town Meeting to order@ 7:40 p.m.**

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, in accordance with M.G.L. chapter 44, section 64, the sum of **\$1,791.60 to pay bills of charge for the Recreation Committee**, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Recreation  
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, in accordance with M.G.L. chapter 44, section 64, the sum of \$1,791.60 to pay bills of charge for the Recreation Committee, funds to be expended under the direction of the Board of Selectmen.***

**ARTICLE 2.** To see if the Town will vote to **accept the provisions of Massachusetts General Laws Chapter 44, Section 55C establishing a trust to be known as the Boxford Affordable Housing Trust Fund** whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in the implementation thereof will vote to authorize the Selectmen to execute a Declaration of Trust and Certificate of Trust for the Boxford Affordable Housing Trust and to amend the Town Bylaws by inserting the following new section: Chapter 7, Article XVII, Trustees of Affordable Housing Trust Fund:

§ 7-46 There shall be a Board of Trustees of the Boxford Affordable Housing Trust established by the vote under Article 2 of the October 23, 2007 Special Town Meeting which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years.

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

§ 7-47 The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44, Section 55C, shall be as set forth in said statute.

or take any other action thereon.

Sponsored by the Housing Partnership Committee  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was **VOTED** by greater than 2/3 voice vote to call the vote on Article 2.*

*Upon a motion made and duly seconded, it was **VOTED** by a hand count of 52 Yes and 168 No to **DEFEAT** Article 2. To accept the provisions of Massachusetts General Laws Chapter 44, Section 55C establishing a trust to be known as the **Boxford Affordable Housing Trust Fund** whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in the implementation thereof will vote to authorize the Selectmen to execute a Declaration of Trust and Certificate of Trust for the **Boxford Affordable Housing Trust** and to amend the Town Bylaws by inserting the following new section: Chapter 7, Article XVII, Trustees of Affordable Housing Trust Fund:*

*§ 7-46 There shall be a Board of Trustees of the **Boxford Affordable Housing Trust** established by the vote under Article 2 of the October 23, 2007 Special Town Meeting which shall consist of five (5) trustees appointed by the Board of Selectmen, at least one of which shall be member of the Board of Selectmen, for terms of two years to expire on June 30, except that initially terms shall be selected by the Selectmen, so that two trustees so appointed shall have initial terms not to exceed one year and three trustees so appointed shall have terms not to exceed two years.*

*§ 7-47 The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44, Section 55C, shall be as set forth in said statute.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**ARTICLE 3.** To see if the Town will vote to modify its zoning bylaw §196-13 B (11) (a) Farm stands, by deleting the current sub-paragraph (a); shown below with words to be deleted struck through; and inserting new paragraphs (a.1), (a.2) and (a.3); new words shown below in bold:

§196-13 B (11) Subject to the grant of a special permit by the Board of Appeals as provided in Article X below, the following:

~~(a) — Farm stands set back at least 30 feet from the front lot line on the land of the owner for retail sales of farm produce and agriculturally related products, a majority or which were raised, produced, created or processed on the property of the owner.~~

**(a.1) Farm stands, being a retail sale facility set back at least 30 feet from the lot line of property owned by another and a public way, for the sale of produce, wine, dairy products and other agriculturally related products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another. For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.**

**(a.2) Farm stands, as set forth in (a.1) above, which during the months of June, July, August, and September of the year or during the harvest season of the primary crop raised on land of the owner or lessee, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, upon application to the Board of Selectmen, may be granted a common victualler's license. Prior to submitting such application the owner or lessee shall submit to**

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

the Board of Appeals sufficient information for a determination at a public meeting that the farm stand's gross sales dollars or volume qualifies the farm stand for such license.

(a.3) Subject to special site plan review, farm stands as set forth in section (11) (a.1) or (a.2) above may conduct seasonal agrotourism events, such as but not limited to, farm festivals, events, retail activities where the traveling public interacts directly with the farm family/farm workers. Plans submitted for special site plan review need only show that portion of the farm subject to the agrotourism activity. Assessor maps will be deemed adequate for this purpose. The special site plan review shall be limited to:

- a) Adequacy of parking;
- b) Convenience and safety of pedestrian and vehicular traffic;
- c) Adequacy of methods of waste disposal.

To the extent that any such activities can reasonably be expected to substantially affect the neighborhood adjacent to the site, the Board of Appeals shall impose such restrictions as are reasonably related to mitigating any such negative impact.

or to take any other action thereon.

Sponsored by the Agricultural Commission and Planning Board  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was VOTED by  
unanimous voice vote to PASSOVER Article 3.*

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$28,000 for a replacement police cruiser**, and to authorize the Selectmen to dispose of the current vehicle in any manner they deem appropriate, funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote to transfer from free cash the sum of \$28,000 for a replacement police cruiser, and to authorize the Selectmen to dispose of the current vehicle in any manner they deem appropriate, funds to be expended under the direction of the Board of Selectmen.***

**ARTICLE 5.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$14,000 to purchase and install roadside guardrail in various locations on Main Street and Lily Pond Road**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Fire Department Finance Committee **does not** recommend adoption of this article  
Capital Budget Committee Recommendation: "D" Does not recommend

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote to transfer from free cash the sum of \$14,000 to purchase and install roadside guardrail in various locations on Main Street and Lily Pond Road, said funds to be expended under the direction of the Board of Selectmen.***

**ARTICLE 6.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$21,381 for the reconstruction and resurfacing of various roads**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen  
Finance Committee recommends adoption of this article  
Capital Budget Committee Recommendation: "B" High Priority

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Amendment to Article 6 was VOTED by majority voice vote to see if the town will vote to transfer from available funds, the sum of \$21,381 for reconstruction and resurfacing of various roads, said funds to be expended under the direction of the Board of Selectmen.*

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer from available funds the sum of \$21,381 for the reconstruction and resurfacing of various roads, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget in order to fund professional engineering costs, and to fund related permits and expenses necessary to obtain required approvals and develop plans and specifications for the repair and re-construction of the Parker River culvert on Willow Road, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

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

*Upon motion made and duly seconded, it was VOTED by majority voice vote to transfer from free cash the sum of \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget in order to fund professional engineering costs, and to fund related permits and expenses necessary to obtain required approvals and develop plans and specifications for the repair and re-construction of the Parker River culvert on Willow Road, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$32,000 to provide engineering services, oversight and other associated expenses, to re-drill and install a new pump with pitless adaptor in the existing Police Department public water supply well, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

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

*Upon motion made and duly seconded, it was **VOTED** by a show of hands to **DEFEAT** Article 8. To transfer from free cash the sum of \$32,000 to provide engineering services, oversight and other associated expenses, to re-drill and install a new pump with pitless adaptor in the existing Police Department public water supply well, said funds to be expended 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 \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget for the purpose of increasing funds for tree removal, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen  
Finance Committee **does not** recommend adoption of this article  
Capital Budget Committee Recommendation: "C" Low Priority

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to allow **Planning Board Administrator, Len Phillips** to address the voters about selective tree removal at this Special Town Meeting.*

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to transfer from free cash the sum of \$25,000 to supplement the FY 2008 Department of Public Works – All Other budget for the purpose of increasing funds for tree removal, said funds to be expended under the direction of the Board of Selectmen.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**ARTICLE 10.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$13,200 to fund Boxford's share of a regional update of aerial photographs**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored by the Conservation Commission and Board of Assessors  
Board of Selectmen supports adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budget Committee Recommendation: "B" High Priority

*Upon a motion made and duly seconded, it was **VOTED** to transfer from free cash the sum of \$6,554 to fund Boxford's share of a regional update of aerial photographs, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 11.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$18,000 to fund various repair and maintenance projects on various town buildings**, said funds to be spent under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and  
Facilities Maintenance Committee  
Finance Committee recommends adoption of this article  
Capital Budget Committee Recommendation: "A" Essential

*Upon motion made and duly seconded, it was **VOTED** by unanimous voice vote to transfer from free cash the sum of \$18,000 to fund various repair and maintenance projects on various town buildings, said funds to be spent under the direction of the Board of Selectmen.*



TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**ARTICLE 12.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$25,000 to fund a feasibility study on the possible expansion, renovation, addition and/or re-construction of the Boxford Community Center**, said funds to be expended under the direction of the Board of Selectmen; or take any other action thereon.

Sponsored and supported by the Selectmen and  
Community Center Building Committee  
Finance Committee **does not** recommend adoption of this article  
Capital Budget Committee Recommendation: "D" Does not recommend

*Upon a motion made and duly seconded, it was **VOTED** by majority hand count of 164 Yes and 111 No; to transfer from free cash the sum of \$25,000 to fund a feasibility study on the possible expansion, renovation, addition and/or re-construction of the Boxford Community Center, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 13.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise all or a portion of **a parcel of land on Middleton Road, Boxford, Essex County, Massachusetts, being a portion of the property known as the Haynes property**, described as lot 2 on a plan of land titled: "Sketch Plan Showing Lots 1, 2 and Parcel A in Boxford, Mass.", Prepared for Elmlea Partnership Trust, dated July 10, 2007, drawn by Neve-Morin Group, Inc., on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the provisions of Massachusetts General Laws, Chapter 44B, as it may hereafter be amended; said land to be under the care, custody, management and control of the Boxford Board of Selectmen and held for one or more of the purposes authorized under the Community Preservation Act:

- a. Acquisition, creation, and preservation of open space,
- b. Acquisition, preservation, rehabilitation and restoration of historic resources;
- c. Acquisition, creation and preservation of land for recreational use;
- d. Acquisition, creation, preservation and support of community housing; and
- e. Rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided by M.G.L. ch. 44B (the Community Preservation Act);

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

and that prior to committing any portion of the property to any of the uses specified above, areas of the property designated for specific uses must be clearly identified and delineated by subsequent votes of Town Meeting, and that the Board of Selectmen shall appoint a subcommittee charged with developing recommendations for the use of the property; and that to fund said purchase including all costs incidental and related thereto, to appropriate the sum of \$3,300,000 or any other amount; and that to meet this appropriation the sum of \$1,300,000 be transferred from the Undesignated Community Preservation Fund balance, \$100,000 be transferred from the FY '08 Budgeted Reserve, and that the treasurer, with the approval of the Selectmen, be authorized to borrow the sum of \$1,900,000 as authorized under the Community Preservation Program pursuant to Massachusetts General Laws, Chapter 44 section 7, Chapter 44B section 11, and/or any other enabling authority; and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, 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 and supported by the Board of Selectmen, Land Committee,  
Recreation Committee and Community Preservation Committee  
Community Preservation Committee recommends adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budgeting Committee Recommendation: "A" Essential

***NOTE:*** *The total cost of this acquisition is \$3.25 million in land purchase price and \$100,000 in legal, debt acquisition and debt service expenses. The Town is paying the \$100,000 in acquisition expenses and \$3.2 million for the land purchase. The remaining \$50,000 land purchase expense is to be raised privately.*

***Amendment to Article 13 was DEFEATED by a voice vote, to strike the words; "and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article".***

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Second amendment to Article 13 was DEFEATED by a voice vote, to change the words "subsequent votes of Town Meeting" to read "subsequent 2/3 majority votes of Town Meeting".*

*Upon a motion made and duly seconded, it was VOTED by hand count of 253 Yes and 20 No; to authorize the Selectmen to acquire by purchase, gift, eminent domain, or otherwise all or a portion of a parcel of land on Middleton Road, Boxford, Essex County, Massachusetts, being a portion of the property known as the Haynes property, described as lot 2 on a plan of land titled: "Sketch Plan Showing Lots 1, 2 and Parcel A in Boxford, Mass.", Prepared for Elmlea Partnership Trust, dated July 10, 2007, drawn by Neve-Morin Group, Inc., on file with the Town Clerk together with all flowage rights and easements and subject to all well rights and easements; that said land be conveyed to the Town of Boxford under the provisions of Massachusetts General Laws, Chapter 44B, as it may hereafter be amended; said land to be under the care, custody, management and control of the Boxford Board of Selectmen and held for one or more of the purposes authorized under the Community Preservation Act:*

- a. Acquisition, creation, and preservation of open space,*
- b. Acquisition, preservation, rehabilitation and restoration of historic resources;*
- c. Acquisition, creation and preservation of land for recreational use;*
- d. Acquisition, creation, preservation and support of community housing; and*
- f. Rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided by M.G.L. ch. 44B (the Community Preservation Act);*

*and that prior to committing any portion of the property to any of the uses specified above, areas of the property designated for specific uses must be clearly identified and delineated by subsequent votes of Town Meeting, and that the Board of Selectmen shall appoint a subcommittee charged with developing recommendations for the use of the property; and that to fund said purchase including all costs incidental and related thereto, to appropriate the sum of \$3,300,000 or any other amount; and that to meet this appropriation the sum of \$1,300,000 be transferred from the Undesignated Community Preservation Fund balance, \$100,000 be transferred from the FY '08 Budgeted Reserve, and that the treasurer, with the approval of the Selectmen, be authorized to borrow the sum of \$1,900,000 as authorized under the Community Preservation Program pursuant to*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Massachusetts General Laws, Chapter 44 section 7, Chapter 44B section 11, and/or any other enabling authority; and to authorize the Board of Selectmen to grant conservation restrictions or other such perpetual restrictions, approve use restrictions, as may be permitted pursuant to the Community Preservation Act, on all or any portion of said parcel; seek, receive and accept grants, donations or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, 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 14.** To see if the Town will vote to appropriate the sum of \$720,000, or any other amount, to preserve the historic Lincoln Hall, Main Street, West Boxford Center; including all costs incidental and related thereto; said rehabilitation expenses as necessary for Lincoln Hall to continue to serve as a community meeting place, including but not limited to improvements needed to meet modern codes such as installing insulation, new heating and air conditioning systems, insulating doors and windows, installing handicapped lift and bathrooms, and updating the electrical system, and that to fund such rehabilitation, \$25,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, \$20,000 shall be transferred from the FY '08 Budgeted Reserve, and the treasurer, with the approval of the Selectmen, shall be authorized to issue debt in the amount of \$675,000 under the Community Preservation Program for the rehabilitation of historic resources, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Board of Selectmen or to take any other action thereon.

Sponsored and supported by the Board of Selectmen, Lincoln Hall  
Building Committee and the Community Preservation Committee  
Community Preservation Committee recommends adoption of this article  
Finance Committee recommends adoption of this article  
Capital Budgeting Committee Recommendation: "D" Does not recommend

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to call the vote on article 14.*

*Upon a motion made and duly seconded, it was VOTED by a greater than 2/3 voice vote to appropriate the sum of \$698,000 to preserve the historic Lincoln Hall, Main Street, West Boxford Center; including all costs incidental and related thereto; said rehabilitation expenses as necessary for Lincoln Hall to continue to serve as a community meeting place, including but not limited to improvements needed to meet modern codes such as installing insulation, new heating and air conditioning systems, insulating doors and windows, installing handicapped lift and bathrooms, and updating the electrical system, and that to fund such rehabilitation, \$25,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, \$20,000 shall be transferred from the FY '08 Budgeted Reserve, and the treasurer, with the approval of the Selectmen, shall be authorized to issue debt in the amount of \$675,000 under the Community Preservation Program for the rehabilitation of historic resources, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Board of Selectmen.*

**ARTICLE 15.** To see if the Town will vote to appropriate **\$86,000 to partially fund the rehabilitation of the Holyoke-French Barn** into an agricultural and commerce heritage exhibit, including general restoration of the existing barn, gathering and preparing artifacts and designing and constructing an exhibit space; and that to fund such rehabilitation, \$86,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority; or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and  
Community Preservation Committee

Community Preservation Committee recommends adoption of this article

Finance Committee recommends adoption of this article

Capital Budgeting Committee Recommendation: "D" Does not recommend

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate \$86,000 to partially fund the rehabilitation of the Holyoke-French Barn into an agricultural and commerce heritage exhibit, including general restoration of the existing barn, gathering and preparing artifacts and designing and constructing an exhibit space; and that to fund such rehabilitation, \$86,000 shall be appropriated from the Community Preservation Committee Historic Resources Reserve, pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority.*

**ARTICLE 16.** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 55 and to accept to the provisions of Massachusetts General Laws, Chapter 44B, Section 3, Paragraph "i", to allow the Board of Assessors to grant certain property tax and Community Preservation Act Surtax exemptions to qualified residents occupying units in housing cooperatives; or take any other action thereon.

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

***NOTE:*** *If accepted, units leased to members of housing cooperatives and occupied as their domiciles are considered owned by the members for purposes of making them eligible for personal exemptions, CPA surcharge exemptions or a residential exemption that requires ownership. The portion of the property owned by a member would be in proportion to the member's share of stock in the cooperative to the total outstanding stock of the corporation. The exemption in the tax assessed to the cooperative is to be credited to the portion of the tax the particular member is charged by the cooperative. Four Mile Village qualifies as a housing cooperative.*

*Upon a motion made and duly seconded, it was VOTED by a unanimous voice vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 55 and to accept to the provisions of Massachusetts General Laws, Chapter 44B, Section 3, Paragraph "i", to allow the Board of Assessors to grant certain property tax and Community Preservation Act Surtax exemptions to qualified residents occupying units in housing cooperatives.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**ARTICLE 17.** To see if the Town will vote to amend the Stormwater Management Bylaw, Town Code, Chapter 160 by inserting the following three definitions in section 160-3, and by making the following changes to sections 160-5 and 160-6 (words to be deleted struck through, new words in bold):

**ABUTTER -- Means the owner of any property any portion of which lies within 500 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.**

**MAJORITY VOTE -- Means a vote by a majority of the Commission for all actions taken under section 160-5 of the Stormwater Management Bylaw (permit-related actions) and issuance of enforcement orders, and a vote by a majority of a quorum of the Commission for all other matters under the Bylaw or under these Regulations.**

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) -- Municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are: (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Federal Clean Water Act that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.**

§ 160-5. Administration.

A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.

B. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

application, inspection, and/or consultant fees), application requirements, **permit amendment requirements**, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

**C. No work proposed in any Stormwater Management Permit shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.**

¶ **D.** The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

**E. A permit shall expire three years from the date of issuance. At the Commission's discretion, any permit may be renewed twice for an additional one-year period, provided that a request for a renewal is received in writing by the Commission at least thirty (30) days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until permanent protection is in place, and shall apply to all owners of the land.**

§ 160-6. ~~Applicability~~ **Statement of Jurisdiction.**

or to take any other action thereon.

Sponsored by the Conservation Commission  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to amend the Stormwater Management Bylaw, Town Code, Chapter 160 by inserting three definitions in section 160-3, and by making changes to sections 160-5 and 160-6; as printed in Article 17 of the October 23, 2007 Special Town Meeting Warrant.*



TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**160-3 ABUTTER** -- Means the owner of any property any portion of which lies within 500 feet radially from any lot line of the subject property including owners of land directly opposite on any public or private street or way including any in another municipality or across a body of water. In the case of property that has frontage on a pond, abutters shall include all those properties with frontage on the pond or pond association if in existence.

**MAJORITY VOTE** -- Means a vote by a majority of the Commission for all actions taken under section 160-5 of the Stormwater Management Bylaw (permit-related actions) and issuance of enforcement orders, and a vote by a majority of a quorum of the Commission for all other matters under the Bylaw or under these Regulations.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** -- Municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are: (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Federal Clean Water Act that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

§ 160-5. Administration.

A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.

B. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), application requirements, **permit amendment requirements**, procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**C. No work proposed in any Stormwater Management Permit shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.**

**D.** The Conservation Commission may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

**E. A permit shall expire three years from the date of issuance. At the Commission's discretion, any permit may be renewed twice for an additional one-year period, provided that a request for a renewal is received in writing by the Commission at least thirty (30) days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely or until permanent protection is in place, and shall apply to all owners of the land.**

§ 160-6. **Statement of Jurisdiction.**

**ARTICLE 18.** To see if the Town will **vote to accept the following road**, as described, as a public way, including any appurtenant easements; said plans on file with the Town Clerk:

**Haynes Road** in its entirety, from Station 0+00 to 4+38.33 as shown on a plan entitled, "Definitive Plan of Hidden Meadow" owner Charles W. Haynes", prepared by Donohoe and Parkhurst, Inc. dated June 6, 1999; to be 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 following road, as described, as a public way, including any appurtenant easements; said plans on file with the Town Clerk.*

**ARTICLE 19.** To see if the town will vote to amend selected portions of its Personnel Bylaws § 23-6. Employee benefits to now read as follows (words to be deleted struck through; new words in bold):

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

§ 23-6. Employee benefits.

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

**If a holiday is observed on a day an eligible employee is not normally scheduled to work, that eligible employee shall be entitled to a one day "compensatory holiday" with time off at a subsequent date approved in advance by the member's supervisor. The compensatory holiday shall be taken as a full day, not in increments and must be taken prior to the close of the fiscal year.**

D. Sick leave. Eligible employees shall be granted paid sick leave at their regular hourly rate on the basis of two hours earned for each regularly scheduled 40 hours worked (approximately one allowed day for each 20 days of work). No employee may accrue more than ~~680~~ 800 sick hours at any time during the course of employment. Sick leave shall not be paid to any employee who has not worked at least 60 calendar days following her/his probationary period. Paid sick leave shall not be granted unless the employee shall have notified his supervisor of the illness nor, in the case of more than three consecutive days of absence, unless a doctor's certificate of inability to work shall have been furnished to the department head if requested.

**After twenty five (25) years of consecutive service to the Town, the Town agrees to pay a lump sum payment amounting to fifty percent (50%) of the up to one hundred (100) days of sick leave accrued and unused at the time of retirement. The Town shall be given a one year written advance notice of the intent to retire.**

I. All full-time employees and management employees shall be eligible for ~~24~~ 32 hours of personal leave during each fiscal year. No personal leave time may be carried over into a subsequent fiscal year.

J. All eligible employees shall be entitled to up to ~~three~~ **four** days leave at the normal per diem rate due to a death in the immediate family. The immediate family includes a spouse, parent, child, siblings, legally adopted children, grandparents, **grandchild, parent of spouse, or relative person** living in the employee's household at the time of death. **Upon the death of an aunt, uncle, niece, or nephew, an employee is entitled to leave without loss of pay for a maximum of one day. Satisfactory evidence of death must be made to the employee's supervisor if requested.** The length of the leave shall take into account the closeness of the relationship and travel arrangements necessary to attend either the funeral or memorial service.

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

or to take any other action thereon  
Sponsored and supported by the 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 amend selected portions of its Personnel Bylaws § 23-6. Employee benefits to now read as printed in Article 19 of the October 23, 2007 Special Town Meeting Warrant.*

§ 23-6. Employee benefits.

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

**If a holiday is observed on a day an eligible employee is not normally scheduled to work, that eligible employee shall be entitled to a one day "compensatory holiday" with time off at a subsequent date approved in advance by the member's supervisor. The compensatory holiday shall be taken as a full day, not in increments and must be taken prior to the close of the fiscal year.**

D. Sick leave. Eligible employees shall be granted paid sick leave at their regular hourly rate on the basis of two hours earned for each regularly scheduled 40 hours worked (approximately one allowed day for each 20 days of work). No employee may accrue more than **800** sick hours at any time during the course of employment. Sick leave shall not be paid to any employee who has not worked at least 60 calendar days following her/his probationary period. Paid sick leave shall not be granted unless the employee shall have notified his supervisor of the illness nor, in the case of more than three consecutive days of absence, unless a doctor's certificate of inability to work shall have been furnished to the department head if requested.

**After twenty five (25) years of consecutive service to the Town, the Town agrees to pay a lump sum payment amounting to fifty percent (50%) of the up to one hundred (100) days of sick leave accrued and unused at the time of retirement. The Town shall be given a one year written advance notice of the intent to retire.**

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

I. All full-time employees and management employees shall be eligible for **32** hours of personal leave during each fiscal year. No personal leave time may be carried over into a subsequent fiscal year.

J. All eligible employees shall be entitled to up to **four** days leave at the normal per diem rate due to a death in the immediate family. The immediate family includes a spouse, parent, child, siblings, legally adopted children, grandparents, **grandchild, parent of spouse, or person** living in the employee's household at the time of death. **Upon the death of an aunt, uncle, niece, or nephew, an employee is entitled to leave without loss of pay for a maximum of one day. Satisfactory evidence of death must be made to the employee's supervisor if requested.** The length of the leave shall take into account the closeness of the relationship and travel arrangements necessary to attend either the funeral or memorial service.

**ARTICLE 20.** To transact any other business to legally come before this meeting.

*Upon a motion made and duly seconded, it was **VOTED** by majority voice vote to dissolve this Special Town Meeting @ 11:45 pm. 319 registered voters attend this Special Town Meeting.*

**A True Record:**

  
\_\_\_\_\_  
Town Clerk, Patricia Shields

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**TRANSFERS FROM FREE CASH:**

Article 1	Bill of Charge Recreation Committee	\$ 1,791.60
Article 4	Purchase Police Cruiser	\$28,000.00
Article 5	Roadside Guardrails	\$14,000.00
Article 6	Resurfacing of various roads	\$21,381.00
Article 7	Repair of culvert Willow Road	\$25,000.00
Article 9	Tree removal	\$25,000.00
Article 10	Aerial Photographs	\$ 6,554.00
Article 11	Maintenance Town Buildings	\$18,000.00
Article 12	Feasibility Study Community Center	<u>\$25,000.00</u>
		<b>\$ 164,726.60</b>

**COMMUNITY PRESERVATION ACT:**

Article 13	Undesignated Community Preservation FY '08 Budgeted Reserve	\$1,300,000 \$ 100,000
Article 14	Historic Resource Reserve	\$ 23,000
Article 15	Historic Resources Reserve MGL Chptr. 44B	<u>\$ 86,000</u> <b>\$ 1,509,000</b>

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 23, 2007

**BORROWING:**

ARTICLE 13	Community Preservation Funds MGL Chptr. 44 sec. 7, Chptr. 44B sec. 11	\$1,900,000
ARTICLE 14	Community Preservation Funds MGL Chptr. 44B	<u>\$ 675,000</u>
		<b>\$ 2,575,000</b>