

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**Voters of the Town of Boxford met @ Masconomet Regional District High School on Tuesday, October 28<sup>th</sup>, 2008. The Finance Committee presented to voters the state of affairs of the Town. Boxford's Special Town Meeting was called to order @ 7:50 pm by Moderator Gerald Johnston.**

**The articles of the warrant were disposed of as follows:**

**ARTICLE 1.** To see if the Town will amend FY 2009 budget appropriations voted in Article #5 of the May 13, 2008 Annual Town Meeting and **REDUCE the following line items** by the amounts listed:

Masconomet Operational Assessment:	\$11,212
Masconomet Debt Assessment	\$14,642
Essex County Retirement Assessment	\$11,990
Waste Collection	\$60,000
Board of Health	\$ 6,443

or take any other action thereon.

Sponsored and supported by the Finance Committee  
Board of Selectmen supports adoption of this article

*Upon a motion made and duly seconded, it was **VOTED by majority voice vote** to amend FY 2009 budget appropriations voted in Article #5 of the May 13, 2008 Annual Town Meeting and **REDUCE the following line items** by the amounts listed:*

<i>Masconomet Operational Assessment:</i>	<i>\$11,212</i>
<i>Masconomet Debt Assessment</i>	<i>\$14,642</i>
<i>Essex County Retirement Assessment</i>	<i>\$11,990</i>
<i>Waste Collection</i>	<i>\$60,000</i>
<i>Board of Health</i>	<i>\$ 6,443</i>

**ARTICLE 2.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of **\$20,000 to fund the Town Unemployment Fund**, 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

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from free cash, the sum of \$20,000 to fund the Town Unemployment Fund, funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 3.** 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: "B" High Priority

*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 4.** To see if the Town will vote to authorize the Board of Selectmen **to acquire, on behalf of the town, by purchase, gift, eminent domain, or otherwise for general municipal purposes all or a portion of a 17.4 acre parcel of land located off Spofford Road, Boxford, Essex County, Massachusetts, partially described as Map 19, Block 3, Lot 28 on the records of the Boxford Board of Assessors and being a portion of the property located behind the Spofford Pond School and adjacent to the Town's capped sanitary landfill; and further to authorize the Board of Selectmen, to acquire, on behalf of the town, by purchase, gift, eminent domain, or otherwise for water protection purposes all or a portion of an 8.4 acre parcel of land located in the Town of Georgetown, and described as Map F, Lot 4-2 in the records of the Georgetown Board of Assessors adjacent to the Town's capped sanitary landfill; totaling approximately 25.8 acres and shown on a sketch on file with the Town Clerk; together with all flowage rights and easements and subject to all well rights and easements; and that to fund said purchase, including all costs incidental and related thereto including legal and debt expenses, to raise and appropriate, transfer from available funds, or authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$200,000.00 or any other amount; and to authorize the Board of Selectmen to expend said funds 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 and Land Committee  
Finance Committee recommends adoption of this article  
Capital Budget Committee Recommendation: "A" Essential

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to pass over Article # 4.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**ARTICLE 5.** To see if the town will vote to raise and appropriate or transfer from available funds, including unexpended balances of previous warrant article appropriations for municipal building studies, the sum of \$ 100,000 to fund programming, architectural, independent cost estimating and modeling services to assist the Board of Selectmen and the Permanent Non-School Building Committee to develop and present an optimal schematic design for the possible joint facility or co-located separate facilities for the Library and Senior/Community Center on town owned land located off Spofford Road; said schematic design to determine programming for possible savings from any joint facility, then determine optimal placement and orientation of the buildings on site, additionally locating infrastructure and utilities such as roadways, water and septic to support these facilities and lastly to determine, independently, the estimated total costs of the entire proposed development and preparation of a three dimensional topographical model of the 80± acre site to include existing facilities and infrastructure; recommendations of said schematic design to be reported back to a subsequent town meeting for consideration of further action including possible detailed design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen, or to take any action thereon.

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

*A motion was made to call the VOTE for Article #5.*

*Upon a motion made and duly seconded, it was VOTED by a show of hands to be DEFEATED. Free Cash the sum of \$34,042.53 and to transfer from the unspent portion of the following appropriations approved by vote under: Article #13 of the May 13, 2008 Annual Town Meeting originally appropriated for development of a conceptual site plan for land located off Spofford Rd. - \$25,000, Article #12 Special Town Meeting October 23, 2007 originally appropriated for a feasibility study for the Boxford Community Center - \$2,500, Article #9 Annual Town Meeting May 8, 2007 originally appropriated for a feasibility study for the DPW Garage/Offices - \$6,000, Article #11 Annual Town Meeting May 8, 2001 originally appropriated for design of a sanitary disposal system for 28 Middleton Rd. - \$7,925, Article #5 Special Town Meeting October 26, 1999 originally appropriated to design a storm drainage system for a portion of Spofford Rd. - \$4,232.18, Article #8 Special Town Meeting October 26, 2004 originally appropriated for an engineering/architectural study for the basement level of West Boxford Library - \$500, Article #14 Special Town Meeting October 24, 2006 originally appropriated for a Library Facilities Evaluation Study - \$8,072.81, Article #7 Annual Town Meeting May 13, 2003 originally appropriated for repair of the septic system at 28 Middleton Rd. - \$3,740, Article #9 Special Town Meeting October 26, 1999 originally appropriated for landscaping materials at Cargill Field - \$553.25, Article #4 Special Town Meeting October 24, 2006 originally appropriated to update the Master Plan of the Town - \$7,104.68, Article #7 Annual Town Meeting May 14, 2002 originally appropriated for a medical rescue vehicle - \$10.55, and Article #8 Annual Town Meeting May 8, 2007 originally appropriated for a front end loader and dump truck - \$319, for a total of \$100,000 to fund programming, architectural, independent cost estimating and modeling services to assist the Board of Selectmen and the Permanent Non-School Building Committee to develop and present an optimal schematic design for the possible joint facility or co-located separate facilities for the Library and Senior/Community Center on town owned land located off Spofford Road; said schematic design to*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

*determine programming for possible savings from any joint facility, then determine optimal placement and orientation of the buildings on site, additionally locating infrastructure and utilities such as roadways, water and septic to support these facilities and lastly to determine, independently, the estimated total costs of the entire proposed development and preparation of a three dimensional topographical model of the 80± acre site to include existing facilities and infrastructure; recommendations of said schematic design to be reported back to a subsequent town meeting for consideration of further action including possible detailed design and construction appropriations, said funds to be expended under the direction of the Board of Selectmen.*

**ARTICLE 6.** To see if the Town will vote to authorize the Board of Selectmen to **petition the General Court for special legislation, as set forth below, authorizing an odd-numbered Board of Library Trustees not to exceed nine members;** provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition:

Section 1. Notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws, or of any general or special law to the contrary, the elected Board of Library Trustees of the town of Boxford may consist of an odd number of members not to exceed nine, which members shall serve for alternating three-year terms.

Section 2. Upon the effective date of this act, said Board shall increase from six to seven members, and the Board of Selectmen of said Town of Boxford may appoint a single member to serve until election of a seventh member at the next annual election at which the office can appear on the ballot. Any further increase or decrease in the size of said Board of Library Trustees shall be made consistent with the provisions of Section 2 of Chapter 41 of the General Laws.

Section 3. Notwithstanding the provisions of Sections 21 and 32 of Chapter 40 of the General Laws, upon the effective date of this act, the Bylaws of the Town of Boxford shall be amended by deleting the text of Article V, Board of Library Trustees, in its entirety and inserting in place thereof the following: §7-7 Election; terms. A Board of Trustees of the Boxford Town Library comprised of seven members, shall be elected from the town at large for three-year overlapping terms of office.

Section 4. The bylaw authorized by Section 3 of this act may be amended from time to time by vote of the Town, as would any other bylaw, subject to the provisions of the General Laws.

Section 5. This act shall take effect upon passage.

or take any action thereon.

Sponsored and supported by the Board of Library Trustees  
Board of Selectmen supports adoption of this article

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth in Article # 6 as printed in this warrant, authorizing an odd-numbered Board of Library Trustees not to exceed nine members; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.*

**There was a brief pause at special town meeting to honor B.E.S.T. Co-Presidents Diana Merriam and Kathleen Tyler in their successful technology campaign; which raised over \$185,000 for Smart Boards to be installed in the classrooms of both elementary schools. “ Our Hats Off “ to the “Dynamic Duo” with many thanks.**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$27,500 for the construction and installation of a 2kW solar voltaic system at the Spofford Pond School, 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 School Committee  
Finance Committee to make recommendation at Town Meeting  
Capital Budget Committee Recommendation: “D” Does Not Recommend

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to transfer from free cash, the sum of \$27,500 for the construction and installation of a 2.8kW solar voltaic system at the Spofford Pond School, said funds to be expended under the direction of the Board of Selectmen.*

*Sponsored and supported by the Board of Selectmen & School Committee  
Finance & Capital Budgeting Committees recommend adoption of this article  
(Per revote)*

**ARTICLE 8.** The purpose of this petition is to carry-out the will of 2005 Annual Town Meeting which approved the permanent preservation of a 4.35 acre town-owned parcel of land known as Round Top Park (Boxford Assessor’s Map 25, Block 2, Lot 10).

In August 2008, the Board of Selectmen refused to sign the Conservation Restriction to BTA/BOLT for Round Top Park which Town Meeting previously authorized in 2005 by a greater than two-thirds majority

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

vote to achieve permanent preservation for the land. In addition, the donor of the Round Top land gifted the land to the Town with the understanding that it would be preserved.

As a result, this petition seeks an alternative course to preserve the land and requests that the Town dedicate the Round Top Park land to the public for conservation purposes forever and pursuant to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution (the Citizen's right to clean air and water, the conservation of land, and the preservation of aesthetic qualities of the environment), or take any other action thereon.

Sponsored by Initiative Petition  
Board of Selectmen to make recommendation at Town Meeting

*A motion was made to call a VOTE for Article #8.*

*[Motion as provided by petitioners] Upon motion made and duly seconded it was VOTED by a greater than 2/3 voice vote to PASS Article #8. "The purpose of this article is to carry-out the will of 2005 Annual Town Meeting which approved the permanent preservation of a 4.35 acre town-owned parcel of land known as Round Top Park (Boxford Assessor's Map 25, Block 2, Lot 10).*

*In August 2008, the Board of Selectmen refused to sign the Conservation Restriction to BTA/BOLT for Round Top Park which Town Meeting previously authorized in 2005 by a greater than two-thirds majority vote to achieve permanent preservation for the land. In addition, the donor of the Round Top land gifted the land to the Town with the understanding that it would be preserved.*

*As a result, this article seeks an alternative course to preserve the land. Therefore, I move that the Town dedicate the Round Top Park land to the public for conservation purposes forever pursuant to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution."*

***Board of Selectmen did not support Article #8.***

**ARTICLE 9.** To see if the Town will vote to authorize the Board of Selectmen to **subdivide and grant restrictions meeting the requirements of M.G.L. ch. 44B, section 12(a) on the property located on Middleton Road and shown as Parcel 2 on plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee Elmlea Partnership Trust"** scale 1" = 100' dated November 12, 2007 made by Donohoe and Parkhurst, Inc. and recorded with Essex South District Registry of Deeds in Plan Book 411, Plan 10, containing 75.515 acres, acquired by the Town by Order of Taking recorded with Registry of Deeds in Book 27401, Page 149, for purposes authorized pursuant to the Community Preservation Act (M.G.L. ch. 44B), as follows:

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

1) Parcel A, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 36 acres more or less, to be transferred to the care, custody and control of the Boxford Conservation Commission to be used permanently for conservation and open space purposes, and to authorize the Board of Selectmen to grant a perpetual conservation restriction to BTA/BOLT, Inc. or other similar non-profit group limiting the use of said parcel to conservation and open space purposes.

2) Parcel B, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 26 acres more or less, to be in the care, custody and control of the Board of Selectmen, to be used permanently for recreational uses, and to grant a perpetual restriction to the Boxford Athletic Association or other similar non-profit group limiting the use of said parcel to recreational uses.

1) Parcel C, the approximate boundaries of which are shown on a plan filed in the Town Clerk's office entitled Land Designation Plan, dated October 6, 2008, containing 13 acres more or less, to be in the care custody and control of the Board of Selectmen to be used permanently for community housing; and to prepare an affordable housing restriction to be placed upon the property limiting the use of said parcel to community housing, retaining for the Town the right, as may be deemed appropriate, whether through easement or otherwise, to construct, maintain and utilize (1) utility conduits, poles and structures to service Parcels A & B; (2) drainage facilities and structures to service Parcels A & B; (3) a roadway and/or driveway to provide public access and egress to Parcels A & B; (4) passive recreational trails for use by the public; and, (5) in the area designated as C-1, playgrounds, tennis courts, basketball courts, and/or other similar athletic playing areas for use by the public.

or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and Community Preservation Comm.  
Haynes Land Advisory Committee recommends adoption of this article

***Motion #1 was made and duly seconded, was VOTED "DEFEATED".***

***Motion #2 was made and duly seconded, was VOTED "PASSED" by a greater than 2/3 voice vote.***

***Motion #3 was made to call a vote for Article #9.***

***Upon a motion made and duly seconded, it was VOTED by hand count YES – 102 NO – 105 FAILED to give a 2/3 vote to authorize the Board of Selectmen to subdivide and grant restrictions meeting the requirements of M.G.L. ch. 44B, section 12(a) on the property located on Middleton Road and shown as Parcel 2 on plan entitled "Plan of Land in Boxford, MA property of Charles W. Haynes, Trustee Elmlea Partnership Trust", acquired by the Town by Order of Taking recorded with Registry of Deeds in Book 27401, Page 149, for purposes authorized pursuant to the Community Preservation Act (M.G.L. ch. 44B), with the transfers and restrictions as written in Article #9 of this warrant and as shown on the Land Designation Plan, dated October 6, 2008, on file with the Town Clerk.***

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**ARTICLE 10.** To see if the Town will vote to appropriate the sum of **\$45,000 from the Community Preservation Committee Undesignated Fund** to fund engineering consultation and the preparation of site plans and cost estimates for the development of ball fields and housing, as needed to assist the Haynes Land Advisory Committee in its preparation of a report of recommendations for the use of the Haynes Land as directed by Article #13 of the October 23, 2007 Special Town Meeting; such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Haynes Land Comm. and Community Preservation Comm.  
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, the amendment to Article #10 was VOTED DEFEATED.*

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate the sum of \$45,000 from the Community Preservation Committee Undesignated Fund to fund engineering consultation and the preparation of site plans and cost estimates for the development of ball fields and housing, as needed to assist the Haynes Land Advisory Committee in its preparation of a report of recommendations for the use of the Haynes Land as directed by Article #13 of the October 23, 2007 Special Town Meeting; such funds to be expended under the direction of the Community Preservation Committee.*

**ARTICLE 11.** To see if the Town will vote to appropriate the sum of **\$5,000 from the Community Housing Reserve of the Community Preservation Fund** to fund consulting services for the preparation of the **Boxford Housing Partnership's Request for Proposals for the development of community housing on the Haynes Land**, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Housing Partnership Comm. and Community Preservation Comm.  
Board of Selectmen supports adoption of this article  
Finance Committee recommends adoption of this article

*A motion was made to call a vote for Article #11.*



TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to appropriate the sum of \$5,000 from the Community Housing Reserve of the Community Preservation Fund to fund consulting services for the preparation of the Boxford Housing Partnership's Request for Proposals for the development of community housing on the Haynes Land, such funds to be expended under the direction of the Community Preservation Committee.*

**ARTICLE 12.** To see if the Town will vote to transfer \$8,500 from the unspent portion of the appropriation approved under Article #22 of the May 9, 2006 Annual Town Meeting originally appropriated from the Undesignated Community Preservation Fund balance to fund Phase I of the Boxford Recreation Committee's Borders to Boston/North Recreational Trail study **to now fund the Boxford Recreation Committee's Borders to Boston/North Recreational Trail Phase II: Engineering, Feasibility and Conceptual Design Study** on the former Newburyport Branch Railroad and existing National Grid electrical utility right of way in Boxford, MA; said funds to be in addition to \$14,000 appropriated for this same purpose at Boxford Town Meeting held May 8, 2007, such funds to be expended under the direction of the Community Preservation Committee; or take any other action thereon.

Sponsored and supported by the Recreation Committee and Community Preservation Committee  
Board of Selectmen supports adoption of this article  
Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to transfer \$8,500 from the unspent portion of the appropriation approved under Article #22 of the May 9, 2006 Annual Town Meeting originally appropriated from the Undesignated Community Preservation Fund balance to fund Phase I of the Boxford Recreation Committee's Borders to Boston/North Recreational Trail study **to now fund the Boxford Recreation Committee's Borders to Boston/North Recreational Trail Phase II: Engineering, Feasibility and Conceptual Design Study** on the former Newburyport Branch Railroad and existing National Grid electrical utility right of way in Boxford, MA; said funds to be in addition to \$14,000 appropriated for this same purpose at Boxford Town Meeting held May 8, 2007, such funds to be expended under the direction of the Community Preservation Committee.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**ARTICLE 13.** To see if the Town will vote to appropriate the sum of **\$1,925 from FY2009 estimated revenues of the Community Preservation Fund** for the **Lincoln Hall Historic Renovation Bond expense**; such funds to be in addition to \$64,250 appropriated for this same purpose at Boxford Town Meeting held May 13, 2008 and necessary to cover the actual bond expense totaling \$66,175; or take any other action thereon.

Sponsored and supported by the Community Preservation Committee  
Board of Selectmen supports adoption of this article  
Finance Committee recommends adoption of this article

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to appropriate the sum of \$1,925 from FY2009 estimated revenues of the Community Preservation Fund for the Lincoln Hall Historic Renovation Bond expense; such funds to be in addition to \$64,250 appropriated for this same purpose at Boxford Town Meeting held May 13, 2008 and necessary to cover the actual bond expense totaling \$66,175.*

**ARTICLE 14.** To see if the Town will vote to authorize the Board of Selectmen **to acquire by gift or otherwise a permanent fire hydrant easement off Washington Street, known as the Paisley Fire Hydrant Easement**, as shown on a plan entitled, "Easement Plan Boxford, MA prepared for the Town of Boxford by Donohoe and Parkhurst, Inc, 363 Boston Street, Topsfield, MA, scale 1" = 10', dated July 2, 2008 ", said plan on file with the Town Clerk; and to authorize the Board of Selectmen 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 acquisition; or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Land Committee

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to authorize the Board of Selectmen to acquire by gift or otherwise a permanent fire hydrant easement off Washington Street, known as the Paisley Fire Hydrant Easement, as shown on a plan entitled, "Easement Plan Boxford, MA prepared for the Town of Boxford by Donohoe and Parkhurst, Inc, 363 Boston Street, Topsfield, MA, scale 1" = 10', dated July 2, 2008 ", said plan on file with the Town Clerk; and to authorize the Board of Selectmen 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 acquisition.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**ARTICLE 15.** To see if the Town will vote, consistent with the intent of the Elementary School Committee, to **transfer the care, custody, maintenance and control of a 5.73 acre portion of the town owned land located at 188 Washington Street, as described below, originally conveyed to the Town by deeds and currently held by the Elementary School Committee for school purposes, to the Board of Selectmen for general municipal purposes;** said land as shown on a plan of land entitled, "Plan of Land in Boxford, Mass, prepared for the Town of Boxford, June 30, 2000", and on file with the Town Clerk, shown on the records of the Board of Assessors as Map 9, Block 1, Parcels 13 and 13.1 and also as described in the deeds recorded in the Essex South District Registry of Deeds in Book 5347, Page 168, and Book 2151, Page 142, or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Elementary School Committee

*A motion was made to call a vote for Article 15.*

*Upon a motion made and duly seconded, it was VOTED by 2/3 show of hands to be consistent with the intent of the Elementary School Committee, to transfer the care, custody, maintenance and control of a 5.73 acre portion of the town owned land located at 188 Washington Street, as described below, originally conveyed to the Town by deeds and currently held by the Elementary School Committee for school purposes, to the Board of Selectmen for general municipal purposes; said land as shown on a plan of land entitled, "Plan of Land in Boxford, Mass, prepared for the Town of Boxford, June 30, 2000", and on file with the Town Clerk, shown on the records of the Board of Assessors as Map 9, Block 1, Parcels 13 and 13.1 and also as described in the deeds recorded in the Essex South District Registry of Deeds in Book 5347, Page 168, and Book 2151, Page 142.*

**ARTICLE 16.** To see if the Town will vote, consistent with the intent of the Elementary School Committee, to **transfer the care, custody, maintenance and control of the structure known as the Little Red School House, 21 Main Street from the Elementary School Committee to the Board of Selectmen;** or to take any other action thereon.

Sponsored and supported by the Board of Selectmen and Elementary School Committee

*Upon a motion made and duly seconded, it was VOTED by unanimous voice vote to pass over Article #16.*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**ARTICLE 17.** To see if the Town will vote to amend its Town Bylaws by adding the new sections to Town Code Chapter 91 Fire Prevention:

Open burning of brush, cane, driftwood and forestry debris by homeowners on their property may be permitted by the Fire Chief or his/her designee during open burning season, which shall be from January 15 to May 1 of each year. Open burning permits may be issued at the sole discretion of the Fire Chief or his/her designee and may be suspended or revoked due to adverse weather conditions or failure of the permit holder to comply with the terms of this bylaw or any rules or regulations issued by the Fire Chief. Burning of stumps, construction materials, logs, large branches (greater than 4" in diameter), tires and trash are strictly prohibited. Open burning permits must be obtained in advance of any open burning and shall be valid for the open burning season. The holder of an open burning permit shall notify the Boxford Communications Department each day the homeowner intends to conduct an open burn. Open burning may only be conducted between 10 a.m. and 4 p.m., on the land closest to the source of material to be burned, must be seventy five feet from any building, with a water supply such as a pressurized, functioning garden hose in close proximity, and must be attended by an adult until completely extinguished.

Failure to obtain a permit, extinguish the fire by the designated time, or comply with the terms of this bylaw or any open burning regulations may result in the assessment of a **fine of one hundred dollars (\$100)** each occurrence as permitted by Town Bylaws, or any other remedy as appropriate pursuant to M.G.L. Chapter 48, section 13.

And to amend the Town Code Chapter 1 §1-5(B) Noncriminal disposition of Bylaws - Specific Penalties by adding the following fine

Chapter 91 Fire Prevention	
§ 91-3 Open Burning	\$100

or take any other action thereon.

Sponsored and supported by the Board of Selectmen and Fire Chief

*A call to waiver the reading of Article 17 passed by unanimous voice vote.*

*Upon a motion made and duly seconded, it was VOTED by majority voice vote to amend the Town Bylaws by adding the new sections to Town Code Chapter 91 Fire Prevention:*

*Open burning of brush, cane, driftwood and forestry debris by homeowners on their property may be permitted by the Fire Chief or his/her designee during open burning season, which shall be from January 15 to May 1 of each year. Open burning permits may be issued at the sole discretion of the Fire Chief or his/her designee and may be suspended or revoked due to adverse weather conditions or failure of the permit holder to comply with the terms of this bylaw or any rules or regulations*

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

*issued by the Fire Chief. Burning of stumps, construction materials, logs, large branches (greater than 4" in diameter), tires and trash are strictly prohibited. Open burning permits must be obtained in advance of any open burning and shall be valid for the open burning season. The holder of an open burning permit shall notify the Boxford Communications Department each day the homeowner intends to conduct an open burn. Open burning may only be conducted between 10 a.m. and 4 p.m., on the land closest to the source of material to be burned, must be seventy five feet from any building, with a water supply such as a pressurized, functioning garden hose in close proximity, and must be attended by an adult until completely extinguished.*

*Failure to obtain a permit, extinguish the fire by the designated time, or comply with the terms of this bylaw or any open burning regulations may result in the assessment of a **fine of one hundred dollars (\$100)** each occurrence as permitted by Town Bylaws, or any other remedy as appropriate pursuant to M.G.L. Chapter 48, section 13.*

*And to amend the Town Code Chapter 1 §1-5(B) Noncriminal disposition of Bylaws - Specific Penalties by adding the following fine*

*Chapter 91 Fire Prevention  
§ 91-3 Open Burning                      \$100*

**ARTICLE 18.** To see if the Town will vote to amend its Town Bylaws by adding the following new section to Town Code Chapter 36: Town Meeting and Elections:

Any unexpended and unencumbered balance of an appropriation made for a specific purpose, except proceeds from bonds and notes, appropriations made for the purpose of meeting future liabilities and appropriations made to special purpose stabilization funds, shall revert to surplus revenue three years after the date the appropriation becomes available, unless a date is otherwise specified in the original appropriation vote; provided, however, that appropriations from specific funds, such as enterprise funds or the Community Preservation Fund, shall revert to such funds, respectively. Notwithstanding the provisions of the previous sentence, however, specific appropriations may (1) revert earlier to surplus revenue, enterprise fund, or the Community Preservation Fund, respectively, upon receipt of a statement from the department, board, or officer authorized to expend the same, subject to confirmation by the Town Accountant, that the specific purpose has been accomplished and that no liabilities remain; (2) be transferred to any other use in accordance with the provisions of M.G.L. c. 44, § 33B; or (3) be retained beyond the three year period, for such period or periods as the Board of Selectmen may deem appropriate on the Board's own initiative or upon written request of the department, board, or officer authorized to expend the same.

Sponsored and supported by the Finance Committee  
Board of Selectmen supports adoption of this article

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

***Upon a motion made and duly seconded, it was VOTED by majority voice vote to amend the Town Bylaws by adding the following new section to Town Code Chapter 36: Town Meeting and Elections:***

*Any unexpended and unencumbered balance of an appropriation made for a specific purpose, except proceeds from bonds and notes, appropriations made for the purpose of meeting future liabilities and appropriations made to special purpose stabilization funds, shall revert to surplus revenue three years after the date the appropriation becomes available, unless a date is otherwise specified in the original appropriation vote; provided, however, that appropriations from specific funds, such as enterprise funds or the Community Preservation Fund, shall revert to such funds, respectively. Notwithstanding the provisions of the previous sentence, however, specific appropriations may (1) revert earlier to surplus revenue, enterprise fund, or the Community Preservation Fund, respectively, upon receipt of a statement from the department, board, or officer authorized to expend the same, subject to confirmation by the Town Accountant, that the specific purpose has been accomplished and that no liabilities remain; (2) be transferred to any other use in accordance with the provisions of M.G.L. c. 44, § 33B; or (3) be retained beyond the three year period, for such period or periods as the Board of Selectmen may deem appropriate on the Board's own initiative or upon written request of the department, board, or officer authorized to expend the same.*

**ARTICLE 19.** 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 Special Town Meeting at 12:30 pm. Voters present were 402.***

A true record:   
Patricia Shields, Town Clerk

TOWN OF BOXFORD  
SPECIAL TOWN MEETING MINUTES  
TUESDAY, OCTOBER 28, 2008

**RAISE AND APPROPRIATE:**

<i>Article # 1 –Masconomet Operational Assessment</i>	<i>\$11,212.00</i>
<i>Masconomet Debt Assessment</i>	<i>\$14,642.00</i>
<i>Essex County Retirement Assessment</i>	<i>\$11,990.00</i>
<i>Waste Collection</i>	<i>\$60,000.00</i>
<i>Board of Health</i>	<i><u>\$ 6,443.00</u></i>
	<i>- \$104,287.00</i>

**APPROPRIATION:**

*\$ 135,925.00*  
*-104,287.00*  
*\$ 31,638.00*

**FREE CASH:**

<i>Article #2 – Unemployment Fund</i>	<i>\$20,000.00</i>
<i>Article #3 – New Police Cruiser</i>	<i>\$28,000.00</i>
<i>Article #7 – Solar Voltaic System @ Spofford School</i>	<i><u>\$27,500.00</u></i>
	<i>\$75,500.00</i>

**COMMUNITY PRESERVATION FUND:**

<i>Article #10 – Haynes Land Development (Undesignated Fund)</i>	<i>\$45,000.00</i>
<i>Article #11 – Haynes Community Housing (Reserve Fund)</i>	<i>\$ 5,000.00</i>
<i>Article #12 – Boston/North Recreational Trail Phase II (Art #22 ATM May 9, 2006)</i>	<i>\$ 8,500.00</i>
<i>Article #13 – Lincoln Hall Renovation Expense (FY09 estimated Revenues)</i>	<i><u>\$ 1,925.00</u></i>
	<i>\$60,425.00</i>