

TOWN OF TOPSFIELD
MASSACHUSETTS



Annual and Special Town Meeting Warrants

Finance Committee Fiscal 2012
Budget Report and Recommendations

MAY 3, 2011

TOWN MEETING

April 4, 2011

Citizens of Topsfield
Topsfield, Massachusetts 01983

**RE: Town of Topsfield Fiscal Year 2012 Revenue and Expense Plan
Finance Committee Overview and Recommendations**

Dear Fellow Citizens:

In accordance with the bylaws of the Town of Topsfield, we the members of the Finance Committee reviewed and prepared recommendations regarding the Town's Operating Budget for fiscal year 2012 (FY 012) and for other Warrant Articles to be voted upon at the Annual Town Meeting scheduled to be held at 7PM on May 3, 2011. The proposed budgets were prepared by departments with reference to guidelines established by the Finance Committee. Given the continuing difficult economic environment, these guidelines requested the submission of level-funded budgets, no new government or programs, and no adjustment for inflation in non salary and wage accounts. Departments were asked to focus on services that are essential to the Town. Articles were placed on the Warrant by the Board of Selectmen on their own behalf, on behalf of other Town Boards or by Citizen Petition. This letter outlines some of the significant issues and facts that our Committee has considered. You may find these helpful to your decision making process.

The Finance Committee has recommended a FY 2012 budget of a nearly level-funded Article-3 budget and a Masconomet Regional School assessment of a base amount of **\$6,048,048** and an additional amount subject to a Proposition 21/2 override of **\$191,539** for a total Masconomet High School assessment of **\$6,239,587** as certified by the School Board. The FY012 budget recommended by the Finance Committee includes total appropriations in the amount of **\$22,810,173** representing an increase of **3.53%** over FY011. After making adjustments for state aid and other revenues and assessments inclusive of the impact of reduced state aid and lack of growth in local receipts, the resulting total to be raised through real estate taxes will be **\$18,204,399**, an increase of **5.55%** over the current year. Additionally, the Board of Selectmen recommend the purchase of a truck/sander and wing plow for the Highway Department subject to a Proposition 2 ½ capital expenditure exclusion totaling **\$145,000**. The taxing authority for the purchase of the truck relative to Proposition 21/2 limits only remain in place for the fiscal year 2012.

The budget reflects signed employee contracts and an agreement reached under collective bargaining negotiations with union employees by the Selectmen and zero salary wage increases for non-represented personnel. Some allowances have been made for uniform and safety-related equipment.

Included among the contributing factors requiring the recommended funding levels for the proposed budget(s) are the following:

- Public Safety –The Public Safety Base Budget has been decreased by **\$13,702** or **0.66%** relative to FY011. This change is consistent with the recommended Finance Committee guidelines.

- Elementary Schools – The Elementary School Budget for FY012 has increased by **\$192,888** or **3.34%** over the previous year. Compelling evidence demonstrated this funding level to be essential to the educational program provided at the Steward and Proctor schools.
- Public Works and Facilities – This budget has been decreased by **\$25,090** or **3.3%** under FY011.
- Masconomet Regional School – The certified Topsfield assessment for the Masconomet Regional School budget for FY012 has increased by **\$226,526** or **3.77%** over FY011 of which **\$191,539** or **3.19%** has been placed on a Proposition 2/12 override question as this amount is over the guideline for the school set jointly by the Finance Committees of Topsfield, Boxford and Middleton. The Topsfield assessment is based on the total assessed cost of **\$21,293,967** for the entire district of Topsfield, Boxford and Middleton.

In addition to the above discussed items, the FY012 recommended budget includes a limited amount of capital expenditures. While our recommendation represents a relatively small number of the numerous justifiable requests, in concert with the Selectmen, we believe the proposed expenditures to be financially prudent. We encourage you to review the Warrant for our specific recommendations. The Finance Committee supports these capital expenditures and believes them to be important to the operation of our Town.

The Topsfield Town Finance Committee believes its recommendations are consistent with the ideals of our community while staying responsive to the needs of the taxpayers. We have taken advantage of available cost savings and revenue sources in order to propose a base Budget that remains within Prop 2 1/2 guidelines. In an attempt to maintain Town services and education consistent with the values historically embraced in Topsfield, Articles requiring either a Proposition 2 1/2 override or exclusion in the amount of \$336,539 have also been offered for your consideration. We encourage you to participate in the Annual Town Meeting and to give careful consideration to both the immediate and long-term implications of all the important decisions before you.

Additional detail for each budget addressed in this Warrant, is available on the Topsfield website: <http://www.topsfield-ma.gov/index.shtml>.

Respectfully submitted by the Topsfield Finance Committee,

Mark B. Lyons, Chairman

Heidi L. Bond

Paul E. Dierze

Karen A. Dow

Kathryn S. Hartmann

J. Stephen Lais

Holger M. Luther

TOWN OF TOPSFIELD



WARRANT FOR THE 2011 ANNUAL TOWN MEETING

Essex, ss.

To the Constable of the Town of Topsfield, in said County,

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Topsfield, qualified to vote in elections and in Town affairs, to meet at the

**PROCTOR SCHOOL
WOODBURY AUDITORIUM**

in said Topsfield on Tuesday, the third day of May, 2011, at seven o'clock in the afternoon (7:00 PM), then and there to act on the following articles:

ARTICLE FIRST:

REPORTS

To hear all reports that may legally come before the meeting.

ARTICLE SECOND:

RESERVE FUND

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the Reserve Fund, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$150,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$150,000 from Free Cash.

This article funds the Finance Committee's Reserve Fund that is the amount annually set aside within the Town's Budget to provide a funding source for extraordinary and unforeseen expenditures.

ARTICLE THIRD:

GENERAL OPERATING BUDGET

To see if the Town will vote to fix the annual salary and compensation of all elected officers, and raise and assess or transfer from available funds, and appropriate money for schools, highways, and other Town expenses, from July 1st and determine the manner of expending the same, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$15,158,376 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1st and determine the manner of expending the same; and to meet said appropriation, raise and assess the sum of \$14,982,793; transfer the sum of \$34,088

from the Police Insurance and Restitution Injured Officer Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; transfer the sum of \$1,466 from the Bond Accrued Interest Account; transfer the sum of \$1,016 from the Bond Premium Account; transfer the sum of \$6,783 from the Conservation Revolving Fund; transfer the sum of \$18,551 from Article 3 Debt Service Interest of the May 2010 Annual Town Meeting; transfer the sum of \$33,485 from Article 3 Debt Issue Costs of the May 2010 Annual Town Meeting; transfer the amount of \$10,894 from Article 3 Pensions of the May 2010 Annual Town Meeting; transfer the sum of \$3,300 from Article 36 of the May 2010 Annual Town Meeting.

This article approves the Fiscal Year 2012 General Operating Budget for the Town for general government purposes and the elementary schools.

Refer to Attachment A for the detailed Fiscal Year 2012 General Operating Budget.

ARTICLE FOURTH:

WATER DEPARTMENT OPERATING BUDGET

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate funds for the Water Department for Fiscal Year 2012 and determine the manner of expending the same, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$728,611.00 as detailed herein, and to meet said appropriation \$728,001.00 to come from Water Revenue, and \$610.00 from Water Department accrued Interest Reserved for Expenditure account, to operate the Water Department from July 1, 2011, through June 30, 2012, and to approve the sum of \$106,564.00 of indirect costs appropriated in the General Fund under Article Third above, to be funded from Water Revenue.

Appropriated Fiscal Year 2011		Proposed Appropriation Fiscal Year 2012
	WATER DEPARTMENT OPERATING BUDGET	
\$ 67,371.00	Salary	\$ 67,371.00
156,766.00	Wages	146,234.00
232,940.00	Other	232,130.00
7,000.00	Long-Term Debt Principal	83,300.00
4,565.00	Long-Term Debt Interest	36,576.00
40,000.00	Short-Term Debt Interest	-
2,000.00	Debt Issue Costs	-
15,000.00	Short Term Debt Principal Paydown	-
100,000.00	Water Reserve Fund	88,000.00
75,000.00	Unanticipated Emergency	75,000.00
700,642.00	SUB-TOTAL – DIRECT COSTS	728,611.00
118,179.00	Indirect Costs	106,564.00
818,821.00	TOTAL: WATER DEPARTMENT	835,175.00

This article approves the Fiscal Year 2012 Operating Budget for the Water Department.

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2012 Fiscal Year Gross Budget of the Masconomet Regional School District in the amount of \$28,114,489 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment, \$6,239,587 of same; provided, however, that the sum of \$191,539 of the amount appropriated for the Maintenance & Operating Assessment shall be contingent upon the passage of a Proposition 2 ½ general override referendum under Massachusetts General Law Chapter 59, § 21C (g), and if such referendum is not passed, the vote as it pertains to the appropriation in the amount of \$191,539 will be deemed to be a disapproval, or take any other action relative thereto.

Recommended that the Town vote to approve the 2012 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$28,114,489 and appropriate the sum of \$6,239,587 to fund the Town's share of the Fiscal Year 2012 Masconomet Regional School District Assessment of which the sum of \$5,924,759 supports the Maintenance & Operating Budget, and the sum of \$314,828 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,239,587; provided, however, that the sum of \$191,539 of the amount appropriated for the Maintenance & Operating Assessment shall be contingent upon the passage of a Proposition 2 ½ general override referendum under Massachusetts General Law Chapter 59, § 21C (g), and if such referendum is not passed, the vote as it pertains to the appropriation in the amount of \$191,539 will be deemed to be a disapproval.

This article would approve the Fiscal Year 2012 Assessment for maintenance and operation as well as debt service of the Masconomet Regional School District. Topsfield's certified assessment of \$6,239,586 has been rounded up to \$6,239,587 for purposes of appropriation. Of the appropriation, a \$191,539 portion of maintenance & operations is subject to an override ballot question.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2012 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,646,033 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment of same, or take any other action relative thereto.

Recommended that the Town vote to approve the 2012 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,646,033 and raise, assess, and appropriate the sum of \$75,400 for the Town's share of the assessment of same.

This article approves the Fiscal Year 2012 Assessment for the North Shore Regional Vocational School District.

ARTICLE SEVENTH:

ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2012 Fiscal Year Debt Service of the Essex North Shore Agricultural and Technical School District in the amount of \$100,000 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the debt service, or take any other action relative thereto.

Recommended that the Town vote to approve the 2012 Fiscal Year Debt Service of the Essex North Shore Agricultural and Technical School District in the amount of \$100,000 and raise, assess, and appropriate the sum of \$838 for the Town's share of the Debt Service of same.

This article approves the Fiscal Year 2012 Assessment for debt service on the building of the new Essex North Shore Agricultural and Technical High School.

ARTICLE EIGHTH:

LEASE OF EMERSON FIELD

To see if the Town will vote to authorize the Board of Selectmen, with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to see if the Town will vote to raise and assess or transfer from available funds, and appropriate a sum of money for this lease, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to transfer from Free Cash and appropriate the sum of \$1,250 for said lease.

This article allows the Town to enter into an annual agreement with the Congregational Church to lease Emerson Field for recreational purposes.

ARTICLE NINTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects.

This annual article allows the Board of Selectmen to apply for, accept and expend any private, state, or federal grants and loans for Town projects.

ARTICLE TENTH:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year.

This annual article allows the Board of Selectmen to enter into contracts with the State for highway purposes and to accept state funds such as Chapter 90 funds for road maintenance and reconstruction.

ARTICLE ELEVENTH:

PARK REVOLVING FUND

To see if the Town will vote to establish a park revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

Recommended that the Town vote to establish the Park Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, seasonal and temporary wages, equipment, supplies and other operating expenses; (2) receipts of the Park & Cemetery Department's recreation programs shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$40,000 in the ensuing year.

This annual article would approve the establishment of the Park Revolving Fund and would also approve a spending limit in the amount of \$40,000 for Fiscal Year 2012. This fund would be used to support the recreation programs established by the Recreation Committee under the statutory authority of the Park & Cemetery Commission. The recreation programs would include non-competitive activities for all age groups in Town. Fees charged to the participants in the recreation programs would be deposited in this fund to pay for various operating expenses.

ARTICLE TWELTH:

CEMETERY REVOLVING FUND

To see if the Town will vote to establish a cemetery revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

Recommended that the Town vote to establish the Cemetery Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, temporary and seasonal wages, equipment, supplies and other operating expenses; (2) cemetery related receipts of the Park & Cemetery Department shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$25,000 in the ensuing year.

This annual article would approve the establishment of the Cemetery Revolving Fund and would also approve a spending limit in the amount of \$25,000 for Fiscal Year 2012. Grave opening fees are the main source of revenue deposited into the revolving fund, which is used by the Department for major infrastructure improvements to the Pine Grove Cemetery inclusive of road paving and reconstruction, land clearing for new areas, and the purchase of capital equipment.

ARTICLE THIRTEENTH:

CONSERVATION COMMISSION REVOLVING FUND

To see if the Town will vote to establish a revolving fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

Recommended that the Town vote to establish the Conservation Revolving Fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to be expended for services, supplies, and other operating expenses as authorized by Massachusetts General Law Chapter 40, § 8C; (2) receipts of the Conservation Commission

of fees paid under the Topsfield General Wetlands Bylaw and Regulations will be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Conservation Commissioners; (4) expenditures to be limited to \$10,000 in the ensuing year.

This annual article would approve the establishment of the Conservation Revolving Fund and would also approve a spending limit in the amount of \$10,000 for Fiscal Year 2012. This revolving fund would support the funding of portions of the Conservation Commission's operating budget. It may also support required services and other expenditures relative to the enforcement of the Town's local Wetlands Bylaw.

ARTICLE FOURTEENTH:

ANNUAL ENGINEERING & LANDFILL MONITORING

To see if the Town will vote to transfer and appropriate a sum of money from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2012 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$ 36,700 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2012 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.

This annual article would allow the Town to contract for the engineering and monitoring services that are required as part of the Administrative Consent Order issued by the Department of Environmental Protection (DEP) for the capping and closure of the sanitary landfill, and that are also required by the Post Closure Use Permit which allows recreational use.

ARTICLE FIFTEENTH:

FISCAL YEAR 2012 ADDITIONAL REAL ESTATE EXEMPTION

To see if the Town will vote an exemption for Fiscal Year 2012 under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, or take any other action relative thereto.

Recommended that the Town vote under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, an exemption increase of one hundred per cent (100%) for Fiscal Year 2012 for all taxpayers qualifying for a personal exemption.

This local option provision allows the Town to grant an exemption increase above the statutory amount granted by Massachusetts General Law Chapter 59 § 5 to qualified applicants including the elderly, blind, surviving spouses and minor children, and veterans. This was first accepted at the May 2001 Town Meeting and requires an annual Town Meeting approval. The amount voted shall not exceed twice the statutory amount of the Massachusetts General Law Chapter 59 exemption for which the taxpayer qualifies; further this additional amount shall not result in a taxpayer paying less taxes than in the preceding year. The percentage amount voted shall be uniform for all classes.

ARTICLE SIXTEENTH:

LOCAL OPTION TO INCREASE GROSS RECEIPTS ELIGIBILITY FOR SENIORS

To see if the Town will vote to increase, for purposes of eligibility, the gross receipts that seniors may have in the prior calendar year to allow deferability of property taxes under Massachusetts General Law Chapter 59 §5, Clause 41A from \$20,000 to \$40,000, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2011, or take any other action relative thereto.

Recommended that the Town vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under Massachusetts General Law Chapter 59 § 5, Clause 41A from \$20,000 to \$40,000, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2011.

This local option provision would allow the Town to increase the amount of gross receipts that senior citizens 65 years of age and older may have in a calendar year and still be eligible to defer assessed property taxes in the following fiscal year. Under Massachusetts General Law Ch. 59 §5, 41A, the gross receipts limit may be increased above \$20,000 by any amount up to \$40,000. Gross receipts means income from all sources and is broader than taxable income for federal or state income tax purposes.

ARTICLE SEVENTEENTH:

LOCAL OPTION TO DECREASE INTEREST RATE ON DEFERRED TAXES OF SENIORS

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law Chapter 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2011, or take any other action relative thereto.

Recommended that the Town vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law Chapter 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2011.

This local option provision would allow the Town to reduce the rate of interest that accrues on property taxes deferred by eligible seniors 65 years of age and older from 8% to 4%. Presently, interest on deferred taxes accrues at 8% per annum. This reduction does not apply after a property is transferred or the owner dies before the account is paid, in which case interest accrues at a 16% per annum, as provided for in Massachusetts General Law Ch. 60 §62 for ordinary tax title accounts, from the date of sale or death until payment is made.

ARTICLE EIGHTEENTH:

HOME RULE PETITION - HEALTH INSURANCE PLAN DESIGN

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for a special act, the full text of which is set forth below, 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 before enactment; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

“AN ACT PROVIDING FOR HEALTH INSURANCE IN THE TOWN OF TOPSFIELD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1

Notwithstanding the provisions of chapter 32B and chapter 150E of the General Laws or any other general or special law to the contrary, the town of Topsfield is authorized at the discretion of the Board of Selectmen, without bargaining under said chapters 150E or 32B concerning the decision or the impact thereof, to: negotiate and purchase group insurance policies for employees, retirees and their dependents; alter current and future group insurance plan design features including but not limited to co-payments, deductibles, and tiered provider network co-payments; and participate in or join a state program providing group insurance policies including those provided by the Group Insurance Commission ("GIC") or another similar program without being subject to collective bargaining as defined in chapter 150E.

SECTION 2

The provisions of this act shall not affect the town's obligations under any collective bargaining agreements(s) between the town and any unions in effect on the effective date of this act during the respective current terms of any such collective bargaining agreements, while such agreements are in effect.

SECTION 3

This action shall take effect upon its passage."

Recommended that the Town vote to petition the General Court to enact special legislation as set forth above. 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 before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the general scope of the public objectives of this petition.

This article would allow the Town of Topsfield through its Board of Selectmen to negotiate and purchase group health insurance policies for employees, retirees and dependents without being subject to collective bargaining.

ARTICLE NINETEENTH:

FUND TOWN EMPLOYEE EMPLOYMENT SEPARATION

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to cover the cost of employment separation benefits for time owed for unused sick and vacation leave or other benefits as may be required by law, the Personnel Bylaw, or applicable contract or collective bargaining agreement, or take any action relative thereto.

Recommended that the Town vote to appropriate from Free Cash the sum of \$50,968 to cover the cost of employment separation benefits for employees for time owed for unused sick and vacation leave or other benefits as may be required by law, the Personnel Bylaw, rules, regulations, policies or applicable contract or collective bargaining agreement.

This article would allow the Town to specifically appropriate funds to a separate account for obligations to employees who retire, or who otherwise leave the service of the Town for unused sick and vacation leave or other benefits earned and accrued while employed by the Town and which are owed pursuant to law, the Personnel Bylaw, or applicable contract or collective bargaining agreement. In the past, this cost has been included in the budget of the department from which the employee will be retiring. Such one-time costs will now be removed from the

department's operating budget and included in a separate article as these costs tend to skew an operating budget. (The Town's outside auditor concurs with this change in accounting.)

ARTICLE TWENTIETH:

RESCIND AUTHORIZATION TO BORROW

To see if the Town will vote to rescind the balance of the authorization to borrow as voted under Article 4 of the May 5, 2009 Special Town Meeting for the Ipswich Road Water Main Project, or take any other action relative thereto.

Recommended that the Town vote to rescind \$100,000 of the authorization to borrow as voted under Article 4 of the May 5, 2009 Special Town Meeting for the Ipswich Road Water Main Project.

This housekeeping article would allow the Town to rescind the unused balance of the amount Town Meeting had authorized the Town to borrow for the Ipswich Road Water Main Project. The project is now complete and this article would rescind the project's unused debt authorization.

ARTICLE TWENTY-FIRST:

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money as a grant to fund certain activities of the Tri-Town Council, or take any other action relative thereto.

Recommended that the Town vote to appropriate the sum of \$18,319 as a grant to fund certain activities of the Tri-Town Council and to meet said appropriation to transfer the sum of \$18,319 from Free Cash.

This article appropriates funds for a grant that would support the activities of the Tri-Town Council, a non-profit organization serving Topsfield, Boxford, and Middleton. The Council's mission is to reduce and prevent at-risk behavior and to strengthen the social and emotional well-being of Tri-Town youth.

ARTICLE TWENTY-SECOND:

MASCONOMET REGIONAL SCHOOL COMMITTEE REPRESENTATION

To see if the Town will vote to approve an amendment to the Agreement for Establishment of the Masconomet Regional School District as set forth below, or take any other action thereto:

**EIGHTH AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF THE
MASCONOMET REGIONAL SCHOOL DISTRICT**

The Agreement Between the Towns of Boxford, Middleton and Topsfield, Massachusetts with Respect to the Formation of a Regional School District, as amended to the date hereof (the "Agreement"), is hereby further amended as follows:

Section 1. Section 1(A) of the Agreement is amended in its entirety to read as follows:

A. Powers, Duties and Composition

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter sometimes called the

“Committee”. The Committee shall consist of eleven (11) members; four (4) from Middleton; four (4) from Boxford and three (3) from Topsfield.

Section 2. Section 1(C) of the Agreement is amended in its entirety to read as follows:

C. Elected Members

In order to comply with proportional representation requirements mandated by the United States Constitution (also known as “one man, one vote”), the total number of representatives to the Committee from each of the Towns of Boxford and Topsfield shall be reduced by one. To accomplish this reduction, one position on the Committee held by a representative of the Town of Topsfield with a term expiring in 2012 shall be abolished upon the expiration of such representative’s term in 2012. In addition, one of the two positions on the Committee held by the representatives of the Town of Boxford with a term expiring in 2012 shall be abolished upon the expiration of such representative’s term. The Chairman of the Committee shall determine by lot the particular position to be eliminated.

To ensure that Topsfield maintains continuity of membership on the Committee, the terms of its representatives with terms expiring in 2014 shall be revised, on a one-time basis, so as to provide that one representative shall be elected by Topsfield at the 2014 annual election to a term of one (1) year, and one representative shall be elected by Topsfield at the 2014 annual election for a term of three (3) years. After the 2014 annual election in Topsfield, the terms of all subsequent Topsfield members of the Committee shall be for three (3) years, or until his or her successor is elected and qualified.

Except as otherwise provided in this section, at the expiration of the term of office of all other elected members of the Committee, each member town shall, at its annual town election, elect a member of the Committee to serve for a term of three (3) years or until his or her successor is elected and qualified.

Notwithstanding any other provision of this Agreement to the contrary, on February first immediately following the official publication of the most recently conducted federal census, the Committee shall determine, on the basis of such census figures, the total population of each Member Town. (For the purposes of this provision, “official publication” means transmittal of the federal census to Congress by the President .) Elected membership on the Committee shall be adjusted at that time, as is necessary to maintain compliance with one person one vote.

Section 3. The balance of the Agreement shall remain unchanged.

Recommended that the Town vote to amend the Masconomet Regional School Agreement, between the Towns of Boxford, Middleton and Topsfield as stated above.

This is the eighth amendment to the Masconomet Regional School agreement between the Towns of Boxford, Middleton and Topsfield. Of the seven amendments to the Agreement that have been approved by the three towns, two (Amendment 5 in 1983 and Amendment 6 in 1996) were similar to this proposed amendment in that they were brought forth to adjust the size of the School Committee to address changes in community populations. If approved by each of the towns, the School Committee membership will be reduced from thirteen to eleven. Boxford would have 4 members, Middleton would have 4 members and Topsfield would have 3 members.

ARTICLE TWENTY-THIRD:

CENTRAL STREET WATER MAIN PROJECT

To see if the Town will vote to raise and assess or transfer from available funds a sum of money to be expended by the Board of Selectmen, with the advice of the Water Commissioners, for the replacement of the Central Street water main from Main Street to Summer Street, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate a sum of \$175,000 and to meet said appropriation, transfer the amount of \$57,230 from Article 41 of the May 2004 Annual Town Meeting, transfer \$75,133 from Article 24 of the May 2006 Annual Town Meeting and \$42,637 from Article 32 of the 2005 Annual Town Meeting; to be expended by the Board of Selectmen, with the advice of the Water Commissioners for the replacement of the Central Street water main from Main Street to Summer Street.

This article would allow the Water Department to replace a portion of the water main on Central Street. The new eight inch main would replace the existing six inch main that was installed in the late 1940's or early 1950's. Typically, the useful life of a water main is 50 years.

ARTICLE TWENTY FOURTH:

PURCHASE OF A POLICE CRUISER

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new cruiser, and trade in or sell a 2006 Ford Crown Victoria, or take any other action relative thereto.

Recommended that the Town vote to raise, assess and appropriate the sum of \$29,124 to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new cruiser and trade in or sell a 2006 Ford Crown Victoria and to meet said appropriation that the Town transfer the sum of \$21,927 from Free Cash and transfer the sum of \$7,197 from Article 19th of the May 5, 2009 Annual Town Meeting.

The new cruiser would replace a 5 year old Ford Crown Victoria cruiser with 144,000 miles.

ARTICLE TWENTY-FIFTH:

PURCHASE OF HIGHWAY DUMP/PLOW/SANDER/WING TRUCK

To see if the Town will vote to raise, assess and appropriate a sum of money to be expended by the Board of Selectmen, with the advice of the Board of Road Commissioners, to acquire and equip a Dump/Plow/Sander/Wing Truck, and to trade in or sell the 1994 International Dump/Plow/Sander/Wing Truck; provided, however, that any appropriation authorized hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ capital outlay expenditure exclusion question pursuant to the provisions of Massachusetts General Laws Chapter 59, § 21C (i ½), or take any other action relative thereto.

Recommended that the Town will authorize the Board of Selectmen with the advice of the Board of Road Commissioners to acquire and equip a Dump/Plow/Sander/Wing Truck, and to trade in or sell the 1994 International Dump/Sander/Wing Truck and further to raise and assess and appropriate \$145,000 provided, however, that any appropriation authorized hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ capital outlay expenditure exclusion question pursuant to the provisions of Massachusetts General Laws Chapter 59, § 21C (i ½), or take any other action relative thereto.

This article would approve the purchase of a new Dump/Plow/Sander/Wing Truck to replace the Town's 17 year old International Dump/Plow/Sander/Wing Truck. Funding of this purchase is subject to a Proposition 2 ½ capital outlay exclusion. Therefore, it also appears as a ballot question.

ARTICLE TWENTY-SIXTH:

STRETCH ENERGY CODE BYLAW

To see if the Town will vote to adopt the "Stretch Energy Code" set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA) as it may be amended from time to time, and by amending the Topsfield General Bylaws within the Town Code by adding Chapter LXIII, the "Stretch Energy Code Bylaw" as follows:

§63-1. Purpose

The purpose of the Stretch Code is to provide a more energy efficient alternative to the base energy code applicable to the relevant section of the building code for both new construction and existing buildings.

§63-2. Applicability

The Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§63-3. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments and modifications, is herein incorporated by reference.

or take any other action relative thereto.

Recommended that the Town vote adopt the "Stretch Energy Code" set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA) as it may be amended from time to time, and by amending the Topsfield General Bylaws within the Town Code by adding Chapter LXIII, the "Stretch Energy Code Bylaw" as indicated above.

This amendment provides for the adoption of the State's "Stretch Energy Code" that establishes minimum design and construction requirements for energy efficiency. The adoption of this Bylaw is one of the five criteria needed to achieve "Green Communities" status by the Town.

ARTICLE TWENTY-SEVENTH

**AMEND ZONING BY-LAW, ARTICLE I, DEFINITIONS AND ARTICLE III, SECTION 3.02
TABLE OF USE REGULATIONS**

To see if the Town will vote to amend certain sections of the Topsfield Zoning Bylaw as follows:

Amend Article I, Definitions, by inserting new definitions relating to alternative energy and renewable energy and research and development facilities, as set forth below, and renumbering the remaining paragraphs accordingly:

"1.04 Alternative Energy.

See definition under Energy",

"1.34 Energy.

Alternative Energy: Includes but is not limited to combined heat and power, and electric and fuel cell powered vehicles and associated technologies including advanced batteries and recharging stations.

Renewable Energy: Includes but is not limited to solar (photovoltaic and thermal), wind, biomass power conversion or thermal technologies (including the use of wood pellets), ultra-low emissions high efficiency wood pellet boilers and furnaces, low impact hydro-electric and kinetic energy, ocean thermal, wave or tidal energy, geothermal energy, landfill gas energy, fuel cells that use renewable energy and advanced biofuels.”

“1.84 Renewable Energy.

See definition under Energy”,

“1.85 Research and Development Facilities.

A facility including offices used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. Such a facility may include but is not limited to the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.”

Amend Article III, Section 3.02, Use Regulations and Table of Use Regulations for all districts in the “Permitted Uses” table as set forth below:

(new language and additions in bold italics; deletions in strikethrough)

Permitted Uses	ORA	IRA	CR	BV	BH	BP	BHN	
5.	Trades, Wholesale, Transportation and Industrial							
5.10A	research office and development facilities <i>Research and Development Facilities, General</i>	NP	NP	NP	NP	S	S	S
5.10B	<i>Research and Development Facilities for Alternative Energy and Renewable Energy</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>S</i>	<i>P</i>	<i>S</i>

, or take any other action relative thereto

Recommended that the Town vote to amend certain articles of the Topsfield Zoning Bylaw as follows: Amend Article I, Definitions, by adding definitions relating to alternative energy and renewable energy and research and development facilities and renumber accordingly the paragraphs that follow; and amend Article III, Section 3.02, Use Regulations and Table of Use Regulations for all districts in the “Permitted Uses” table as set forth above.

This amendment adds the definitions for Renewable Energy and Alternative Energy, and related Research and Development Facilities to the Zoning Bylaw; and amends Table of Uses to allow Research and Development Facilities specifically for renewable and alternative energies as a permitted use in the Business Park District, which meets one of the requirements for “Green Communities” designation. Such use is also permitted by special permit in the Business Highway

and Business Highway North Districts. This article also clarifies the use description for the current Section 5.10 by deleting that section and replacing it with section 5.10A Research and Development Facilities, General and section 5.10B Research and Development Facilities for Alternative Energy and Renewable Energy.

ARTICLE TWENTY-EIGHTH

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

To see if the Town will vote to amend the Topsfield Zoning Bylaw by inserting a new Article XVI, "Ground-Mounted Solar Photovoltaic Installations" as set forth in Attachment B to this warrant, entitled "Article XVI Ground-Mounted Solar Photovoltaic Installations", or take any other action relative thereto.

Recommended that the Town vote to amend the Topsfield Zoning Bylaw by inserting a new Article XVI, "Ground-Mounted Solar Photovoltaic Installations" as set forth in Attachment B to this warrant, entitled "Article XVI Ground-Mounted Solar Photovoltaic Installations".

This amendment provides for the adoption of a Ground-Mounted Solar Photovoltaic Installations Bylaw, Chapter XVI, that would establish regulations and conditions for the construction, design, placement and removal of said installations to the extent allowed under the State Zoning Act to address public health, welfare or safety, and minimize impacts on scenic, natural and historic resources within the Town. Presently the Town has few rules and regulations that can be applied to large-scale ground-mounted installations and "solar farms".

ARTICLE TWENTY-NINTH

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.02 TABLE OF USE REGULATIONS

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations and Table of Use Regulations with the insertion of new uses in the "Permitted Uses" table as follows (new language in bold italics):

Permitted Uses		ORA	IRA	CR	BV	BH	BP	BHN
4.	Retail and Service							
4.37A	Ground-mounted Solar Installations 500 sq. ft. or less	P						
4.37B	Ground-mounted Solar Installations Over 500 sq. ft.	S						

, or take any other action relative thereto.

Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations and Table of Use Regulations by inserting new uses in the "Permitted Uses" table as described above.

This amendment amends Table of Uses for all districts to allow Ground-Mounted Solar Photovoltaic Installations 500 sq. ft. and less as a permitted use in all districts, and those installations over 500 sq. ft. would require a special permit; however all installations would be

subject to site plan review per Chapter XVI, the Ground-Mounted Solar Photovoltaic Installations Bylaw.

ARTICLE THIRTIETH:

CITIZEN PETITION – CHANGE THE DATE OF THE ANNUAL TOWN MEETING

To see if the Town will vote to change the date of the Annual Town Meeting from the first Tuesday in May to the first Saturday.

Recommended that the Town vote to take no action.

This article is on the warrant pursuant to a petition signed and submitted by ten citizens.

ARTICLE THIRTY-FIRST:

ACCEPTANCE OF ANTORIA WAY

To see if the Town will vote to accept “Antoria Way” as a public way, in accordance with the locations, boundaries and measurements of said Antoria Way as laid out, altered or relocated by the Board of Selectmen, all as shown on a plan entitled:

“Roadway As-Built Plan Antoria Way located in Topsfield MA, Essex County dated March 24, 2010 prepared by W. C. Cammett Engineering, Inc., Robert E. Smith Jr., PLS, 297 Elm Street, Amesbury MA; Scale 1” = 20’; Recorded in Book 30298, Page 420 in the Essex Southern District Registry of Deeds in Salem, MA”,

and to authorize the Board of Selectmen to accept a gratuitous conveyance for any necessary easement for said way and name it “Antoria Way”, or take any other action relative thereto.

Recommended that the Town vote to accept “Antoria Way” as a public way, in accordance with the locations, boundaries and measurements of said Antoria Way as laid out, altered or relocated by the Board of Selectmen, all as shown on a plan as described above and to authorize the Board of Selectmen to acquire by gift, purchase or otherwise an easement or easements in such way as so laid out for all purposes for which public ways are used in the Town of Topsfield and all associated easements and to name said way “Antoria Way”.

This article would make Antoria Way an accepted public way.

ARTICLE THIRTY-SECOND:

EXCHANGE OF LAND ON PHEASANT LANE

To see if the Town will vote to (a) approve the transfer from the Conservation Commission for conservation purposes to the Conservation Commission for such purposes and also to the Board of Selectmen for purposes of conveyance a portion of the land off Pheasant Lane, described in a deed recorded at Book 10857, Page 271 at the Essex South District Registry of Deeds, which land constituted the open space parcel for the Pheasant Hill subdivision, as shown on a plan on file with the Town Clerk to Timothy and Brigitte O’Malley, and authorize the Board of Selectmen to convey such property; (b) authorize the Conservation Commission to accept, in consideration therefor, for conservation purposes, an adjacent parcel of land of equal or greater size and value from Timothy and Brigitte O’Malley; and (c) authorize the Board of Selectmen to petition the General Court to approve the transfer of said property pursuant to Article 97 of the Articles of Amendment to the Massachusetts Constitution, or take any other action relative thereto.

Recommended that the Town vote to (a) approve the transfer from the Conservation Commission for conservation purposes to the Conservation Commission for such purposes and also to the Board of Selectmen for purposes of conveyance of a portion of the land off

Pheasant Lane, described in a deed recorded at Book 10857, Page 271 at the Essex South District Registry of Deeds, which land constituted the open space parcel for the Pheasant Hill subdivision, as shown on a plan on file with the Town Clerk, to Timothy and Brigitte O'Malley and authorize the Board of Selectmen to convey such property; (b) authorize the Conservation Commission to accept, in consideration therefor, an adjacent parcel of land of equal or greater size and value from Timothy and Brigitte O'Malley; and (c) authorize the Board of Selectmen to petition the General Court to approve the transfer of said property pursuant to Article 97 of the Articles of Amendment to the Massachusetts Constitution.

This article would exchange a portion of Town property for a portion of a resident's property (that of the O'Malley's on Pheasant Lane) in order to remove the effects of an encroachment on Town property. Approval requires a 2/3 vote of Town Meeting as well as approval of the General Court because the subject Town property is under an MGL Chapter 97 conservation restriction.

ARTICLE THIRTY-THIRD:

ACCEPTANCE OF MGL CHAPTER 53, SECTION 9A - NOMINATION PAPERS

To see if the Town will vote to accept Massachusetts General Law Chapter 53, Section 9A, or take any other action relative thereto.

Recommended that the Town vote to accept Massachusetts General Law Chapter 53, Section 9A.

The key provision of this law provides that the final date for obtaining blank nomination papers for nomination to town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification. (In Topsfield the Town Clerk performs this certification.) Topsfield's current accepted practice is the same as the provisions of this section of Massachusetts General Law. Acceptance would formalize the Town's accepted practice.

ARTICLE THIRTY-FOURTH:

STABILIZATION FUND

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money for the Stabilization Fund, or take any other action relative thereto.

Recommended that the Town appropriate and transfer from Free Cash the sum of \$1,000 for the Stabilization Fund.

ARTICLE THIRTY-FIFTH:

FREE CASH

To see if the Town will vote to authorize and direct the Board of Assessors to transfer and appropriate a sum of money from Free Cash to reduce the tax levy for the Fiscal Year 2012, or take any other action relative thereto.

Recommended that the Town vote to authorize and direct the Board of Assessors to transfer and appropriate the sum of \$346,997 from Free Cash to reduce the tax levy for the fiscal year 2012.

And you are also directed to notify said inhabitants, qualified to vote in the election of Town Officers, to meet at the St. Rose Church Hall, 12 Park Street, the fifth day of May, 2011, at seven o'clock in the morning, to bring in their votes on one ballot for the following offices:

ONE	Moderator	(1 year)
TWO	Selectmen	(3 years)
ONE	Assessor	(3 years)
ONE	Commissioner of Trust Funds	(3 years)
ONE	Water Commissioner	(3 years)
ONE	Park & Cemetery Commissioner	(3 years)
ONE	Road Commissioner	(3 years)
ONE	Housing Authority	(5 years)
ONE	Housing Authority	(1 year)
TWO	Elementary School Committee	(3 years)
TWO	Masconomet Regional District School Committee	(3 years)
TWO	Library Trustees	(3 years)
TWO	Planning Board	(3 years)

PROPOSITION 2 ½ REFERENDUM BALLOT QUESTIONS

QUESTION ONE: Shall the Town of Topsfield be allowed to assess an additional \$191,539 in real estate and personal property taxes for the purpose of funding the Town's assessment for the Masconomet Regional School District for the fiscal year beginning July 1, 2011?

QUESTION TWO: Shall the Town of Topsfield be allowed to assess an additional \$145,000 in real estate and personal property taxes for the purposes of funding the purchase and equipping of a Dump/Plow/Sander/Wing Truck for the Highway Department for the fiscal year beginning July 1, 2011.

NON-BINDING REFERENDUM QUESTIONS

QUESTION THREE: Shall the Town vote to petition the General Court to enact special legislation as set forth below? 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 before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition as described below:

AN ACT PROVIDING FOR HEALTH INSURANCE IN THE TOWN OF TOPSFIELD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1

Notwithstanding the provisions of chapter 32B and chapter 150E of the General Laws or any other general or special law to the contrary, the town of Topsfield is authorized at the discretion of the board of selectmen, without bargaining under said chapters 150E or 32B concerning the decision or the impact thereof, to: negotiate and purchase group insurance policies for employees, retirees and their dependents; alter current and future group insurance plan design features including but not limited to co-payments, deductibles, and tiered provider network co-payments; and participate in or join a state program providing group insurance policies including those

provided by the Group Insurance Commission ("GIC") or another similar program without being subject to collective bargaining as defined in chapter 150E.

SECTION 2

The provisions of this act shall not affect the town's obligations under any collective bargaining agreements(s) between the town and any unions in effect on the effective date of this act during the respective current terms of any such collective bargaining agreements, while such agreements are in effect.

SECTION 3

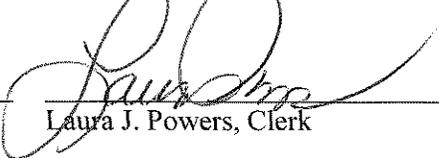
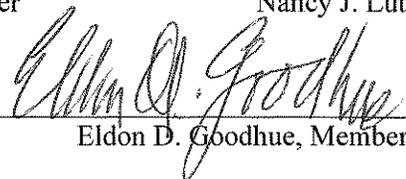
This action shall take effect upon its passage.

The polls shall be open from **7:00 AM UNTIL 8:00 PM**, and you are directed to serve this Warrant by posting attested copies thereof, one at the Post Office, one at the Town Hall, and one at each of the Public Meeting Houses in said Town, seven days at least before time for holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

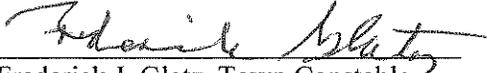
Given under our hands this twenty-eighth day of March in the year two thousand and eleven.

TOWN OF TOPSFIELD BOARD OF SELECTMEN

 _____ A. Richard Gandt, Chairman	 _____ Laura J. Powers, Clerk
 _____ Martha A. Morrison, Member	 _____ Nancy J. Luther, Member
 _____ Eldon D. Goodhue, Member	

A true copy

ATTEST:



Frederick J. Glatz, Town Constable

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE

- Mark B. Lyons, Chairman
- Heidi L. Bond
- Paul E. Dierze
- Karen A. Dow
- Kathryn S. Hartmann
- J. Stephen Lais
- Holger M. Luther

TOWN OF TOPSFIELD



WARRANT FOR THE 2011 SPECIAL TOWN MEETING

Essex, ss.

To the Constable of the Town of Topsfield, in said County,

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Topsfield, qualified to vote in elections and in Town affairs, to meet at the

PROCTOR SCHOOL WOODBURY AUDITORIUM

in said Topsfield, on Tuesday, the third day of May, 2011, at thirty minutes after seven o'clock in the afternoon (7:30 PM), then and there to act on the following articles:

ARTICLE FIRST:

REPORTS

To hear all reports that may legally come before the meeting.

ARTICLE SECOND:

PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds and appropriate a sum of money to pay outstanding bills contracted prior to July 1, 2010.

Recommendation pending further review.

ARTICLE THIRD:

TRANSFER OF FUNDS

To see if the Town will vote to transfer from the unexpended balance of certain accounts, and/or from available funds, and appropriate said funds to certain other accounts to pay certain expenses for the 2011 fiscal year, or take any other action relative thereto.

Recommendation pending further review.

ARTICLE FOURTH:

NON-RESIDENT OR FOSTER CARE STUDENT TUITION REVOLVING ACCOUNT

To see if the Town will vote to adopt the following paragraph as set forth below under the provisions of M.G.L. Chapter 71, Section 71F:

“In any city or town which accepts this section, all monies received by the school committee as tuition payments for nonresident students and as state reimbursements for students who are foster care children shall be deposited with the treasurer of the town or city and held as separate accounts. The receipts held in such a separate account may be expended by said school committee without further appropriation for expenses incurred in providing education for such nonresident students or for such students who are foster care children, notwithstanding the provisions of section fifty-three of chapter forty-four. A city or town may appropriate funds for expenses incurred in providing education for such nonresident students or for such students who are foster care children, which funds shall be expended by the school committee in addition to funds provided from other sources.” And, further, to transfer from the Town’s free cash the sum of \$27,200 to the Non-Resident or Foster Care Students Tuition Revolving Account for receipts received in FY10 from the special education program.

Recommended that the Town vote to adopt the provisions of M.G.L. Chapter 71, Section 71F as set forth above; and further, to transfer and appropriate the sum of \$27,200 from Free Cash to the Non-Resident or Foster Care Students Tuition Revolving Account for receipts received in FY10 from the special education program.

The purpose of this warrant article is to create a Non-Resident or Foster Care Students Tuition Revolving Account to properly receive and expend funds associated with tuitioned-in students in special education programs in grades one through six. These funds would be used for expenses associated with special education costs.

ARTICLE FIFTH:

TOWN HALL BOILER REPLACEMENT

To see if the Town will vote to raise and assess or transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen with the advice of the Green Communities Renewable Energy Committee for the installation of a high efficiency natural gas fired boiler including associated project costs and related energy saving improvements, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$32,330 from Article 3 Medical Insurance of the May 2010 Annual Town Meeting for the installation of a high efficiency natural gas fired boiler including associated project costs and related energy saving improvements.

This article would allow for the purchase and installation of a high efficiency natural gas fired boiler to replace the 30 year old oil fired boiler in Town Hall and for some related energy saving improvements to the attic space and basement. The estimated net project cost, after applying anticipated grants of \$7,500 from National Grid, is \$32,330. The new boiler is estimated to be thirty percent (30%) more efficient than the existing boiler. Considering the cost of natural gas per unit of heat is less than that of heating oil, the estimated savings, at current oil and gas prices together with the energy improvements, are expected to be about \$8,272 per year yielding a payback of four years.

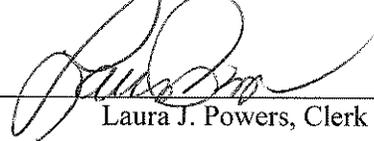
Hereof, fail not, and make due return of the Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this twenty-eighth day of March in the year two thousand and eleven.

TOWN OF TOPSFIELD BOARD OF SELECTMEN



A. Richard Gandt, Chairman



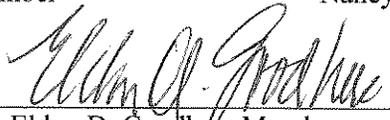
Laura J. Powers, Clerk



Martha A. Morrison, Member



Nancy J. Luther, Member



Eldon D. Goodhue, Member

A true copy
ATTEST:



Frederick J. Glatz, Town Constable

ATTACHMENT A

Approved Appropriation Fiscal Year 2011	FISCAL YEAR 2012 GENERAL OPERATING BUDGET May 3, 2011 ANNUAL TOWN MEETING	Recommended Appropriation Fiscal Year 2012
--	--	---

ELECTED OFFICERS

1.00	MODERATOR:	1.00
	SELECTMEN:	
1.00	Chairman	1.00
1.00	Clerk	1.00
1.00	Member	1.00
1.00	Member	1.00
1.00	Member	1.00
	ASSESSORS:	
1,500.00	Chairman	1,500.00
1,500.00	Clerk	1,500.00
1,500.00	Member	1,500.00
50,842.00	TOWN CLERK:	50,842.00
	PLANNING BOARD:	
1.00	Chairman	1.00
1.00	Clerk	1.00
1.00	Member	1.00
1.00	Member	1.00
1.00	Member	1.00

GENERAL GOVERNMENT

	Moderator:	
1.00	Salary	1.00
1.00	TOTAL: Moderator	1.00
	Selectmen:	
164,406.00	Salaries	165,905.00
41,197.00	Wages	41,197.00
25,890.00	Other	28,890.00
231,493.00	TOTAL: Selectmen	235,992.00
	Selectmen's Special:	
68,050.00	Other	68,050.00
68,050.00	TOTAL: Selectmen Special	68,050.00
	Parking Clerk:	
-	Other	-
-	TOTAL: Parking Clerk	-
	Finance Committee:	
1,158.00	Wages	1,158.00
360.00	Other	360.00
1,518.00	TOTAL: Finance Committee	1,518.00

-	Town Website/Cable Advisory:	-
-	Wages	-
-	Other	-
-	Total: Town Website/Cable Advisory	-
	Town Accountant:	
64,272.00	Salary	64,272.00
33,043.00	Wages	33,043.00
20,788.00	Other	20,788.00
118,103.00	TOTAL: Town Accountant	118,103.00
	Board of Assessors	
69,772.00	Salaries	69,772.00
33,855.00	Wages	33,331.00
17,309.00	Other	17,833.00
120,936.00	TOTAL: Assessors	120,936.00
	Town Treasurer and Collector:	
64,272.00	Salary	64,922.00
64,132.00	Wages	64,132.00
30,800.00	Other	39,500.00
159,204.00	TOTAL: Town Treasurer & Coll.	168,554.00
	Town Hall:	
500.00	Wages	300.00
143,878.00	Other	139,969.00
144,378.00	TOTAL: Town Hall	140,269.00
	School Street Building	
634.00	Other	500.00
634.00	TOTAL: School Street Building	500.00
	Town Clerk:	
50,842.00	Salary	50,842.00
15,919.00	Wages	19,714.00
11,309.00	Other	10,056.00
78,070.00	TOTAL: Town Clerk	80,612.00
	Trust Fund Clerk:	
-	Salary	-
100.00	Other	100.00
100.00	TOTAL: Trust Fund Clerk	100.00
	Conservation Commission:	
54,760.00	Salary	54,760.00
14,127.00	Wages	14,127.00
68,887.00	TOTAL: Conservation Commission	68,887.00
	Planning Board:	
5.00	Salaries	5.00
1,754.00	Other	1,754.00
1,759.00	TOTAL: Planning Board	1,759.00
	Zoning Board of Appeals:	
724.00	Other	724.00
724.00	TOTAL: Zoning Board of Appeals	724.00
993,857.00	SUB-TOTAL: GENERAL GOVERNMENT	1,006,005.00

PUBLIC SAFETY

	Police Department:	
144,202.00	Salaries	145,113.00
1,122,374.00	Wages	1,098,522.00
109,653.00	Other	113,372.00
	Capital Equipment	-
1,376,229.00	TOTAL: Police Department	1,357,007.00

	Fire Department:	
97,316.00	Salaries	101,316.00
401,785.00	Wages	401,785.00
86,866.00	Other	85,366.00
585,967.00	TOTAL: Fire Department	588,467.00

	Ambulance Services:	
-	Other	-
-	TOTAL: Ambulance Service	-

	Inspectional Services:	
71,775.00	Salaries	74,450.00
18,462.00	Wages	18,807.00
5,519.00	Other	5,519.00
95,756.00	TOTAL: Inspectional Services	98,776.00

	Sealer Weights & Measure	
1,500.00	Salary	1,500.00
	Other	
1,500.00	TOTAL: Sealers Weights & Measure	1,500.00

	Animal Control Officer:	
8,904.00	Salary	8,904.00
549.00	Other	549.00
9,453.00	TOTAL: Animal Control Officer	9,453.00

	Animal Inspector:	
6,882.00	Salary	6,882.00
1,840.00	Other	1,840.00
8,722.00	TOTAL: Animal Inspector	8,722.00

2,077,627.00	SUB-TOTAL: PUBLIC SAFETY	2,063,925.00
---------------------	---------------------------------	---------------------

EDUCATION ELEMENTARY SCHOOL

4,493,132.00	Total Salaries	4,619,452.00
168,959.00	Total Supplies/Materials/Textbooks	188,835.00
43,306.00	Total Equipment	43,624.00
45,062.00	Total Prof Dev (Mem./Work./Conf.)	59,477.00
395,338.00	Total Special Education (Tuitions & Services)	439,447.00
246,203.00	Total Transportation	285,530.00
225,306.00	Utilities	213,288.00
164,287.00	Facilities	124,828.00
5,781,593.00	TOTAL: Elementary Schools	5,974,481.00

5,781,593.00	SUB-TOTAL - ELEMENTARY SCHOOLS	5,974,481.00
---------------------	---------------------------------------	---------------------

PUBLIC WORKS AND FACILITIES

	General Highway:	
75,983.00	Salary	75,983.00
190,419.00	Wages	191,069.00
198,805.00	Other	198,805.00
25,740.00	Capital Equipment	-
490,947.00	TOTAL: General Highway	465,857.00
	Snow and Ice:	
78,581.00	Wages	78,581.00
164,285.00	Other	164,285.00
242,866.00	TOTAL: Snow and Ice	242,866.00
	Street Lights	
18,900.00	Other	18,900.00
18,900.00	TOTAL: Street Lights	18,900.00
752,713.00	SUB-TOTAL: PUBLIC WORKS	727,623.00

HUMAN SERVICES

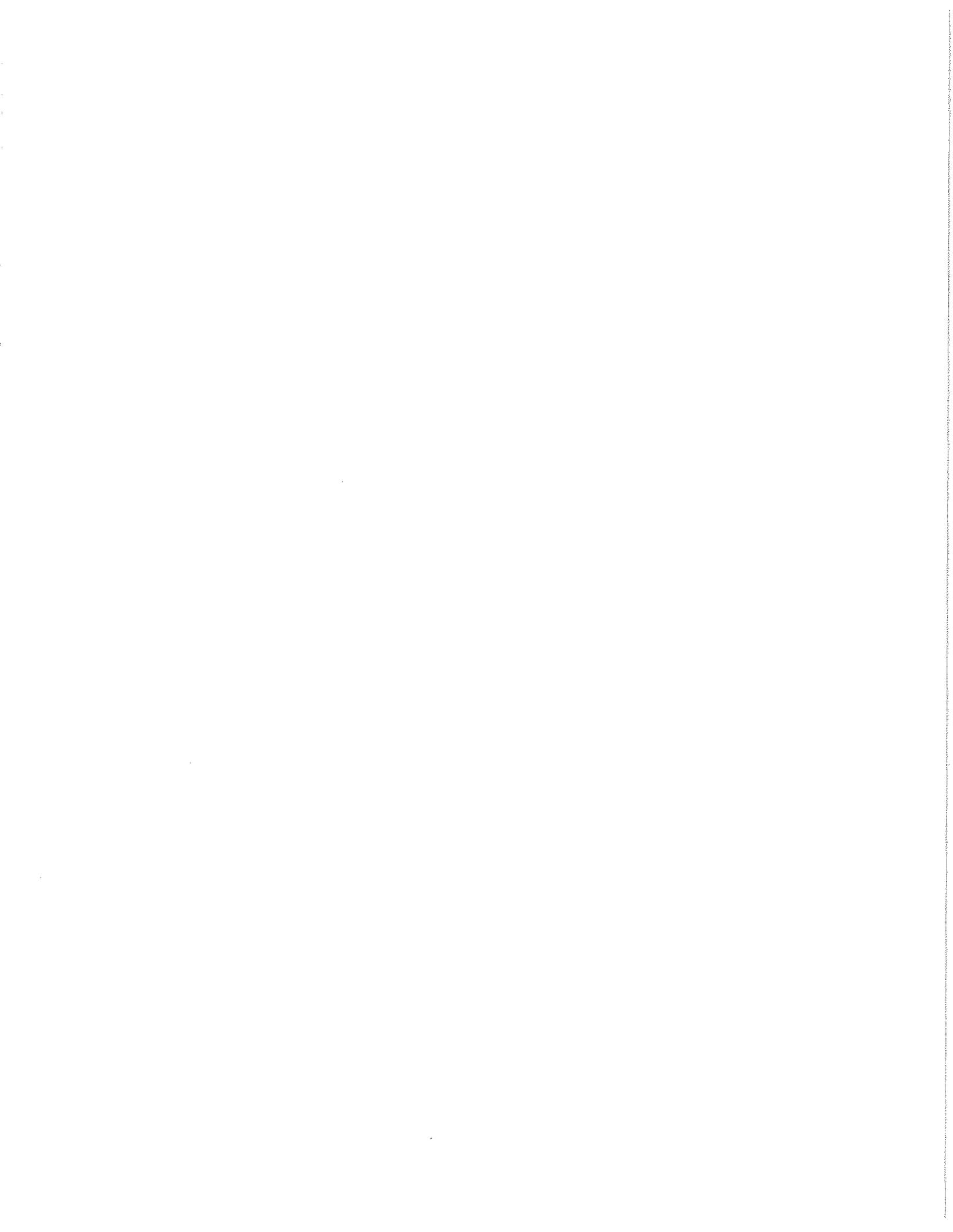
	Board of Health:	
64,272.00	Salary	64,272.00
12,182.00	Wages	12,182.00
16,730.00	Other	16,730.00
93,184.00	TOTAL: Board of Health	93,184.00
	MSW Collection, HHW & Recycling	
369,819.00	Services	387,560.00
369,819.00	TOTAL: MSW Collection, HHW & Recycling	387,560.00
	Recycling:	
1,350.00	Other	3,850.00
1,350.00	TOTAL: Recycling	3,850.00
	Council On Aging:	
41,865.00	Salary	41,865.00
35,476.00	Wages	35,476.00
2,582.00	Other	2,582.00
79,923.00	TOTAL: Council On Aging	79,923.00
	Veterans' Benefits:	
4,970.00	Other	6,350.00
4,970.00	TOTAL: Veterans' Benefits	6,350.00
	Soldiers & Sailors Graves:	
800.00	Other	800.00
800.00	TOTAL: Soldiers & Sailors Graves	800.00
550,046.00	SUB-TOTAL: HUMAN SERVICES	571,667.00

CULTURE & RECREATION

	Library:	
187,719.00	Salaries	182,383.00
150,813.00	Wages	150,813.00
118,846.00	Other	131,140.00
457,378.00	TOTAL: Library	464,336.00
	Park and Cemetery Department:	
65,272.00	Salary	65,272.00
121,207.00	Wages	121,557.00
44,261.00	Other	45,176.00
230,740.00	TOTAL: Park & Cemetery Dept.	232,005.00
	Tree Department:	
2,916.00	Salary	2,916.00
3,137.00	Wages	3,137.00
7,650.00	Other	7,650.00
13,703.00	TOTAL: Tree Department	13,703.00
	Memorial Day/Veteran's Day:	
3,600.00	Other	3,600.00
3,600.00	TOTAL: Memorial Day/Veteran's Day	3,600.00
	Historical Commission:	
450.00	Other	450.00
450.00	TOTAL: Historical Commission	450.00
705,871.00	SUB TOTAL: CULTURE & RECREATION	714,094.00
	DEBT SERVICE	
643,000.00	Long-Term Debt Principal	796,700.00
438,042.00	Long -Term Debt Interest	388,283.00
25,000.00	Interest for Temporary Loans	
35,000.00	Issue Cost	2,500.00
1,141,042.00	TOTAL: DEBT SERVICE	1,187,483.00
1,141,042.00	SUB TOTAL: DEBT SERVICE	1,187,483.00
	OTHER EXPENDITURES	
	Pensions:	
667,094.00	Essex Retirement	733,580.00
667,094.00	TOTAL: Pensions	733,580.00
	Insurance:	
362,253.00	Liability/Accident/Workmen's Compensation	352,941.00
1,575,476.00	Life/Medical/Medicare	1,726,577.00
50,000.00	Unemployment	100,000.00
1,987,729.00	TOTAL: Insurance	2,179,518.00
2,654,823.00	SUB-TOTAL OTHER EXPENDITURES	2,913,098.00
14,657,572.00	***TOTAL BUDGET RECOMMENDATION***	15,158,376.00

Fiscal Year 2011: July 1, 2010 through June 30, 2011

Fiscal Year 2012: July 1, 2011 through June 30, 2012



ATTACHMENT B

Article Twenty- Eighth of the May 3, 2011 ATM Ground-Mounted Solar Photovoltaic Installations

ARTICLE XVI

Ground-Mounted Solar Photovoltaic Installations

16.01 Purpose

The purpose of this bylaw is to provide the standards for new Ground-Mounted Solar Photovoltaic Installations relative to the placement, design, construction, operation, monitoring, modification and removal of such installations that address public health, welfare or safety, and to minimize impacts on scenic, natural and historic resources.

16.02 Applicability

This bylaw applies to Ground-Mounted Solar Photovoltaic Installations and physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

16.03 Definitions

- A. Solar Photovoltaic Installation: A solar photovoltaic system including all panels and appurtenant structures that is structurally mounted on the ground and is not roof-mounted.
- B. Solar Photovoltaic Installation - Large Scale: A Solar Photovoltaic Installation which occupies an area greater than five-hundred (500) square feet as measured within the perimeter of the installation.

16.04 General Requirements

The following requirements are common to all Solar Photovoltaic Installations to be sited in designated locations.

- A. Compliance with Laws, Ordinances and Regulations: The construction and operation of all Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code.
- B. Special Permit with Site Plan Review: All Solar Photovoltaic Installations shall be subject to site plan review as described in Article IX of the Topsfield Zoning Bylaw. In addition, Solar Photovoltaic Installation - Large Scale shall require a special permit, pursuant to Article V of the Topsfield Zoning Bylaw, by the Planning Board as special permit granting authority prior to construction, installation or modification as provided in this section.

Required Documents: Pursuant to the special permit and site plan review process, the applicant shall provide the following documents in addition to those required under Article IX:

1. A site plan showing:
 - a. The Solar Photovoltaic Installation showing the proposed layout of the system and any potential shading from nearby structures. For Special Permit Applications, drawings shall be signed by a Professional Engineer licensed in Massachusetts
 - b. One or three line electrical diagram detailing the Solar Photovoltaic Installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
 - c. Documentation of the major system components to be used, including the panels, mounting system, rated name plate capacity, inverter and interconnection details;
 - d. Name, address, and contact information for proposed system installer and operator;
 - e. Name, address, phone number and signature of the applicant, as well as all co-applicants if any;
 - f. The name, contact information and signature of property owner or co-owner, project developers and co-developers, lessors and agents representing the project applicant.
2. Documentation of actual or prospective access and control of the project site (see also Section 16.04 D);
3. Proof of liability insurance acceptable to the Planning Board.

The Planning Board may waive documentary requirements as it deems appropriate.

- C. Operation & Maintenance Plan: The applicant for a Solar Photovoltaic Installation – Large Scale shall submit a plan for the operation and maintenance of the Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- D. Utility Notification: No Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Photovoltaic Installation owner or operator's intent to install an interconnected generator and an interconnection agreement and power purchase agreement (where appropriate) has been signed by the utility. Off-grid systems shall be exempt from this requirement.
- E. Dimension and Density Requirements:
 1. Setback and Yard Requirements:
 - a. No Solar Photovoltaic Installation shall be installed in a front yard or within thirty feet of the line of any street or way.

b. Solar Photovoltaic Installations shall comply with the Table of Dimensional and Density Regulations with respect to side yard, rear yard and minimum open space, except that Solar Photovoltaic Installations – Large Scale shall have a required side setback of fifty (50) feet and a required rear setback of fifty (50) feet. The Planning Board may reduce the side and rear setbacks but not to less than those required in the Table of Dimensional and Density Regulations.

2. Height Requirements. Solar Photovoltaic Installations must be no higher than twelve (12) feet.

F. Design Standards:

1. Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage. A sign for all Solar Photovoltaic Installations – Large Scale consistent with the Town's sign bylaw shall be required to identify the owner and provide the business name for the company (ies) that own and operate the installation, their business address, the name of a contact person, and a 24-hour emergency contact phone number.

3. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place cabling and utility connections from the Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

4. Conditions. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures shall be screened from view by vegetation or fencing.

I. Safety and Environmental Standards:

1. Emergency Services. The Solar Photovoltaic Installation – Large scale owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Topsfield Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Photovoltaic Installation and in accordance with applicable laws, regulations, and bylaws including but not limited to the Conservation Bylaw, the Stormwater Management and Erosion Control Bylaw and the Soil Removal Bylaw.

J. Maintenance: The Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security and safety measures. Site access for Solar Photovoltaic Installation – Large Scale shall be maintained to a level acceptable to the Topsfield Fire Chief.

K. Modifications: All material modifications to a Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

L. Abandonment or Decommissioning:

1. Removal Requirements. Any Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 16.04 L. 2. Of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste shall be in accordance with local, state, and federal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.
2. Abandonment: Absent notice to the Planning Board as provided above of a proposed date of decommissioning or written notice requesting an extension due to extenuating circumstances, the Solar Photovoltaic Installation shall be considered abandoned when it fails to operate or its operations are discontinued for more than one year without the written consent of the Planning Board; or if the Building Inspector has determined that the installation is a hazard to public safety and the conditions have not been corrected within six (6) months.

The Town retains the right, after the receipt of an appropriate court order to enter and remove an abandoned or hazardous Solar Photovoltaic Installation that is not removed by the property owner within six (6) months from the date of abandonment, as described above, or the proposed date of decommissioning. As a condition of approval, an applicant shall agree to allow entry to remove an abandoned installation. The costs for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

16.05 Severability

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

OFFICE OF THE BOARD OF SELECTMEN
8 WEST COMMON STREET
TOPSFIELD, MA 01983

U.S. POSTAGE
PAID
PERMIT 51
TOPSFIELD, MA



TO ALL REGISTERED VOTERS:

RESIDENT

TOPSFIELD, MA 01983

ANNUAL AND SPECIAL TOWN MEETING

Proctor School, Woodbury Auditorium

TUESDAY, MAY 3, 2011 at 7:00PM

And if needed, continued on Wednesday, May 4, 2011

ANNUAL TOWN ELECTION

THURSDAY, MAY 5, 2011

7:00 AM to 8:00 PM

ST. ROSE CHURCH HALL

12 Park Street, Topsfield