

TOWN OF TOPSFIELD



2013 ANNUAL TOWN MEETING

PROCTOR SCHOOL
WOODBURY AUDITORIUM

May 7, 2013 @ 7 P.M.

Minutes

The Moderator reported that we had a quorum and that the Town Meeting would come to order. He asked for assistance and cooperation in maintaining a quorum.

Selectman Laura Powers led the group in the Pledge of Allegiance.

The Moderator noted that the Warrant for the 2013 Annual Town Meeting had been duly served and posted according to law and that the Constable's Return of Service was certified as complete and proper by the Town Clerk. "This, the **363rd Annual Town Meeting**, notice of which was duly posted and advertised, is lawful and will now proceed."

The Moderator continued with the following announcements:

1. Topsfield Cable is taping our meeting for future broadcast. Thanks to Bill Whiting and his crew for making that happen.
2. Microphones have been provided in this auditorium for your convenience. Please use them when addressing the meeting.
3. Whoever desires to address the meeting must first be recognized by the Moderator. If recognized, that person must state his or her name and street address prior to discussion. All discussion is addressed to the Moderator and not to individuals. There are no conversations here. Questions should be addressed to the Moderator who will then determine if there is someone who would want to answer the question.
4. By longstanding tradition in the town, a recommendation of the Finance Committee amounts to a motion, made and seconded, and lawfully before the town for debate. If the Finance Committee recommends no action on a particular article and a resident wants to move for positive action. The vote on the Finance Committee's recommendation of "no action" will be taken before a vote for positive action is in order.
5. If a voter wishes to offer an amendment to a finance committee recommendation or to any other motion, I will require submittal of a written Motion to Amend for review by myself and Town Counsel prior to any action on it. We have some forms available to assist anyone drafting the wording of such an amendment.

Since the Finance Committee recommendation is the motion on which a vote is to be taken, Mr. Hall entertained a motion to allow the Moderator to waive the reading of each and every Article in its entirety, substituting instead a brief synopsis thus aiding an orderly progression of the meeting. After a motion was requested and a seconded, there being no discussion, the motion was adopted unanimously.

The Moderator then introduced the people involved in preparing for and executing this year's Town Meeting. He started with Paula Burke, the Town Clerk, who was serving in this capacity at her last Town Meeting and Beth Willis, who would assist.

The Moderator then introduced the Board of Selectmen:

Eldon Goodhue, Chairman
Martha Morrison, Clerk
Richard Gandt, Member
Laura Powers, Member
Kenneth Vogel, Member

along with Virginia Wilder, Town Administrator, and Lauren Goldberg, our Town Counsel from Kopelman & Paige and the Finance Committee:

Mark Lyons, Chairman
Karen Dow
Paul Dierze
Kathy Hartmann
Dan Shugrue
Heidi Bond
Jonathan Guido

Mr. Hall noted how these folks have committed many hours of their time especially in the last few months to labor with a lot that would come before the meeting. He requested that a round of applause be given for the work that they did in preparation for the meeting.

The Moderator introduced the members of the Town's Financial Team who were seated in the audience, Pam Wood, Town Accountant, and Roberta Knight, Purchasing and Community Development Coordinator, as well as Barbara Michalowski, Town Treasurer, and Assessor Nina Evans who were absent. He welcomed educators Dr. Darrell Lockwood, Superintendent of Masconomet Regional High School, and Dr. Bernie Creeden, Superintendent of our elementary schools. When he asked if there was any objection to having the superintendents sit among the meeting and not in the Visitors' Section, there was no objection so assent was given.

When the Moderator asked for assent to permit non-residents Greg Krom, Superintendent of the Water Department, and Susan Givens, Masco's Finance Officer, to sit among the residents and not in the Visitors' Section, there were no objections so assent was given.

The Moderator acknowledged those serving as tellers for the Town Meeting: Ruth Lucy, Darcy Fulton, Dottie Wass, Elizabeth Collins, Elizabeth Dorn, Mary Connor, and Masconomet Intern Ashor Azeni.

Award Presentations

SELECTMEN'S CERTIFICATES OF APPRECIATION:

The Moderator called upon Chairperson of the Board of Selectman Eldon Goodhue to present the 2013 Appreciation Awards.

Mr. Goodhue noted, “

“It is my great pleasure to honor folks who have worked for the Town over the past years and to present them with Annual Achievement Awards.”

The award recipients were announced alphabetically and those present proceeded to be recognized in front of the audience:

Janice M. Ablon	Town Government Review Committee
George D. Anderson	Town Government Review Committee
Jenifer Collins-Brown	Council on Aging
Paula M. Burke	Town Clerk
Frederick A. Capobianco	Council on Aging
Jeanine P. Cunniff	Elementary School Committee, Cultural Council
Kathleen M. Curran	Cable TV/Website Committee
Donna M. D'Agostino	Council on Aging
Darcy Fulton	Cultural Council
George P. Hall	Conservation Commission & Renewable Energy/Green Communities Com.
J. Stephen Lais	Finance Committee
Holger M. Luther	Town Government Review Committee
Kathryn C. Lyons	Council on Aging
Grace Davini Peabody	Tree Planning
Daniel K. Peabody	Tree Planning
Daniel W. Philpot	Historical Commission
Michael T. Smerczynski	Park & Cemetery Commission
Gregor Smith	Planning Board
Margaret W. Smith	Cultural Council
Allan J. Wallace	Town Government Review Committee

Those not present were also acknowledged by Mr. Goodhue:

David M. Bloss	Fence Viewers
Boyd R. Jackson	Town Government Review Committee
Charles A. Keys	Tree Planning
Joan Panella	Cultural Council

Special Presentation

Mr. Goodhue then introduced Ms. Martha Morrison to present an Achievement Award posthumously. Ms. Morrison recognized Stephen S. Clark for his willingness to serve as a Fence Viewer, which was “his very, very favorite position because it took him right back to colonial days, which he so loved.” She noted that he served as a Selectman, Planning Board Member, Moderator, Town Government Review Committee Member and more. “There were few parts of Topsfield’s government and Topsfield’s community that he did not touch, did not enrich in some way. We are very sad that he could not be with us tonight. We all miss him as a friend and as a member of the community. But we are truly thankful to him for all that he did”.

His wife, Wendy, was asked to accept the award in Stephen’s honor. A rousing standing ovation followed.

The Moderator noted that in the Annual Report could be found an homage to Stephen Clark along with other deceased volunteers who passed away in the last year. He then asked for a moment of silence to acknowledge those individuals along with all members of the community unable to be with us.

Mr. Hall then introduced Bob Wass of the Topsfield-Boxford-Middleton Rotary Club to recognize the years of service to the community by Terry Meinelt, Masconomet Art Department Chairperson. Superintendent Darrell Lockwood was introduced to speak about Terry's contributions to the Masconomet community. Mr. Wass closed with, "Terry, after 37 years, I am sorry to see you go."

ARTICLE FIRST:

REPORTS

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

When the Moderator asked Mr. Goodhue, the Chair of the Board of Selectmen, who would be addressing the meeting on behalf of the Board, Dick Gandt was introduced and said:

I'd like to touch on two areas: some warrant articles that are a follow up from last year, and an update on two current items.

First the warrant articles from our last Town Meeting.

- At that Town Meeting you appropriated funds for a Facilities Study. We went out to bid and selected a consulting firm that conducted that study. As a result we are asking for an appropriation to fund a portion – a small portion – of repairs that are identified in that study.
- You also authorized funds to study the addition of a water treatment plant. As a result we have an article on the warrant this year to design that plant. While there may be various thoughts about this plant, having observed the process that got us to this point, I can assure you your Water Commissioners and Superintendent have done a thorough job to provide a well thought out offering for your consideration.
- Based on your authorization to acquire a permitting application we have selected a vendor and are now implementing it. Town departments have been working on data and procedures, and we plan to go live this summer. This application is intended to improve our back office processes.
- And last year you approved funds for a consultant to assist us in hiring a Town Administrator. It took some time to get started, but encouraged -- rather pushed -- by Laura and Eldon we finally selected a consultant, the Collins Center at UMass Boston and we're on track to identify a candidate by July. Our Town Administrator position is posted with applications due by May 20th. A description of the position is available at www.collinscenter.umb.edu.

A couple of delightful announcements:

- Rowley Bridge Road Bridge -- The Road Commissioners and Highway superintendent have assured us the bridge will be reopened by July. [applause]
- And second, the Board of Selectmen is thrilled to report on the status of the property at Ipswich Road and Route 1. As you may have already seen and heard, that property, the one diagonally across from the Dunkin Donuts, that has been derelict for a decade has very graciously been cleaned up and donated to the town by a generous resident for open space purposes under the custody of the Conservation Commission. Removing this blight in this area has already improved the appearance of the neighborhood. We've been concerned about this environmentally sensitive property with bordering vegetated wetlands and river front that

is in the town's groundwater protection district. We're relieved to have this situation resolved.

Lastly, this evening we have recognized citizens that have completed their years of volunteer service to the town. By the way, some of them have not completed their service to the Town; they have completed their service on a committee, but we know that some of them who came up here are still committed to other committees and we appreciate that. In addition, as your Board of Selectmen, we also want to thank the many current elected and appointed members of boards and committees that volunteer their time to serve Topsfield. You are vital to the effective functioning of our Town government. Thank you. Lastly, we thank so many citizens that volunteer for organizations throughout town – organizations ranging from the TAA, Girl Scouts, Boy Scouts, the garden clubs that beautify our town, to groups such as the Friends of the COA, the Rail Trail and the Library. You are all a part of making Topsfield an enjoyable and pleasant place to live. Thank you very much.

When the Moderator asked if there were any reports from the Finance Committee, Chairperson Mark Lyons stood to give the following report:

Good evening, Topsfield.

Reflecting on the importance of many of the Warrant Articles that will come before you tonight, including those aimed at ensuring the quality of the Town's water supply for years to come, with the help of the historian George Francis Dow [The River Agawam an Essex County Waterway], I located the following colonial indenture, which I think we would call deed, which read:

*I Musconomet, Sagamore of Agawam, do by these presents acknowledge to have received of Mr. John Winthrop the sum of 20 pounds, in full satisfaction of all the right ,property and claim, I have or ought to have unto all the land lying and being in the Bay of Agawam, And I hereby relinquish all the right and interest I have unto all the havens, rivers, creeks, islands hunting and fishing, with all the woods swamp and timber. Witness my hand this 28th of June 1638.
Musconomet.*

We will consider Articles relative to this critical natural resource later in the evening.

Continuing with the spirit of recent Town Budgets, but mindful that relevant economic factors appear somewhat kinder, your Finance Committee Guidelines continued our "No New Programs" approach, but gave consideration to expenditures associated with possible reorganizing or restructuring then under consideration. This still targeted the maintenance of essential Town services. In General Government, these guidelines called for Salary & Wage budget categories to be based on collective bargaining and contractual obligations, and an increase of 2% to the salary and wage grid for non-represented personnel. The Other category was set at a 2% increase. Ongoing Financial Programs, such as automobile leasing were to be reviewed on a case-by-case basis. Fuel and Electricity budget requests were based upon FY 2012 actual and projections into FY 2013. Elementary Schools were set at a **2.00%** increase. The Capital items budget remained limited at **\$250,000** Town Wide. We continue to be concerned with the inadequacy of this funding level for Town wide capital requirements.

A Masconomet guideline was deferred pending discussions with both the Boxford and Middleton Finance Committees. As a three Town joint guideline did not materialize, given the regional nature of the Masconomet school district, a Topsfield guideline was not issued. Finance Committees did continue efforts with Boxford, Middleton and Masconomet officials throughout the budget process, advocating for the certification of a fiscally responsible FY 14 Masconomet budget.

We entertained requests for additional support by departments only if specific Essential Services remained unfunded at Guideline levels.

Once again, this year's guidelines were formulated with the goal of constructing a Town Budget capable of maintaining the provision of essential services to our residents without dependence on Proposition 2 ½ Overrides. **Once again, this difficult fiscal goal has been accomplished. You will find NO Proposition 2 ½ overrides or exclusions of any nature in your Town Meeting Warrants this year.**

The Finance Committee has recommended a FY 2014 total Town budget that includes: a General Operating Budget increase of **3.10%** and a Masconomet Regional School assessment of **\$6,237,692** as certified by the Masconomet Regional School Committee. The FY 2014 total Town budget recommended by the Finance Committee includes an estimated total amount to be raised from various sources, of **\$24,550,511** representing an increase of only **0.62%** over FY13 actual. After making adjustments for state aid and other revenues such as local receipts and assessments, the resulting total expected, at this point in time, to be raised through real estate taxes will be **\$18,830,202**, an increase of **2.73%** over the current year actual. In addition to the Operating Budget, the Warrant offers for your consideration: the purchase of copiers and computers for Town Hall, a telephone system and an SUV for the Police, a document scanner for Inspectional Services, a pick-up truck for Highway and a generator for the library. Also included is funding for a portion of the repairs needed at Town Hall and updates to both the elementary school security and Town mapping systems. Also in the Warrant are Water Department Articles including one for the design of a water treatment plant. Once again, in cooperation with your Selectmen, Town Administrator, Town Hall Financial Team (consisting of your Principal Assessor, Accountant, Treasurer and Purchasing Officer), your Finance Committee liaisons and the Committee as a whole have worked diligently and cooperatively with Department Heads, Committees, Boards and School Administrators throughout the year. As we do annually, we have reviewed budgets in detail and in depth.

We seek your support for our continuing efforts to preserve the essential character and nature of our Town, and to begin the process of addressing significant items that have not been adequately funded while we survived the harsh impact of recent economic times.

Thank you to all who have participated throughout this process for your dedication and cooperation.

Mr. Hall introduced Jeanine Cunniff to speak on behalf of the Elementary School Committee:

Hello Topsfield.

Thank you, Mr. Moderator, Selectmen, Finance Committee, and residents.

The Topsfield Elementary Schools have achieved several important goals this year. With voter support at Town Meeting last year, we implemented significant upgrades to the technology infrastructure at Proctor and Steward Schools. Then using funding from private donors we added new equipment at both schools. Going forward, the School Committee will pursue leasing agreements for equipment such as tablets and laptops. This will allow us to provide students with current technology in a cost effective way.

The proposed FY2014 elementary school budget includes funding to reorganize our Central Office, which is designed to address two issues. The first issue is the ever-growing number of man-hours needed to handle increasing governmental reporting requirements and unfunded mandates. The second issue is the need to hire a new superintendent. Our longtime Superintendent, Dr. Creeden, has stated an intention to retire within a few years. The market for Superintendent candidates is tight. At the same time, our unique structure as a superintendency union offers challenges for the superintendent role. The reorganization of the Central Office will allow us to attract high caliber candidates to our search for a new superintendent.

The Elementary School budget, due in large part to Special Education, includes an increase of 4% over the current budget. The needs of our Special Education students vary from year to year, sometimes causing drastic fluctuations in the operating budget. The School Committee is investigating a means of separately allocating funds for Special Education tuitions and transportation to control for these anomalies.

Topsfield was named a Level 2 district based on the results of the 2012 MCAs testing. One measure that could improve our designation to a Level 1 district is to increase the number of students that move from the level of Proficient to Advanced. As a means to achieve that goal, the Elementary School Committee plans to re-introduce an Extended Studies Program in the 2014-15 school year. This program will allow our schools to better serve our high achieving students.

So we have achieved some goals and have others going forward. In all this, the school Committee appreciates the strong support you have shown for our educational programs and schools. As your school committee, we are committed to maintaining Topsfield's tradition of excellence and to providing our town's children with the best, cost effective education that we can.

The Moderator declared the Annual Town Meeting in recess subject to the call of the Chair at the conclusion of the Special Town Meeting.

2013 SPECIAL TOWN MEETING

The Moderator called the Special Town Meeting to order at 7:39 P.M. and asked the Town Clerk if the Warrant had been properly posted and returned properly executed. Mrs. Burke indicated in the affirmative.

ARTICLE FIRST: **REPORTS**

There were no reports.

ARTICLE SECOND: **PRIOR YEAR BILLS AND WAGES**

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:40 P.M. the Town voted unanimously, exceeding the nine-tenths requirement, to transfer from available funds and appropriate the sum of

\$253	From Animal Control Other Account for veterinary services
\$8,139	From Fire Wage Account for unpaid fire circus detail & contracted longevity

to pay outstanding bills and wages contracted prior to July 1, 2012.

ARTICLE THIRD: **TRANSFER OF FUNDS**

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:42 P.M. the Town voted unanimously 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 2013 fiscal year as follows:

\$2,500	From Tree Wages Account to Tree Other Account
\$1,104	From A22/07ATM to Town Hall Other Account
\$6,218	From Assessors Wage Account to Assessors Other Account
\$5,672	From Essex Retirement Account to Highway Other Account
\$21,586	From Property Liability Insurance Account to Snow & Ice Other Account
\$8,728	From Worker's Compensation Account to Snow & Ice Wage Account
\$10,000	From Police Other Account to Police Wage Account
\$41,000	From Unemployment Account to Police Wage Account
\$14,945	From Police & Fire Accident Insurance Account to Fire Wage Account
\$474	From Essex Retirement Account to Park & Cemetery Other Account
\$1,171	From Essex Retirement Account to Park & Cemetery Wage Account

ARTICLE FOURTH

ACCEPTANCE OF M.G.L. CHAPTER 40, SECTION 13D

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:42 P.M. the Town voted unanimously to accept M.G.L. Chapter 40, Section 13 D relative to the establishment of a reserve fund for future payment of accrued liabilities for compensated absences due any employee or full-time officer of Town upon termination of employment.

ARTICLE FIFTH:

ALFALFA FARM CITIZEN PETITION

Mr. Paul Dierze, on behalf of the Finance Committee, recommended that no action be taken on Article Fifth, which originated as a citizens' petition to ask the Town to authorize the Board of Selectmen to file a petition with the General court for special legislation authorizing the Board of Selectmen to issue to Alfalfa Farm Winery a license for the retail sale of wine to be consumed on the premises at 267 Rowley Bridge Road as set forth in the Special Town Meeting Warrant dated May 7, 2013. Mr. John Kinhan opened the lengthy discussion on the citizens' petition by saying that positive action would be "in the best interest of our community." Alfalfa Farm owner, Mr. Richard Adelman first recited the history of and then tried to dispel some of the misconceptions about Alfalfa Farm. Speaking well past the allowable time of two minutes, Mr. Adelman was interrupted by the Moderator who asked him to restrict his comments to the Home Rule Petition, which was a request to authorize the Board of Selectmen to file a petition with the General Court for special legislation authorizing the Board of Selectmen to grant Alfalfa Farm Winery an alcoholic beverage license for the retail sale of wine to be consumed on the premises. Ms. Trudy Perry, who identified herself as the chairperson of the Agricultural Commission, supported the petition with remarks on the Right to Farm Bylaw, sustainability, agri-tourism and closed with the comment that this action would "level the playing field." When Alfalfa Farm patron Mr. John Spencer asked for someone to shed light on the Finance Committee's recommendation, Mr. Paul Dierze explained that the information came to them late in their cycle and that the committee felt that it was missing information from Town Counsel, so they, therefore, voted "no action." Ms. Heidi Fox, referring to a vote taken in 2002 when the Town did not grant a pouring license, requested that the issue be brought before all voters at the ballot and asked how Alfalfa Farm would advertise. When Mr. Norm Isler asked for more specific details about the winery's operations, the Moderator said that "that is beyond the scope of what this article is asking the Meeting to vote on." He continued, "The question in front of you is a petition that would allow you to petition the legislature for a Special Act that would allow the Board of Selectmen to grant a pouring license to this particular facility at this particular location as long as it holds a farm winery license." He requested that further comments not go "too far afield...." In attempting to answer questions that had been posed, Ms. Trudy Perry explained that if Alfalfa Farm were given the opportunity to apply for the license, then matters, such as advertising, would be addressed at that time. Mrs. Joanne Patton, attending a Topsfield Town Meeting for the first time as a new resident, stood up to speak as a "CEO of a fellow farm." Having known Mr. Adelman since the 1980s, Mrs. Patton described him as "the finest of colleagues" and said that she could not "endorse them more highly than to say they have grown in the proper directions." She stated, "I see no reason that there should be no action on something that is going to establish not only their farm but the open space that it represents." Significant applause followed. Mr. Holger Luther noted that the Meeting was not addressing the issues and inquired about the "legal conundrum" that was preventing a straight up and down vote.

Mr. Paul Dierze responded that it had been "purely an issue of timing." Since the Finance Committee received the information late in their cycle, they did not feel that they had enough information within their timeline to vote positive action. When the Moderator asked if there was anything new, Ms. Hannah Adelman, who grew up on the farm, cited the benefits for Topsfield of having Alfalfa Farm be a "new destination for families." Going well past the two minutes allowed for speakers, the Moderator called time and noted that testimonials to what the farm is all were not helping the Town deal with the question on the floor.

Town Counsel, Ms. Lauren Goldberg, asked for the opportunity to explain how the petition came to be before the Meeting:

Last year you approved an authorization for special legislation for a Home Rule Petition to be filed relative for a granting of a license for tastings to occur at the farm. That legislation has been pending in the General Court and the legislation was re-filed. At a meeting about that legislation it was clear that the farm wanted more than just a license to have tastings in connection with off-premises sales; it was suggested that if they did want to give the Board of Selectmen more authority then they should petition for that and place an article before the town for that purpose. Alcohol beverage licensing in Massachusetts is very restrictive; without a license you're not supposed to do certain things so in Topsfield, the alcohol beverage chapter, Chapter 138 was not accepted by the Town so the Town has been going on a case by case basis for the Board of Selectmen to issue licenses. Some came back to the town as a local acceptance and others just took effect without that local acceptance. What's being presented tonight is another single license that would authorize the Board of Selectmen to issue the license; it would take effect upon passage by the General Court; it would be an authorization for the Selectmen to issue a license; it is written to be specific to farmer Winery. It cannot be transferred. They would have to come to the Selectmen to request the license and follow the regular alcoholic beverage licensing process including if and when approved by the Board of Selectmen and also approved by the ABCC, the Alcoholic Beverages Control Commission. This is the way it arrived before you tonight; this is a policy decision that reflects a determination about what the town feels is appropriate in terms of alcoholic beverage licensing. In order to be able to sell alcohol in town, there needs to be authority to do so. There is a statutory license that they have under section 138 section 19f which allows that off-premises sale of alcohol but the on-premises sale of alcohol, which is what this license would do needs to be authorized by the General Court in the first instance by the Legislature in the first instance by the Board of Selectmen in the second instance and then by the Alcoholic Beverage Commission in the third instance before retail sale of alcohol on the premises could be allowed for consumption on the premises.

Mr. Charles Denault, who identified himself as an objective third party, noted “We could do worse than be known as a town that makes excellent wine and as a destination for agri-tourism” after reminding the Meeting that Topsfield was once known for copper-mining, shoe-crafting, wagon-building. Applause followed. Neighbor to Alfalfa Farm Mr. Bill Guinee asked everyone to support “no action” because the location is dangerous and had witnessed functions that have nothing to do with agri-tourism. He described the request as one for a pouring license that belongs before the townspeople in a vote. Meg Philpot, an abutter to Alfalfa Far emphasized that, though the Town is a licensing agent, the request was being made under the provisions of the agricultural amendments to the economic development act and the Commonwealth has recognized that small farms in general, wineries in particular, need multiple streams of revenue. She reiterated that only small gatherings take place.

At 8:09 P.M., when Mr. George Anderson made a motion to shut off debate, the Moderator explained that a two-thirds vote was required and that it was not debatable. When the vote was taken, Mr. George Hall declared that the motion carried as adopted by a two-thirds vote so that the “debate is concluded.” Mr. Hall said that the Town would proceed to vote on the main motion. After providing clarification on the vote (a “yes” vote would be for “no action”), Mr. Hall asked for the vote, after which he declared “the no’s have it.” He then asked if someone wished to offer an affirmative motion, which Ms. Trudy Perry did:

To the voters of the Town of Topsfield:

I move that the Town authorize the Board of Selectmen to file a petition with the General Court for special legislation in the form printed in the warrant under Article Fifth of this Town Meeting, provided however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to the enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the public purposes of the petition.”

The motion was seconded. The Moderator explained that the motion was essentially to authorize the Selectman to submit Home Rule Legislation as printed in the warrant. He requested non-repetitive discussion. Mr. Richard Gandt equated the request to that for a wine bar. He went on to say that at a recent open meeting the owner had indicated that he would want to open more than just Saturdays and Sundays. Mr. George Anderson commented that this felt like déjà vu for him and that “This is something that the Town should offer and have.” Many applauded. Ms. Trudy Perry refuted the “wine bar” comment and emphasized that this would be in conjunction with agri-tourism.

Mrs. Nancy Luther moved to amend the main motion by deleting the text of section 2 of the proposed Home Rule Petition and inserting in place thereof the following:

(Amendment 1)

Section 2. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws as to the time and manner of voting on the question of issuing the license set forth above, this act shall be submitted for its acceptance to the qualified voters of the town of Topsfield at an annual or special town election following the effective date of this act in the form of the following question:

“Shall an act passed by the General Court in the year 2013, entitled ‘An Act Authorizing the Issuance of a Certain License for the Retail Sale of Wine to be Consumed on the Premises in the Town of Topsfield’, be accepted?”

Below the ballot question shall appear a fair and concise (sic) as prepared by town counsel. If a majority of the votes cast in answer to the question is in the affirmative, this act shall immediately take full effect in the town of Topsfield, but not otherwise.

Section 3 would read ‘This act shall take effect upon passage.’”

The amendment was seconded.

Mr. Adelman quickly expressed his opposition to the amendment.

Town Counsel, Ms. Lauren Goldberg, explained what a Voter Acceptance Provision would do:

If Town Meeting passes the proposed Home Rule Petition as is without the amendment it would go to the General Court; they would enact it. It would take effect immediately. What the amendment does is it would mean that once it was approved by the General Court, it would come back to the town. The Board of Selectmen would place the question of whether to accept the act on the ballot and all of the voters of the town would have the opportunity to vote on whether the Board of Selectmen should be able to issue a license for the retail sale on-premises of alcohol at the farm ...so it essentially puts the question into the hands of all of the voters of the town...no matter what there is no way to put a question on the ballot that is binding without approval from the General Court. So this question could not have gone immediately to the ballot. It has to go first to Town Meeting then to the General Court and then to the ballot.

Mr. Eldon Goodhue stated, "I am speaking fully and 100% behind Alfalfa Farm. I am asking you to turn this down and go for the original motion. When a neighbor comes to you to ask for help, we have got to back him up. He's come; he's asked you for help. Turn down this amendment; it's a ploy...Go for the original motion. And I would ask that we move the question." Moderator George Hall declared, "I won't accept a moving the question at the end of a speech." No one had anything new to say on the amendment. The Moderator explained that a "yes" vote on Mrs. Luther's amendment to the main motion would add a provision to the Special Act that would require its acceptance at the ballot.

The amendment failed when a vote was taken.

The Moderator conducted a vote on the second main motion made by Mrs. Perry to authorize the Home Rule Petition as printed in the warrant. At 8:10 P.M., the motion carried.

ARTICLE SIXTH:
FUNDING MEDICAL BILLS FOR INJURED POLICE OFFICER

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended, and at 8:24 P.M. the Town voted unanimously to appropriate the sum of \$7,000 to pay certain medical expenses as required under M.G.L. Chapter 41, Section 100, and to meet said appropriation transfer the sum of \$7,000 from the Insurance and Restitution Police Injured Officer Account.

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE:

Mark B. Lyons, Chairperson

Heidi L. Bond
Karen A. Dow
Kathryn S. Hartmann

Paul E. Dierze
Jonathan David Guido
Daniel Shugrue

With the business of the Special Town Meeting concluded, Mr. Hall entertained a motion to dissolve the Special Town Meeting. A motion was made and seconded. The unanimous vote to dissolve the Special Town Meeting was taken at 8:24 P.M.

2013 ANNUAL TOWN MEETING continued

The 2013 Annual Town Meeting reconvened at 8:25 P.M. with Article Second.

ARTICLE SECOND:

RESERVE FUND

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 8:25 P.M. the Town voted unanimously to appropriate the sum of \$150,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$31,553 from Free Cash and \$118,447 from Overlay Reserve.

ARTICLE THIRD:

GENERAL OPERATING BUDGET

Mrs. Karen Dow, on behalf of the Finance Committee recommended that the Town vote to appropriate the sum of \$15,452,594 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 as stated in attachment A; and to meet said appropriation, raise and assess the sum of \$15,350,102; transfer the sum of \$34,770 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 \$1,722 from the Fund Balance Reserved for Reduction Future Excludable Debt Account.

Mrs. Dow asked voters to refer to Attachment A in the back of the 2013 Annual Town Meeting Warrant.

Mrs. Dow stated, "As allowed by the Moderator, to save time I will read only the elected officers and the budget subtotal lines, and skip saying 'dollars' each time. The Fiscal Year 2014 General Operating Budget is as follows:

Elected officers:

Moderator 50

Selectmen:	Chairman	1
	Clerk	1
	Member	1
	Member	1
	Member	1
Assessors:	Chairman	1,500
	Clerk	1,500
	Member	1,500
Town Clerk:		52,895
Planning Board:	Chairman	1
	Clerk	1

Member 1
Member 1
Member 1

Subtotal General Government: 1,790,135

Subtotal Public Safety: 2,005,455

Subtotal Elementary Schools: 6,339,065

Subtotal Public Works: 789,031

Subtotal Human Services: 619,100

Subtotal Culture & Recreation: 754,932

Subtotal Debt Service: 669,209

Subtotal Other Expenditures: 3,196,667

Total Budget Recommendation: 15,452,594

This article approves the Fiscal Year 2014 General Operating budget for the Town for general government purposes and the elementary schools. The budget assessment for Masconomet will be addressed in Article 5 later this evening.

Each department budget before you was prepared by department managers with reference to guidelines established by the Finance Committee last fall. These guidelines were detailed by Mr. Lyons in his report. Once again the guidelines stated no new government or programs except those associated with contemplated restructuring, and requested departments to focus on essential Town services.

Each Finance Committee liaison worked diligently with their departments to understand the essential services, other funding sources such as grants and revolving funds, and where essential services might require a department budget beyond the guidelines. By and large, the department budgets before you comply with the guidelines. Overall, department operating budgets have increased by \$290,728 or 2.57% over last year, while pensions, insurance and debt costs increased by \$174,120 or 4.72% compared to last year. The net result is the proposed General Operating budget before you has increased by \$464,848 or 3.1% compared to last year's Article 3 approval.

In the proposed department budgets before you, deviations from the guidelines are in general small and have been deemed essential. These include the costs associated with contracting out some work in the Assessors' Office; up-front costs to pursue delinquent taxes; coverage of a portion of the Conservation Commission Administrator's salary as revenue into the Wetlands Fees revolving account, which provided funding in the past, is down; additional hours for police officers associated with an increase in business as well as mandated additional training; an increase in clerical hours for the Fire Department for the first time in 50 years; and extraordinary special education costs for the Elementary Schools. You will also note an increase in the Veteran's Benefit line. The town is required to have a Veteran's Agent, which has been ably filled by volunteers for many years, most recently Dick Cullinan. However, Mr. Cullinan is unable to continue in the position, and so a consultant must be paid. Finally, there is also a shift in funds from Snow & Ice Account to Highway Account, as required by the State.

The proposed General Operating budget before you is a result of a collaborative effort between department managers, town boards, the Town Administrator, Town Hall Financial Team, Finance Committee and Selectmen. The Finance Committee believes its

recommendation is responsive to the needs of the citizens, both in terms of services and costs.

During the discussion that followed, Mrs. Kim Sherwood asked for clarification on the elementary school budget. Both Mrs. Karen Dow and Mrs. Jeanine Cunniff provided feedback, noting that the elementary school budget, which is available in detail on the Town’s website, is a “bottom-line budget.” Mrs. Cunniff provided more specific details about special education costs that led to the higher than expected request.

Following the brief discussion, at 8:35 P.M., the Town voted unanimously to approve Article Third, the General Operating Budget for FY 14, as written in Attachment A of the 2013 Annual Town Meeting Warrant.

ARTICLE FOURTH:

WATER DEPARTMENT OPERATING BUDGET

Mr. Paul Dierze, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$853,157.00 as detailed herein, and to meet said appropriation \$853,157.00, to come from Water Revenue, to operate the Water Department from July 1, 2013, through June 30, 2014, and to approve the sum of \$106,229.00 of indirect costs appropriated in the General Fund under Article Third in the 2013 Annual Town Meeting Warrant, to be funded from Water Revenue.

Appropriated Fiscal Year 2013		Proposed Appropriation Fiscal Year 2014
	WATER DEPARTMENT OPERATING BUDGET	
\$ 73,092.00	Salary	\$ 77,240.00
148,082.00	Wages	155,791.00
265,330.00	Other	273,054.00
83,500.00	Long-Term Debt Principal	84,000.00
34,077.00	Long-Term Debt Interest	31,572.00
-	Short-Term Debt Interest	20,000.00
-	Debt Issue Costs	5,000.00
-	Short Term Debt Principal Paydown	
94,000.00	Water Reserve Fund	130,000.00
75,000.00	Unanticipated Emergency	76,500.00
773,081.00	SUB-TOTAL – DIRECT COSTS	853,157.00
110,116.00	Indirect Costs	106,229.00
883,197.00	TOTAL: WATER DEPARTMENT	959,386.00

At 8:36 P.M., the article passed unanimously.

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended that the Town vote to approve the 2014 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$29,572,272 and appropriate the sum of \$6,237,692 to fund the Town's share of the Fiscal Year 2014 Masconomet Regional School District Assessment of which the sum of \$5,939,690 supports the Maintenance & Operating Budget, and the sum of \$298,002 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,237,692. Mrs. Kim Sherwood shared some statistics and made some projections based on information she had gleaned from the budget that is on the Masconomet Regional School District website. Mrs. Hartmann responded that the Finance Committee believed that the budget brought to them was in line with a school that size. Superintendent Darrell Lockwood confirmed that the budget is up 3.4% and noted that the community contribution is not relevant. Mrs. Hartmann noted that the difference in the assessment is \$64,628. At 8:43 P.M. the Town adopted the recommendation.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 8:45 P.M. the Town voted unanimously to approve the 2014 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$11,775,091 and raise and assess, and appropriate the sum of \$50,948 for the Town's share of the assessment of same.

ARTICLE SEVENTH:

ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 8:44 P.M. the Town voted unanimously to approve the 2014 Fiscal Year Debt Service of the Essex North Shore Agricultural and Technical School District in the amount of \$1,238,884 and raise and assess and appropriate the sum of \$6,931 for the Town's share of the debt service.

CONSENT CALENDAR – ARTICLES EIGHTH THROUGH FOURTEENTH

The Moderator introduced an innovation in Town Meeting called a Consent Calendar, “which is a series of articles that appears on the Warrant every year and is fairly routine; through the device of unanimous consent, they are voted on as a block...the Finance Committee’s recommendations as appearing in the Warrant.” Mr. Hall explained that to discuss any articles separately, during his reading of the articles by number, the voter should yell out “hold” to extract that article from the Consent Calendar so that it would be debated and voted on separately. Since there was no interruption when the Moderator read Articles Eight through Fourteen, none of the those articles was deliberated and/or voted on separately.

ARTICLE EIGHTH:

LEASE OF EMERSON FIELD

Recommended that the Town vote to authorize the Board of Selectmen, with the advice of the Park & 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 vote to appropriate and transfer from Free Cash the sum of \$1,250 for said lease.

ARTICLE NINTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

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.

ARTICLE TENTH:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

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.

ARTICLE ELEVENTH:

PARK REVOLVING FUND

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 \$45,000 in the ensuing year.

ARTICLE TWELFTH:

CEMETERY REVOLVING FUND

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.

ARTICLE THIRTEENTH:

CONSERVATION COMMISSION REVOLVING FUND

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, part-time wages 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.

ARTICLE FOURTEENTH:

LANDFILL - ANNUAL ENGINEERING & MONITORING

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 2014 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.

At 8:45 P.M. Articles Eight through Fourteen were approved unanimously by the voters.

For the first time in recent history in Topsfield, a Consent Calendar was executed!

ARTICLE FIFTEENTH:

LANDFILL – FIELD AND INFRASTRUCTURE MAINTENANCE

Mr. Dan Shugrue, on behalf of the Finance Committee, recommended and at 8:47 P.M. the Town voted unanimously to appropriate from available funds the sum of \$20,000 to be expended by the Board of Selectmen, with the advice of the Park & Cemetery Commissioners, for maintenance of the Town's sanitary landfill infrastructure and for maintenance of the landfill's recreational fields; and to meet said appropriation transfer \$7,069 from A10/01 STM, \$12,000 from A7/12 STM and \$931 from Free Cash.

ARTICLE SIXTEENTH:

REPLACE TOWN HALL COPIERS

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 8:48 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$15,000 to be expended by the Board of Selectmen for the purchase and replacement of two Town Hall copiers.

ARTICLE SEVENTEENTH:

TOWN HALL COMPUTER TECHNOLOGY

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 8:48 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$9,500 to be expended by the Board of Selectmen to purchase and install replacement batteries for the UPS system and purchase and install five computer workstations, including all related hardware and software.

ARTICLE EIGHTEENTH:

POLICE STATION TELEPHONE SYSTEM

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended and at 8:49 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$8,350 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase and install a digital telephone system to replace the Police Station's existing system.

ARTICLE NINETEENTH:

PURCHASE OF A DOCUMENT SCANNER FOR INSPECTIONAL SERVICES

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:50 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$9,000 to be expended by the Board of Selectmen with the advice of the Inspectional Services Department for the purchase and installation of a large format scanner, including all related hardware and software.

ARTICLE TWENTIETH:

PURCHASE OF A PICK-UP TRUCK

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:50 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$39,500 to be expended by the Board of Selectmen, with the advice of the Board of Road Commissioners, to purchase and equip a new pick-up truck; and trade-in or sell a 2002 Chevrolet K2500 truck.

ARTICLE TWENTY-FIRST:

PURCHASE OF A 4X4 POLICE VEHICLE

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended and at 8:51 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$37,400 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase and equip a new 4x4 SUV Police vehicle, and trade-in or sell a 2008 Ford Crown Victoria.

ARTICLE TWENTY-SECOND:

FISCAL YEAR 2014 ADDITIONAL REAL ESTATE EXEMPTION

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended and at 8:52 P.M. the Town voted unanimously 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 2014 for all taxpayers qualifying for a personal exemption.

ARTICLE TWENTY-THIRD:

PROPERTY TAX EXEMPTION FOR COOPERATIVES

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended that the Town vote to accept Massachusetts General Law Chapter 46, Section 48, of the Acts of 2003 which adds a new local acceptance clause, Clause 55, to MGL Chapter 59, Section 5, which provides Property Tax Exemption to units leased to and occupied by members of cooperatives and occupied as their domiciles are considered owned by the members for purposes of making them eligible for personal exemptions. Mr. Guido explained that this local option would permit members of cooperatives, such as veterans, who lease and occupy units of cooperatives as their domicile to apply for personal exemptions. Under the current statute they are not eligible because of ownership requirements for such exemptions. At 8:53 P.M., the Town approved the motion unanimously.

ARTICLE TWENTY-FOURTH:

VETERANS TAX WORK-OFF PROGRAM

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended and at 8:54 P.M. the Town voted unanimously to accept Massachusetts General Law Chapter 59, Section 5N, authorizing the Board of Selectmen to establish a program to allow veterans who qualify for participation to volunteer to provide services to the Town in exchange for a reduction in real estate property tax obligations of that veteran on the veteran's tax bill, in addition to any exemption or abatement to which that person is otherwise entitled, not to exceed \$1,000 and not to exceed the current minimum wage of the Commonwealth per hour; and further to see if the Town will vote to adjust the exemption by (1) allowing an approved representative for persons physically unable to provide such services to the Town; or (2) allowing the maximum reduction of real property tax to be based on 125 volunteer service hours in a given year rather than \$1,000.

ARTICLE TWENTY-FIFTH:

FUND TOWN EMPLOYEE EMPLOYMENT SEPARATION

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$20,000 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 contracts or collective bargaining agreements. In response to philosophical questions by voters about obligations of the Town to separated employees, Selectmen Dick Gandt explained that this kind of article creating a separate pool of money was introduced three years ago to remove anomalies in individual department budgets. He further explained that employees are entitled to twenty-five percent of accrued sick time upon retirement because of labor agreements and personnel regulations for non-union employees. At 8:58 P.M. the motion carried.

ARTICLE TWENTY-SIXTH:

FUND POST EMPLOYMENT BENEFITS

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended that the Town voted to appropriate and transfer from Free Cash the sum of \$100,000 for the "Other Post-Employment Benefits Liability Trust Fund". He explained that the Town accepted Massachusetts General Law chapter 32b, section 20 establishing the Other Post-Employment Benefits Liability Trust Fund at the May 2010 Annual Town Meeting within Article 24. This article would allow the Town to continue to fund its OPEB liability by depositing funds in the Trust. At 8:59 P.M. the motion carried.

ARTICLE TWENTY-SEVENTH:

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:00 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$18,319 as a grant to fund certain activities of the Tri-Town Council, which is a non-profit.

ARTICLE TWENTY-EIGHTH:
SENIOR CARE CITIZEN PETITION

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:00 P.M. the Town voted unanimously to appropriate and transfer from Free Cash the sum of \$1,500 as a grant to Senior Care Inc., a non-profit.

ARTICLE TWENTY-NINTH:
REPAIR OF TOWN FACILITIES

Mr. Mark Lyons, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$131,250 to be expended by the Board of Selectmen to fund a portion of the repairs to Town facilities as recommended in the report from the "Town Buildings Assessment". He explained that last year's Town Meeting appropriated funding for an assessment of the Town's building needs. This article would allow the Board of Selectmen to select and fund several of the repairs recommended in that assessment. At 9:01 P.M. the Town voted unanimously to approve the recommendation of the Finance Committee.

ARTICLE THIRTIETH:
PURCHASE LIBRARY GENERATOR

Mrs. Karen Dow, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$50,000 to be expended by the Board of Selectmen, with the advice of the Board of Library Trustees, to purchase and install an emergency generator for the Town Library. Mrs. Dow explained that the library is built on land with a high water table, and so the basement is subject to flooding. There are sump pumps that in general keep the basement dry. However, during some power failures the water table is also high, and the Library has had water in the basement. The water flows into the elevator shaft and affects other building infrastructure. The emergency generator would provide backup power to keep the pumps running. When Mr. John Kinhan questioned the size and expense of the generator, Library Trustee Audrey Iarocci asked if Library Director Laura Zalewski could speak to this question. Mrs. Zalewski explained that the generator would also power the stormwater ejector pumps that we have including the 2 sump pumps, the electricity and the boiler and that \$30,000 would be a more realistic estimated cost. Mrs. Zalewski presented some worst case scenarios if a generator were not purchased for the library. Selectmen Dick Gandt added that prevailing wage obligations increase labor costs and that any differential would go to Free Cash the following year. At 9:07 P.M. the recommendation was approved.

ARTICLE THIRTY-FIRST:

UPDATE ELEMENTARY SCHOOL SECURITY

Mr. Dan Shugrue, on behalf of the Finance Committee, recommended that the Town appropriate and transfer from Free Cash the sum of \$40,000 to be expended by the Board of Selectmen, with the advice of the School Committee, for the purchase and installation of a card access system, including hardware and software, for external doors at the Proctor and Steward Elementary Schools. The objective of this article is to reasonably improve the building security and access capabilities for the Proctor and Steward Elementary Schools. Specifically, this article would fund the installation of card access hardware and supporting software on appropriate external doors located at both schools. Authorized personnel would be given unique access cards to enter the assigned buildings at authorized times and days. The system will be programmable and managed by the Director of Facilities. At 9:08 P.M. the Town voted unanimously to approve the article.

ARTICLE THIRTY-SECOND:

TOWNWIDE MESSAGE ALERT SYSTEM

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that no action be taken and advised the Town to wait before investing in such a system. At 9:09 P.M. the recommendation of the Finance Committee was adopted unanimously.

ARTICLE THIRTY-THIRD:

MAP UPDATE

Mrs. Karen Dow, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$6,950 to be expended by the Board of Selectmen to update the Town's maps to a geodatabase format. Mrs. Dow explained that the Town maps were updated in 1998. The data layers that include the parcel and easement lines were converted to geodatabase format, the current industry standard. This article funds conversion of the planimetric and topographic layers to geodatabase format, providing a complete set of tax maps in industry standard format. This is required for printing hard copies of the maps as required by State law. This will also allow us to provide parcel data to MassGIS and be eligible for possible grant money for further updates. At 9:09 P.M. the Town adopted the motion unanimously.

ARTICLE THIRTY-FOURTH:

FIRE DEPARTMENT LIABILITY RISK REDUCTION TRAINING

Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$25,000 to be expended by the Board of Selectmen, with the advice of the Fire Chief, for the purpose of Liability Risk Reduction Training for members of the Topsfield Fire Department. This article would fund additional liability risk reduction training for all firefighters. Because the town has a small combination fire department, all firefighters must be able to perform all functions under inherently dangerous conditions. Therefore, all firefighters should be trained to the minimum acceptable industry standard. When asked by Mrs. Kim Sherwood how the money would be spent, Fire Chief Ron Giovannacci, a member of the Topsfield Fire Department since 1977, provided compelling evidence, e.g. that Topsfield has three hundred serious medical aid calls per year, to illustrate the importance of having a properly trained fire department. The Department must meet OSHA standards and should adhere to National Fire Protection Agency standards, which cannot be done without proper funding. He explained that the current budget is \$25,000 and this appropriation would increase it to \$50,000, which is still in the low end of the range when compared to similar communities, many of which are not nearly as busy. The increasing number of fifty-five and over communities are drawing in a wonderful but higher risk population. Chief Giovannacci received a round of applause when he asked the voters to support their friends and neighbors (twenty-six call firefighters out of twenty-nine on the Fire Department). At 9:16 P.M. the Town voted unanimously to support the recommendation.

ARTICLE THIRTY-FIFTH:

EMPLOYEE COMPENSATION STUDY

Mr. Jonathan Guido, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$10,000 to be expended by the Board of Selectmen to research and develop an updated compensation plan for non-union town employees. Mr. Guido explained that this article would approve the funding of a study to review and update the town's current classifications, to prepare a benchmark survey of comparable communities, and to recommend adjustments, if any, to the compensation plan. At 9:17 P.M. the Town voted unanimously to adopt the motion.

ARTICLE THIRTY-SIXTH:

WATER MAIN DESIGN - WASHINGTON STREET

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:18 P.M. the Town voted unanimously to appropriate and transfer the sum of \$50,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, for the preparation of design plans and construction documents for the replacement of the Washington Street water main from approximately Colrain Road to River Road.

ARTICLE THIRTY-SEVENTH:

REPAIR OF ROADWAY - RIVER ROAD

Mr. Paul Dierze, on behalf of the Finance Committee, recommended that the Town vote to appropriate and transfer the sum of \$35,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to fund the repair of approximately 300 yards of River Road from Prospect Street to 95 River Road. After Mr. Dierze quickly answered a voter's question about enterprise funds, the Town approved the motion unanimously at 9:19 P.M.

ARTICLE THIRTY-EIGHTH:

WATER STORAGE TANKS – DESIGN OF REPAIRS AND IMPROVEMENTS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:19 P.M. the Town voted unanimously to appropriate and transfer the sum of \$50,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, for the preparation of design plans and construction documents for repairs and improvements to the Boston Street and Garden Street water storage tanks.

ARTICLE THIRTY-NINTH:

FUND FOR MINOR REPLACEMENT WATER MAINS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:20 P.M. the Town voted unanimously to appropriate and transfer the sum of \$100,000 from the Water Enterprise Retained Earnings to establish an account to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, for replacement of minor sections of water mains.

ARTICLE FORTIETH:

GRAVEL PACK WELLS - IMPLEMENTATION AT PERKINS ROW PUMPING STATION

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:21 P.M. the Town voted unanimously to appropriate and transfer the sum of \$250,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to fund the engineering design, construction and other project related expenses for the Perkins Row Gravel Pack Wells Project.

ARTICLE FORTY-FIRST:

WATER TREATMENT PLANT DESIGN

Mr. Paul Dierze, on behalf of the Finance Committee, recommended that \$800,000 is appropriated for the purpose of financing for project management, design, preparation of construction documents, pilot testing, permitting and bidding of a water treatment plant including water transmission mains and other associated costs of the project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$800,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer, with the approval of the Selectmen, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer, with the approval of the Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Water Commissioners is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Mr. Joseph Geller, a Topsfield homeowner on a private well and a Topsfield business owner on town water, asked if all taxpayers would help to supply his business with water. Mr. Philip Knowles, as Chairman of the Water Commissioners, explained that all payments would be through the Enterprise Fund. Mr. Knowles also asked if Water Superintendent Greg Krom could address the meeting; there was no objection. Mr. John Spencer asked if Topsfield, like some communities, has a long-term plan (25-150 years) for water. He compared our rates to nearby Peabody, which draws from the MWRA. He questioned moving ahead "with no clear plan." Supt. Krom assured the voters that studies have shown that Topsfield will have enough water for at least the next twenty years with some extra room. He further explained why connecting to the MWRA or the Salem/Beverly Water Supply would not be feasible at this time, mostly because of the length of pipeline that would need to be laid down. Supt. Krom described the alternatives that were considered in the study. Ms. Priscilla Coughlin asked about where Topsfield's water rates are going while describing increasing rates being charged in neighboring Rowley. Supt. Krom provided details about the calculation of Topsfield's water rates. Mr. Spencer asked if we might be able to find any partners who would be willing to join us. Supt. Krom noted that the time to join the MWRA would have been if Danvers had tied in. Mr. John Kinhan expressed his opposition because he questioned the need to build a water treatment plant mostly to deal with excessive manganese, when the 2012 Topsfield Water Quality Report indicated that the manganese (which is not even regulated) levels are below the suggested limit set by the EPA. Mr. Kinhan recommended that homeowners purchase an easy to install, low-cost reverse osmosis water filtration system for their homes as an alternative to building a water treatment plant for \$7,000,000 and adding long-term personnel costs. There was mild applause. Supt. Krom described calendar year 2012, the year after manganese reporting was first mandated, as an anomaly and shared data indicating that in most years the levels of manganese in the town water is higher than the limits established by the DEP and EPA.

Mrs. Jeanine Cunniff praised both the Water Commission and the firm that was hired to conduct the study but suggested waiting so that the Board of Selectmen could work with the State to control beaver activity. At 9:41 PM it was the Moderator's judgment that the motion failed to obtain even a majority vote (and not the 2/3 required for a borrowing article).

ARTICLE FORTY-SECOND:

AMEND DEMOLITION DELAY BYLAW

To see if the Town will vote to delete Town Code, Chapter XXVI, sections 26-4 through 26-4.7 in their entirety and replace with the following:

“26-4. Procedure

26-4.1 No demolition of a Significant Structure, or any portion thereof, shall be permitted except in conformity with the provisions of this By-law. A permit for the demolition of such a structure or portion thereof shall be issued only upon compliance with the provisions of the By-Law.

26-4.2 The Commission shall maintain and keep current a List of Significant Structures that meet the criteria specified in section 26-2.3, and shall provide said List to the Building Inspector.

26-4.3 Upon receipt of an application for a demolition permit, the Building Inspector shall refer to the List of Significant Structures. If the Building Inspector determines that the application pertains to a Significant Structure, the Building Inspector shall deny the application and notify the Commission in writing of this action.

26-4.4 Upon notification of denial of a demolition permit by the Building Inspector, if the applicant wishes to proceed, the applicant shall within 60 days of denial, file an Application for Significant Structure Review (“Application for Review”) with the Commission. The Application for Review shall include the following information and materials:

- a. A map showing the location of the structure or portion thereof to be demolished with reference to the lot lines and to neighboring building and structures;
- b. Photographs of all elevations;
- c. A written description of the structure or portion thereof to be demolished, sufficient to identify the nature and extent of the proposed demolition;
- d. The reason for the proposed demolition and data supporting said reason;
- e. Plans for the proposed restoration or buildings that will replace the demolished structure;
- f. Authorization for a site visit by the Commission.

26-4.5 Upon receipt of an Application for Review filing, the Commission shall, within fourteen (14) days of such filing, assess the structure or portion thereof and hold a meeting of the Commission (during a site visit or otherwise) to make a determination relative to the proposed demolition.

26-4.6 If the Commission determines that the proposed demolition of the structure or portion thereof would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector and applicant of such in writing within ten (10) days of such determination. Upon receipt of such notice, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, rules and regulations, issue a demolition permit for the subject structure or project.