



**ANNUAL/SPECIAL TOWN MEETINGS
PROCTOR SCHOOL – WOODBURY AUDITORIUM
TUESDAY, MAY 2, 2017**

The several articles in the Warrant for the Meeting and the action of the Town thereto.

The Moderator reported there was a quorum and called the Annual Town Meeting to order at 7:11 PM. The Moderator announced that the cafeteria was open for over-flow seating and was equipped with audio speakers. The Moderator introduced himself and confirmed with the Town Clerk that the warrant had been served and duly posted, and that the Return of the Constable was certified as proper and complete, posted and advertised as required by law, and called the meeting to order. The meeting was opened with the Pledge of Allegiance.

The Moderator moved to his introductions, recognizing the Board of Selectmen: Chairman Stephen Lais, Mark Lyons, Martha Morrison, Laura Powers, Boyd Jackson, followed by Town Administrator Kellie Hebert and Town Counsel Lauren Goldberg. He then introduced Finance Committee Members, Chairman Karen Dow, Jonathan Guido, Dana Warren, Eric Menzer, Michael Hartmann, Che Elwell and Louis Ross, as well as Administrative Assistant Jennifer Davis.

In attendance were Department Heads as follows: Treasurer/Collector Barbara Michalowski, Town Accountant Catherine Gabriel, Highway Superintendent Dave Bond, Water Department Superintendent Greg Krom, Police Chief Evan Haglund, Council on Aging Director Paula Burke, Board of Health Agent John Coulon, Conservation Commission Administrator Heidi Gaffney, Board of Library Director Laura Zalewski, and Purchasing and Community Development Coordinator Donna Rich. Members of Boards and Committees in attendance include: Holger Luther and Cheryl Jolley of the Conservation Commission, and Sheryl Knutsen from the Board of Health. Superintendent Scott Morrison from Topsfield Elementary Schools and Masconomet Superintendent Kevin Lyons were also recognized, as well as School Committee Board Members. Also representing the schools, the Moderator introduced Susan Givens, Steve Greenberg and Steve Clifford. He concluded with identifying the tellers, Dottie Wass, Dianne Bayliss, Mary Connor, Ruth Lucy and Paula Burke.

The Moderator asked for permission to allow out of town Department Heads and leadership of Departments to sit with their peers, and there were no objections.

A summary of further announcements are listed below:

1. Microphones have been provided in the auditorium for your convenience. We ask that you use them when addressing the meeting.
2. If one wishes to speak to any question, one must first be recognized by the Moderator. When recognized, the person must state his or her name and street address. Three minutes is provided for each speaker. Debate should be conducted in a respectful and courteous manner.

3. By long standing tradition in the Town, a recommendation of the Finance Committee amounts to the main motion, and doesn't require a second. If the Finance Committee recommends "no action" on a particular article, and a voter desires positive action on the article or an amended article, the voter may and should, during discussion of the Finance Committee recommendation, state his or her intention to move for positive action on the article or an amended article if the Finance Committee's "no action" recommendation is voted down; but, the vote will be taken on the Finance Committee's recommendation of "no action" before a motion for positive action is in order.
4. If a voter desires to move an amendment to a Finance Committee recommendation or to any other motion, I will require a written proposed motion to amend for review by myself and Town Counsel prior to any action on it. We have printed forms for these motions and will be happy to help anyone who needs assistance in making it out.

ARTICLE FIRST:

REPORTS

Phil Knowles, 75 High Street, Chairman of the Board of Water Commissioners, gave a brief report on the status of the Water Treatment Plant Project. Due to legal and other unexpected issues, bids for the water treatment plant and the water lines to connect the pump stations to the treatment plant, have not yet been finalized. In order to continue the project for this construction season, the Water Commissioners have asked the Board of Selectmen to authorize and call a Special Town Meeting for June 20th.

Martha Sanders, 192 Rowley Bridge Road, described the citizen's petition for purchase, with Essex County Greenbelt, of Donibristle Farm. She then introduced Chris LaPoint, Director of Land Conservation at Essex County Greenbelt. He described the location and size of the land and the types of recreation that will be available. He explained that the town would invest in a conservation restriction on approximately 46 acres. Part of the acquisition would be paid through private fundraising, the Finance Committee's recommendation to use capital exclusion to fund the Town's portion, and possible reimbursement through the state's land grant program. The cost per average household would be a little more than \$18 a month for one year.

At 7:38 PM, the Moderator called the Annual Town Meeting into a brief recess and called to order the Special Town Meeting.

ARTICLE FIRST:

REPORTS

There were no reports.

ARTICLE SECOND:

PRIOR YEAR BILLS

There are no bills, therefore the Article was withdrawn.

ARTICLE THIRD:

TRANSFER OF FUNDS

The Finance Committee recommended that the Town 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 2017 fiscal year. The Town so voted as follows:

FROM:		TO:	
\$75,800	Medical Insurance	\$16,000	Snow & Ice Wages
		\$50,000	Snow & Ice Other
		\$9,800	Selectmen Special Other
\$21,569	Liability Insurance	\$1,274	Selectmen Other
		\$5,000	Selectmen Special Other
		\$4,000	Town Hall Other
		\$3,950	Police Other
		\$7,345	Fire Other
\$6,000	Essex Retirement	\$1,500	Accounting Other
		\$2,000	Town Clerk Other
		\$2,500	COA Other
\$1,744	Assessor Wages	\$1,744	Assessor Salary
\$5	Selectmen Wages	\$5	Selectmen Salary
\$240	Treasurer Other	\$240	Treasurer Wages
\$3,042	Town Clerk Wages	\$1,042	Town Clerk Salary
		\$2,000	Town Clerk Other

ARTICLE FOURTH:

PEG ACCESS AND CABLE RELATED FUND

The Finance Committee recommended that the Town vote to accept General Laws Chapter 44, S. 53F $\frac{3}{4}$ and establish a special revenue fund, known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for Fiscal Year 2017, which begins on July 1, 2016; and further, to transfer the balance of Cable PEG Access Fund as of June 30, 2016 to fund said appropriation, and the Town so voted unanimously.

The Moderator took this time to thank the people from the cable network who are videotaping this meeting.

ARTICLE FIFTH:

STUDENT INFORMATION MANAGEMENT SOFTWARE FOR TRI-TOWN SCHOOL UNION

To see if the Town will vote and transfer from available funds a sum of money to be expended by Topsfield Elementary School Committee to purchase Topsfield's share of Student Information Management Software for the Tri-Town School Union or take any other action relative thereto.

The Finance Committee recommendation of no action was so voted by the Town.

ARTICLE SIXTH:

PROGRAMMING SPACE FOR COUNCIL ON AGING SERVICES AND ACTIVITIES

The Finance Committee recommended that the Town vote to appropriate and transfer from Fiscal Year 2017 Operating Budget Pensions/Essex Retirement the sum of \$7,200 to be expended by the Board of Selectmen to lease programming space for Council on Aging services and activities for Topsfield's seniors. The Town so voted unanimously.

A motion to conclude the Special Town Meeting was made and seconded and the Annual Town Meeting was re-convened at 7:49 PM and resumed with Article First – Reports.

Joseph Quigley, Jr., Chairman of the Elementary School Committee, spoke about the School Envelope project. Town-wide Building Assessment Studies in 2013 and 2015 found repairs necessary and of pressing need, respectively. He explained how the committee applied for, and was granted, a reimbursement from the Massachusetts State Building Authority's Accelerated Repair Program for one-third of the total cost. He then described the scope of the repairs and the process and timeframe involved.

Stephen Lais, chairman of the Board of Selectmen, with the assistance of Mark Lyons presented Recognition Awards to members of the community as follows:

Paula M. Burke	Housing Authority
Joseph Geller	Recreation Committee
Ann Gill	Town Clerk
Chief Ronald Giovannacci (ret)	Fire Department
Judith F. Lais	Library Trustee
J. Stephen Lais	Board of Selectmen
Laura J. Powers	Recreation Committee
Steven J. Powers	Recreation Committee

Recipients not accepting in person were:

Lois B. Carpenter	Council on Aging
Rose M. David	Housing Authority
Elizabeth A. Dorn	Board of Registrars
Mark H. Frampton	Park and Cemetery Commission

Chairman Lais, expressed his thanks to the Finance Committee and the Town Hall Finance Team for their hard work in bringing forth the balanced budget before the Town this evening. He described the new Municipal Modernization Act and noted some changes to the structure of this year's warrant.

Karen Dow, chairman of the Finance Committee, presented the Finance Committee's report outlining the process of Budget planning for Fiscal Year 2018. The guidelines stated no new programs and departments were asked to concentrate on services essential to the Town. She, too, referenced changes to the structure of the warrant related to the Municipal Modernization Act. Chairman Dow summarized several Finance Committee recommendations regarding borrowing and debt payments.

ARTICLE SECOND:

AUTHORIZATION TO TRANSFER BALANCES

Account/Offset Item:	Amount:
Library Loan Subsidy	46,419.40
Fund Balance Reserved for Reduction of Future Excludable Debt	1,585.00
Police Insurance & Restitution Account	38,000.00
Conservation Revolving Fund	10,000.00
Cable/PEG	<u>35,000.00</u>
Total Balance to Transfer:	\$131,004.40

The Finance Committee recommended that the Town vote to transfer the sum of \$131,004.40 from various funds listed under Article Second in the warrant to fund the General Operating Budget in Fiscal Year 2018 to be voted under Article Third. The Article passed unanimously.

ARTICLE THIRD:

GENERAL OPERATING BUDGET

The Finance Committee recommended that the Town vote to appropriate the sum of \$19,270,315.00 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1, 2017, and determine the manner of expending the same as stated in Attachment A; and to meet said appropriation, in addition to the amount appropriated under Article Second, to raise and assess the sum of \$19,139,310.60.

The Finance Committee fielded several questions regarding debt service, employee versus school versus public safety salaries. Discussion regarding the Town Hall project was deemed by the Moderator to be outside the scope of the current Warrant. Phil Knowles, 75 High Street, asked to move the question. The Moderator moved the question, and the Town so voted.

ARTICLE FOURTH:**WATER DEPARTMENT OPERATING BUDGET**

WATER DEPARTMENT OPERATING BUDGET		
Actual Appropriation Fiscal Year 2017		Proposed Appropriation Fiscal Year 2018
\$ 91,410	Salary	\$ 95,392
199,275	Wages	200,730
323,630	Other	349,180
79,500	Long-Term Debt Principal	79,500
23,191	Long-Term Debt Interest	21,192
55,000	Short Term Debt Principal	207,000
11,598	Short-Term Debt Interest	29,450
5,000	Debt Issue Costs	5,000
356,000	Water Reserve Fund	145,000
52,000	Unanticipated Emergency	190,000
1,196,604	SUB-TOTAL – DIRECT COSTS	1,322,444
113,047	INDIRECT COSTS	143,378
1,309,651	TOTAL WATER DEPARTMENT BUDGET:	\$1,465,822

The Finance Committee recommended that the Town vote to transfer from Water Revenue the sum of \$1,322,444 as detailed herein, to operate the Water Department from July 1, 2017, through June 30, 2018, and to approve the sum of \$143,378 of indirect costs appropriated in the General Fund under Article Third above, to be funded from Water Revenues.

Stephen Lais, Chairman of the Board of Selectmen, requested that the word “herein” be changed to read “under Article Fourth of this Warrant.” The Moderator reread the recommendation and the Town so voted.

ARTICLE FIFTH:**MASCONOMET REGIONAL SCHOOL DISTRICT – BUDGET APPROPRIATION**

The Finance Committee recommended that the Town vote to approve the Fiscal Year 2018 Operating Budget of the Masconomet Regional School District in the amount of \$32,396,890 and raise, assess and appropriate the sum of \$7,199,513 to fund the Town’s share of the Fiscal Year 2018 Masconomet Regional School District Assessment, of which the sum of \$6,910,110 supports the Maintenance & Operating Budget, and the sum of \$289,403 supports the Masconomet Building Debt Service.

The recommendation was adopted with a unanimous vote.

ARTICLE SIXTH:

MASCONOMET REGIONAL SCHOOL DISTRICT – SAFETY AND SECURITY

The Finance Committee recommended that the Town vote to raise and appropriate or transfer from Free Cash the sum of \$135,254 to fund needed repairs, replacements, and upgrades to school safety and security systems at the Masconomet Regional School District and the Town so voted.

ARTICLE SEVENTH:

ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL DISTRICT

The Finance Committee recommended that the Town vote to approve the Fiscal Year 2018 Gross Operating Budget of the Essex North Shore Agricultural and Technical School District in the amount of \$27,179,130 and raise and assess and appropriate the sum of \$230,942 for the Town's share of the assessment of same.

The motion passed unanimously.

At 8:49 pm the Moderator presented the first group of consent articles including Articles Eighth thru Article Thirteenth, asking the Town to vote unanimously on these annually recurring articles. A particular article could be pulled for debate and discussion simply by objection. A resident objected to Article Eighth. The Moderator then restated the Consent Items, excluding Article Eighth, and the Town so voted.

***ARTICLE EIGHTH:**

GRANT AUTHORIZATION FOR TOWN PROJECTS

The Finance Committee 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.

David Larson, 109 North Street, proposed to add the following to the end of the article: "and further, to express Town Meeting's preference that the Board consult with the Finance Committee prior to applying for a grant of loan." Following discussion, the Town defeated the amendment, and then the Town voted to accept the Finance Committee recommendation.

***ARTICLE NINTH:**

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

The Finance Committee 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 and to accept and expend such sums as may be made available to the Town under Chapter 90 of the General Laws, and the Town so voted.

***ARTICLE TENTH:**

ENGINEERING & LANDFILL MONITORING

The Finance Committee recommended that the Town vote to appropriate and transfer the sum of \$38,700 from the Solid Waste Fund to be expended by the Board of Selectmen in Fiscal Year 2018 to fund services for professional engineering and monitoring related to the capping and closure of the Town's sanitary landfill, and the Town so voted.

***ARTICLE ELEVENTH:**

LEASE OF EMERSON FIELD

The Finance Committee recommended that the Town vote to authorize the Board of Selectmen, with the advice of the Park and Cemeteries Commissioners, 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 appropriate and transfer from Free Cash the sum of \$1,250 to fund said lease, and the Town so voted.

***ARTICLE TWELFTH:**

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

The Finance Committee recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$20,500 as a grant for Fiscal Year 2018 to fund activities of the Tri-Town Council, and the Town so voted.

***ARTICLE THIRTEENTH:**

SENIOR CARE

The Finance Committee recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$1,500 as a grant for Fiscal Year 2018 to fund activities of Senior Care Inc., and the Town so voted.

MUNICIPAL MODERNIZATION ACT

On August 9, 2016, "An Act to Modernize Municipal Finance and Government" (or the "Municipal Modernization Act") was signed into law. The legislation changed many provisions of the General Laws in relation to municipal finance, borrowing, accounts management, procurement and special funds. Articles Fourteenth through Nineteenth were drafted to improve our current accounting and financial management systems and allow conformance with the Municipal Modernization Act.

ARTICLE FOURTEENTH:

AUTHORIZE AND ADOPT A GENERAL BYLAW TO ESTABLISH REVOLVING FUNDS

CHAPTER LXIV

REVOLVING FUNDS BY-LAW

64-1. ESTABLISHMENT OF REVOLVING FUNDS

64-1.1 There are hereby established in the Town of Topsfield pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

PROGRAM OR PURPOSE	DEPARTMENT RECEIPT	AUTHORIZED TO SPEND
Parks Revolving Fund (Paying costs and expenses related to parks and recreation programs, recreational activities, including non-competitive activities for all age groups in Town. Fees charged to participants of recreation programs are deposited into the fund to pay for wages, supplies, operating expenses and programming.)	Receipts from parks programs, recreational activities and events.	Park and Cemetery Commissioners
Cemeteries Revolving Fund (Paying costs and expenses related to said operations and programs, including wages, equipment, supplies and operating expenses, cemeteries improvements, purchase of capital equipment for Parks and Cemeteries operations.)	Receipts from Cemeteries related activities, including grave opening fees.	Park and Cemetery Commissioners
Conservation Commission Revolving Fund (Paying costs and expenses related to said programs, including services, supplies, part-time wages and other operating expenses and other expenses related to the enforcement of the Town's local Wetlands Bylaw.)	Receipts from Conservation fees paid under the Topsfield General Wetlands Bylaw and Regulations.	Conservation Commission

64.1-2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting, or any increase therein, all as may be authorized in accordance with G.L. c.44, §53E½.

And to set fiscal year spending limits for such revolving funds as follows:

PROGRAM OR PURPOSE:	FISCAL YEAR SPENDING LIMIT
Parks Revolving Fund	\$45,000
Cemeteries Revolving Fund	\$25,000
Conservation Commission Revolving Fund	\$10,000

The Finance Committee recommended that the Town vote pursuant to the provisions of G.L. c.44, §53E½ to (1) establish the following revolving funds and spending limits for Fiscal Year 2018; and further (2) to amend the General Bylaws by inserting a new bylaw establishing various revolving funds all set forth under Article Fourteenth in the warrant.

The motion passed unanimously.

ARTICLE FIFTEENTH:
COMPENSATED ABSENCES FUND

The Finance Committee recommended that the Town vote to accept G.L. c.40, §13D and establish a Compensated Absences Fund and to transfer to said fund \$50,000 from Free Cash and the balance of the Employee Employment Separation Fund as of June 30, 2017, and the Town so voted unanimously.

ARTICLE SIXTEENTH:
UNEMPLOYMENT COMPENSATION FUND

The Finance Committee recommended that the Town vote to accept G.L. c.40, §5E and establish an Unemployment Compensation Fund; and to transfer to said fund the sum of \$60,000 from the account appropriated for Unemployment under Article Third, and the Town so voted unanimously.

ARTICLE SEVENTEENTH:
SPECIAL INDEMNITY LEAVE FUND

The Finance Committee recommended that the Town vote to accept the last paragraph of G.L. c.41, §111F and create a special fund to be known as the Special Indemnity Leave Fund, and to transfer to said fund the sum of \$40,109 from the Police Department wages line in the Fiscal Year 2018 Operating Budget approved under Article Third and the balance of the “Medical Bills for Injured on Duty Fund” as of June 30, 2017, and the Town so voted unanimously.

ARTICLE EIGHTEENTH:
LICENSE AND PERMIT DENIALS

25-1.1 List of Persons Neglecting or Refusing to Pay Taxes, Assessments or Municipal Charges.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually, *and may periodically*, furnish to each Department, Board, Commission or Division, hereinafter referred to as the licensing authority that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a ~~twelve (12)~~ *three (3)* month period, and that such a party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

The Finance Committee recommended that the Town vote to amend Chapter 25-1.1 of the General Bylaws, adopted pursuant to the provisions of G.L. c.40, §57, as set forth under Article Eighteenth in the warrant.

The Article passed by an overwhelming majority.

ARTICLE NINETEENTH:
ESTABLISH APPLICATION OF BOND PREMIUMS

The Finance Committee recommended that the Town vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with G.L. c.44, §20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

The Town so voted unanimously.

At 9:19 pm the Moderator presented the second group of consent articles including Articles Twentieth thru Article Twenty-eighth, asking the Town to vote unanimously on these annually recurring articles. A particular article could be pulled for debate and discussion simply by objection. Karri Madonna, of 44 Averill St., objected to Article Twenty-first and Article Twenty-sixth. The Moderator then restated the Consent Items, excluding Articles Twenty-first and Twenty-sixth, and the Town so voted unanimously.

****ARTICLE TWENTIETH:**
PARKS LANDFILL – FIELD AND INFRASTRUCTURE MAINTENANCE

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$20,000 to be expended by the Board of Selectmen, with the advice of the Park & Cemetery Commissioners, to fund maintenance of the Town's sanitary landfill infrastructure and recreational fields, and the Town so voted unanimously.

****ARTICLE TWENTY-FIRST:**
POLICE SUV CRUISER

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$43,000 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase and equip a new SUV Police Cruiser.

A discussion ensued, and Police Chief Evan Haglund was called upon to answer questions about the purchase. The Town, then, voted to support the recommendation.

****ARTICLE TWENTY-SECOND:**
POLICE SECURITY SYSTEM UPGRADE

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$12,000 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase security cameras and equipment for the Police Station, including installation and all incidental and related expenses, and the Town so voted unanimously.

****ARTICLE TWENTY-THIRD:**

POLICE STATION BUILDING EXTERIOR REPAIRS

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$25,000 to be expended by the Board of Selectmen, with the advice of the Police Chief, to fund building exterior repairs for the Police Station, including all incidental and related expenses, and the Town so voted unanimously.

****ARTICLE TWENTY-FOURTH:**

POLICE PORTABLE RADIO REPLACEMENT PROGRAM

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$10,000 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase portable radios for the Topsfield Police Department, and the Town so voted unanimously.

****ARTICLE TWENTY-FIFTH:**

FIRE PERSONAL PROTECTIVE EQUIPMENT

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$48,500 to be expended by the Board of Selectmen, with the advice of the Fire Chief, to replace personal protective equipment for Topsfield Fire Department personnel, and the Town so voted unanimously.

****ARTICLE TWENTY-SIXTH:**

FIRE WATER RESCUE BOAT & EQUIPMENT

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$21,000 to be expended by the Board of Selectmen, with the advice of the Fire Chief, to purchase a Water Rescue Boat and related equipment.

During discussion, Interim Fire Chief Richard Harris fielded questions about the boat and equipment. Jeanine Cunniff, 16 Towne Lane, moved to amend the Article to read "...and appropriate the sum of \$17,000." The amendment was defeated, and the Town voted unanimously to adopt the original Article.

****ARTICLE TWENTY-SEVENTH:**

HIGHWAY SMALL DUMP TRUCK WITH PLOW

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$60,000 to be expended by the Board of Selectmen, with the advice of the Road Commissioners, to purchase and equip a small dump truck with plow, including all incidental and related expenses, and the Town so voted unanimously.

****ARTICLE TWENTY-EIGHTH:**

TOWN-WIDE FACILITIES REPAIR & MAINTENANCE FUND

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$58,500 to be expended by the Board of Selectmen to fund facilities repairs, maintenance and any associated costs to repair, maintain and ensure the safety and security of town-owned properties, facilities equipment and assets, including all incidental and related expenses, and the Town so voted unanimously.

ARTICLE TWENTY-NINTH:

WATER MAIN REPLACEMENT PROJECT

The Finance Committee recommended that \$1,600,000 be appropriated, to be expended by the Board of Selectmen with the advice of the Water Commissioners, to replace water mains and appurtenances on Prospect Street and River Road as part of the Prospect Street and River Road Water Main Replacement and Improvement Project, so called, including all incidental and related expenses; and to meet this appropriation, to transfer and appropriate the sum of \$100,000 from Water Department Enterprise Retained Earnings and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$1,500,000 pursuant to General Laws Chapter 44, §8(5) or any other enabling authority, and to issue bonds or notes of the Town therefor; while any bonds issued hereunder shall be a general obligation bond of the Town, it is anticipated that the debt service on such borrowing shall be repaid from the Water Enterprise; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with General Laws Chapter 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

After minimal discussion, the town so voted unanimously.

ARTICLE THIRTIETH:

PROCTOR AND STEWARD ELEMENTARY SCHOOLS BUILDING ENVELOPE PROJECT

The Finance Committee recommended that the Town appropriate the amount of seven million six hundred fifty-one thousand, seven hundred fifty-seven dollars (\$7,651,757) to pay costs of new roofing, windows, doors, mechanical units and associated work at Proctor Elementary School at 60 Main Street and Steward Elementary School at 261 Perkins Row, both in said Topsfield (hereinafter the "Projects"), including the payment of all costs incidental or related thereto (the "Projects"), which proposed repair projects would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Topsfield Elementary School Committee; to meet this appropriation, the Town of Topsfield, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, provided further that any grant the Town may receive from the MSBA for the Projects shall not exceed the lesser of (1) forty-one and ten hundredths percent (41.10 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of

the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

The Finance Committee addressed questions and comments from residents regarding why the Stabilization Funds could not be used to pay for these items, and why something of this magnitude was not better anticipated. Steve Clifford, Director of Facilities for the elementary schools, fielded inquiries about the buildings, stating that the newest section of one school's roofs is 20 years old, while the oldest is 40 years old. The Proctor School windows are original to when the school was built in the 1950's. In regards to a question about annual energy savings, Mr. Clifford stated that the projects will be built to current code, which was updated in 2015. When the projects are completed in September, there will be full energy modeling, and then they will be able to share specific figures.

The article passed with the required 2/3 vote.

ARTICLE THIRTY-FIRST:

AMEND ZONING BYLAW, ARTICLE III, SECTION 3.15 ADDITIONAL ACCESSORY USES

3.15 Additional Accessory Uses-~~Regulations.~~

In addition to the uses permitted in Table of Use Regulations the following accessory uses shall be permitted in the Central Residential District, ~~Business District Village, Business District Highway, Business District Highway North, and~~ Inner Residential and Agricultural District *and Outlying Residential and Agricultural District:*

~~a. Storage of one unregistered motor vehicle in the open.~~

~~b. Storage of trailer, boat or motorized home in the open.~~

a. Storage containers used for the temporary storage of household materials or equipment owned by the resident of the property for a period not to exceed three (3) months in any calendar year. Said period may be extended for an additional three months with a Special Permit or by the provisions of section b. below.

b. One Storage Container for the storage of personal property, provided such Storage Container is required as a result of ongoing construction at the property which is being undertaken in accordance with a lawfully issued building permit, provided, however, such Storage Container shall be removed from the property upon the earlier of (i) cessation of construction work on the property for any 10 consecutive day period, (ii) final sign-off of the building permit; and (iii) 150 days following issuance of the building permit permitting such construction.

c. Storage Containers are prohibited except for the temporary storage of the resident's personal property as permitted in sections a. and b. above.

Or take any other action relative thereto.

The Finance Committee recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Section 3.15 Additional Accessory Uses as set forth under Article Twenty-third of the warrant.

Discussion proceeded on the Article, including some explanation from Planning Board members. Clarification explained that existing storage units are excluded from this change. The Moderator was unsure of the voice vote, and a hand count was necessary on the main motion. The Article passed by a vote of 277 yeas and 88 nos. The required 2/3 majority was met.

ARTICLE THIRTY-SECOND:

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

7.05 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

a. Purpose.

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

b. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

c. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The

moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

The Finance Committee recommended that the Town vote to amend the Town's Zoning Bylaw by adding a new Section 7.05, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, and further to amend the Table of Contents to add Section 7.05, "Temporary Moratorium on Recreational Marijuana Establishments:" all as set forth under Article Thirty second of the warrant.

A member of the Planning Board, Steven B. Hall, of 86 Salem Road, reported that the Planning Board supports the Finance Committee's recommendation. There was no further discussion, and the Town so voted. The Moderator stated the Article passed with the required 2/3 majority vote.

ARTICLE THIRTY-THIRD:
AMEND ZONING BYLAW ARTICLE I, DEFINITIONS

1.70 Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

And renumbering accordingly.

1.96 Storage Container: A container over 392 cubic feet.

And renumbering accordingly.

The Finance Committee recommended that the Town vote to add the definitions of Marijuana Establishment and Storage Container to Article I, Definitions.

Martha A. Morrison, of 217 Rowley Bridge Road, as Chairman of the Planning Board, reported that the Planning Board supports positive action of Finance Committee's recommendation. The Town so voted unanimously.

ARTICLE THIRTY-FOURTH:

AMEND TOWN OF TOPSFIELD TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

District	Use	Minimum	Minimum
		lot area Sq. ft.	lot Frontage ft.
I-R-A	Any permitted use	40,000^(S)	150^(S)
		87,120	200

The Finance Committee recommended that the Town vote to amend the Town of Topsfield Table of Dimensional and Density Regulations by increasing the Minimum Lot Area to 87,120 sq. ft. and the Minimum Lot Frontage to 200 ft. for the Inner Residential and Agricultural District.

Jeanine Cunniff, of 16 Towne Lane, a member of the Planning Board, reported the Planning Board's support of the Finance Committee's recommendation.

A spirited debate ensued, during which the Planning Board answered questions and clarified that this zoning change would not impact existing homes, as long as any changes were within current set back limits. Those citizens heard included James Decoulos of 226 Rowley Bridge Road, Catherine Vasilakis-Scaramozza of 7 Andrews Road, James DiBenedetto of 120 Hill Street, Zille Bhujju of 47 North Street, and Larry Lindquist of 41 Timber Lane.

The Moderator was unsure of the voice vote and a hand count was necessary. Article thirty-fourth passed by a vote of 291 Yeas and 57 Nos.

ARTICLE THIRTY-FIFTH:

CITIZEN PETITION: 333 PERKINS ROW AS ELDERLY HOUSING DISTRICT

The Finance Committee recommended no action. Joseph Geller, of 52 Prospect Street, a member of the Planning Board, reported that the Planning Board recommended no action. The Town so voted unanimously.

ARTICLE THIRTY-SIXTH:

CITIZEN PETITION – DONIBRISTLE FARM

The Finance Committee recommended that the Town vote: (1) To raise and appropriate the sum of \$500,000 for the acquisition for conservation, open space and passive recreation purposes of two

conservation restrictions on the land known as "Donibristle Farm", which land is comprised of 46 acres, more or less, located in Topsfield, Massachusetts and shown as "Conservation Area 1" and "Conservation Area 2" on a plan of land on file with the Town Clerk entitled "Donibristle Farm, Topsfield" by Essex County Greenbelt Association dated November 2016; such restrictions to be accepted by and under the care, custody and control of the Town of Topsfield acting by and through its Conservation Commission under the provisions of G.L. c.40, §8C; and (2) to authorize the Conservation Commission and the Board of Selectmen to receive and accept grants, donations, or reimbursements for this purpose, and/or any others in any way connected with the scope of this Article, and to authorize the Conservation Commission and the Board of Selectmen to file on behalf of the Town of Topsfield any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) grant program under the provisions of G.L. c.132A, § 11, and/or any others in any way connected with the scope of the vote taken hereunder and to enter into any agreements and execute any documents necessary or convenient to effectuate the purchase authorized hereunder; (3) provided however, that the funds raised and appropriated by this vote shall not be expended unless the Town receives gifts or other contributions of no less than \$225,000 for this purpose; and (4) further, the funds raised and appropriated hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½ capital outlay exclusion question pursuant to the provisions of G.L. c.59, §21C (i).

Joe Geller, 52 Prospect Street, representing the Open Space Committee, gave a report summarizing the Open Space Committee's support of the Article.

Much heated debate ensued, including discussion of the pros and cons of hunting on the property and potential tax revenue if the land were to be developed. Antoinette Pizzanato, 96 North Street, moved to amend the Finance Committee recommendation by adding the following to the end to the Article: "restrict hunting to those areas identified by Greenbelt annually pursuant to a plan submitted to the Board of Selectman and Conservation Commission no later than March 15 in any year, that the Board hold a public hearing in such plan, and that in the event that the Board, Cons Com, and Greenbelt cannot agree on an appropriate plan, that such plan be presented at Town Meeting." The amendment was seconded and the Moderator called for a vote. The Town voted by a clear 2/3 to defeat the amendment to the Finance Committee's recommendation.

Kim Sherwood, 29 Perkins Row, proposed an amendment regarding the return of un-needed fund to the taxpayers. Upon further explanation and clarification from Town Council, the Moderator asked if Ms. Sherwood would withdraw her amendment, and she did.

A call to move the question was seconded, and so voted. The Moderator called for a vote and the original Article passed by 2/3 majority.

ARTICLE THIRTY-SEVENTH:

AVERILL STREET DRIVEWAY AND PUBLIC ACCESS EASEMENT

The Finance Committee recommended that the Town vote to transfer the property described in the warrant under Article Thirty-Seventh from the Board of Selectmen for the purpose for which it is presently held to the Board of Selectmen for that purpose and for the additional purpose of conveyance; and to authorize the Board of Selectmen to convey for nominal consideration a non-exclusive, perpetual easement on and over the said parcel of Town-owned land to and for the benefit of the owners, their heirs, successors and assigns, of real property located at 44 Averill Street and 50 Averill Street, all as further described in said Article Thirty-Seventh, and further to approve Article Thirty-Seventh as printed in the warrant.

Priscilla Carlson, of 33 Averill Street, asked for clarification of the article, which was provided by Town Council. Karri Madonna, of 44 Averill Street, questioned her family's liability if they were to be responsible for ice and snow removal of the easement when they are not the owners of the property. Town Council confirmed it would be a private liability issue on which the Town cannot advise.

Priscilla Carlson, of 33 Averill Street, moved to amend the Finance Committee recommendation to read "for which it is presently held to the Board of Selectmen for that purpose and for the additional purpose of conveyance of an easement and to authorize the Board to convey..." The Town voted in the majority in favor of the motion to amend the article.

Additionally, Keith Dayton, of 44 Averill Street, wanted to move to amend the article to include specifics regarding mowing and fences. Rand Weyler, of 50 Averill Street, asked for confirmation about whether the vote included negotiations with the Board of Selectmen to negotiate language with the families. Board of Selectman Chairman Lais confirmed that Article 37 is, in fact, the easement. There would be no further negotiations.

Philip Knowles, of 75 High Street, stated, "Seems like there's a lot of issues here. Is there any chance this thing can be tabled and re-brought at the next Town Meeting?" At the Moderator's request, Mr. Knowles restated, "Table this." The Moderator asked, "Are you moving to table the question?" Mr. Knowles said, "Yes." The motion was duly seconded and the Town voted in the majority to table the article.

ARTICLE THIRTY-EIGHTH: **GENERAL STABILIZATION FUND**

The Finance Committee recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$25,000 to the General Stabilization Fund, and the Town so voted. This article required a 2/3 vote and was passed unanimously.

ARTICLE THIRTY-NINTH: **CAPITAL STABILIZATION FUND**

The Finance Committee recommended that the Town appropriate and transfer from Free Cash the sum of \$100,000 to the Capital Stabilization Fund, and the Town so voted. This article required a 2/3 vote and was passed unanimously.

ARTICLE FORTY: **OTHER POST EMPLOYMENT BENEFITS ("OPEB TRUST FUND")**

The Finance Committee recommended that the Town vote to appropriate and transfer from Free Cash the sum of \$100,000 to the Other Post-Employment Benefits Liability Trust Fund ("OPEB Trust Fund"), and the Town so voted unanimously.

ARTICLE FORTY-FIRST:

FREE CASH TO OFFSET THE TAX RATE

The Finance Committee recommended that the Town vote to transfer from Free Cash and appropriate the sum of \$176,419 to reduce the tax levy for Fiscal Year 2018, and the Town so voted unanimously.

After completion of the last article to be brought before the Town, the Moderator asked for a motion to adjourn Town Meeting, which was received and seconded by the Town. Annual Town Meeting of 2017 was dissolved at 11:30 PM. There were 465 registered voters in attendance.

**TOWN OF TOPSFIELD
TOWN ELECTION
May 4, 2017**

The polls opened at 7:00 AM on May 4, 2017 at St. Rose of Lima Church Hall, 12 Park Street, with Paula Burke as Election Warden, and Frederick Glatz as Constable. The following election workers were sworn to the faithful performance of their duties:

Jane Bonnano, Frederick Capobianco, Carole Carter, Elaine Crippen, Kathy Curran, Janice Englehardt, Judith Forrest, Jolene Guerra, Mary Hayden, Audrey Iarocci, Ruth Lucy, and Diane Torrey.

The polls were closed at 8:00 PM, and 1618 ballots were cast. There were 4812 persons registered to vote in this election. The results are as follows:

Moderator, One Year

Stephen T. Whelan	1210	*
Blanks	384	
Write Ins	24	

Selectman, Three Years (Vote for Two)

Martha A. Morrison	850	
A Richard Gandt	856	*
John K. Spencer	862	
Blanks	613	
Write Ins	55	

Elementary School Committee, Three Years (Vote for Two)

Meredith Sokolowski	1051	*
Jessica Catherine Steffens	1030	
Blanks	1151	

Write Ins	4	
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Assessor, Three Years

John W. Minnehan	1195	*
Blanks	422	
Write Ins	1	

Commissioner of Trust Funds, Three Years

Richard T. Walsh	1192	*
Blanks	425	
Write Ins	1	

Constable, Three Years

Frederick J. Glatz	1239	*
Blanks	379	
Write Ins	--	

Housing Authority, Four Years

George D. Anderson	1173	*
Blanks	440	
Write Ins	5	

Housing Authority, One Year

Gerard L. McCarthy	1145	*
Blanks	472	
Write Ins	1	

Library Trustee, Three Years (Vote for Two)

Abigail P. Jackson	1189	*
Janet O. Kmetz -- Write In	75	*
Blanks	1959	
Write Ins	13	

Park & Cemetery Commissioner, Three Years

Gretchen W. Rehak	1186	*
Blanks	430	
Write Ins	2	

Planning Board, Three Years (Vote for Two)

Martha A. Morrison	907	*
Steven B. Hall	936	*
Kim M. Sherwood	585	