



**ANNUAL/SPECIAL TOWN MEETINGS  
PROCTOR SCHOOL – WOODBURY AUDITORIUM  
TUESDAY, MAY 7, 2019**

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

The Moderator, Stephen Whelan, reported there was a quorum and called the Annual Town Meeting to order at 7:02 PM, and introduced himself. The meeting was opened with the Pledge of Allegiance. The Moderator 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.

A summary of further announcements are listed below:

1. The cafeteria is available for overflow seating and audio and visual equipment has been set up, however, there are plenty of chairs here in the Gym and I ask all to take a seat. It aids with the counting process during hand count votes.
2. Paula Burke has agreed to act as Assistant Moderator as needed for the overflow cafeteria room. Assigned tellers will assist her during vote counts.
3. As a courtesy, all electronic devices should be silenced.
4. Meeting is being recorded. The Moderator thanks Brad Sweet and Boxford Cable for their service and for enabling video access of the main meeting room in the Cafeteria overflow room.
5. 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.
6. 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. Debate should be conducted in a respectful and courteous manner.
7. 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.

The Moderator acknowledged Representative Brad Hill and Senator Joan Lovely, who were seated in the front row. He then recognized Beth Willis, Town Clerk and Erin Merrill, Assistant Town Clerk. The Moderator introduced the Board of Selectmen: Chairman Mark Lyons, Boyd Jackson, Lynne Bermudez, Dick Gandt, and John Spencer, 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.

The Moderator acknowledged that this would be Police Chief Evan Haglund's last Town Meeting as he is retiring next April. The audience gave him a standing ovation. In attendance were Department Heads as follows: Treasurer Collector Barbara Michalowski, Town Accountant Catherine Gabriel, Highway Superintendent Dave Bond, Water Department Superintendent Greg Krom, Fire Chief Jenifer Collins-Brown. Council on Aging Executive 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 Steve Greenberg and Steve Clifford. He concluded with identifying the tellers, Dottie Wass, Dianne Bayliss, Dinah Bufalino, Debra Parkhurst, Mary Connor and Elaine Crippen.

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.

#### **ARTICLE FIRST:** **REPORTS**

Mark Lyons rose to recognize citizens who recently completed terms on various volunteer boards and committees. They are as follows: Vincent Guerra, Janet Kmetz, Bill Quinn, Mary MacDonald, David Juliano, Julie Sullivan, Katrina Frere, Dan Pallotta, Dana Warren, Brooke Spater, John Spencer, Robert Benjamin, Jeanine Cunniff, Joe Geller, Greg Demers, and Audrey Iarocci.

Lou Ross, Chairman of the Government Review Committee, presented a brief report on the status of the committee.

Ben Nutter reported that the Town has received a 2019 Massachusetts Historical Commission Preservation Award for the preservation, rehabilitation and restoration of the Topsfield Town Hall.

*At 7:30 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**

The Finance Committee recommended that the Town vote to appropriate the sum of \$216.97 to pay outstanding bills contracted prior to July 1, 2018, and further to pay the outstanding bills from the corresponding Fiscal 2019 Budget accounts as follows:

Vertical Telecommunications Services	Town Hall Equipment	\$97.50
Metro Water Treatment Group	Library Repair & Maintenance	\$93.00
Fed Ex	Water Department Postage	\$26.47

The Town so voted unanimously.

### **ARTICLE THIRD:**

#### **FISCAL YEAR 2019 BUDGET TRANSFERS**

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 2019 fiscal year.

<b><u>TRANSFER FROM:</u></b>		<b><u>TRANSFER TO:</u></b>	
Water – BAN Interest	63,372	Water – Long Term Interest	63,372
Snow & Ice Salt	2,500	Street Light –Other Expenses	2,500
	11,000	Tree Department-Other Expenses	11,000
	10,000	Town Hall-Other Expenses	10,000
Essex Retirement	20,000	Town Hall-Other Expenses	20,000
	1,500	Planning Board-Other Expenses	1,500
Health-Salary/Wages	3,000	Health-Other Expenses	3,000
Liability/Accident Insurance	3,500	Selectmen-Salary/Wages	3,500
	15	Treasurer-Salary/Wages	15
	3,293	Conservation-Salary/Wages	3,293
	160	Town Clerk-Salary/Wages	160
	312	Fire Department-Salary/Wages	312
	3,500	Town Hall-Other Expenses	3,500
	20,000	Police Department-Other Expenses	20,000
	46,000	Fire Department-Other Expenses	46,000
	14,000	Steward School-Other Expenses	14,000
	27,500	Town Hall-Other Expenses	27,500
Medical Insurance	10,000	Police Department-Salary/Wages	10,000
	9,000	Fire Department-Salary/Wages	9,000
FY16/ATM A23 Computers	11,300	Town Hall-Other Expenses	11,300
FY18/ATM A26 Fire Rescue Boat	10,038		10,038
FY17/STM A6 COA Rent	1,080		1,080
FY18/STM A6 Police Tasers	63		63
FY15/STM A9 Munis Upgrades	4,366.02		4,366.02

The Town so voted unanimously.



#### **ARTICLE FOURTH:**

##### **EMPLOYEE COMPENSATION STUDY**

The Finance Committee recommended that the Town vote to take no action to raise and assess or transfer from available funds and appropriate a sum of money to be expended by the Board of Selectmen to retain the services of a consultant to prepare a non-union employee compensation study for the Town of Topsfield. The Town voted by majority for the Finance Committee's recommendation.

#### **ARTICLE FIFTH:**

##### **POLICE CHIEF SEARCH PROCESS & ASSESSMENT CENTER**

The Finance Committee recommended that the Town vote to transfer and appropriate from Article Third of the May 1, 2018 Annual Town Meeting for the Fiscal Year 2019 Operating Budget Accident-Police/Fire Insurances the sum of \$10,000 to be expended by the Board of Selectmen to retain the services of a consultant to conduct a Police Chief Search Process and/or Professional Assessment Center for the Town of Topsfield. The Town so voted unanimously.

#### **ARTICLE SIXTH:**

##### **PROCTOR ELEMENTARY SCHOOL SECURITY & SURVEILLANCE SYSTEM**

The Finance Committee recommended that the Town vote to transfer and appropriate the sum of \$85,000 from Article Third of the May 1, 2018 Annual Town Meeting for the Fiscal Year 2019 Operating Budget MIIA Health Insurance to be expended by the Board of Selectmen, with the advice of the Topsfield School Committee, to purchase and install a security and surveillance system for the Proctor Elementary School, including all incidental and related expenses. The Town so voted unanimously.

#### **ARTICLE SEVENTH:**

##### **REVOKE SOLID WASTE ENTERPRISE FUND**

The Finance Committee recommended that the Town vote to revoke the vote taken under Article Eighteenth of the May 2, 2000 Town Meeting accepting G.L. c. 44, §53F ½ for the purpose of creating a Solid Waste Enterprise Fund, such vote to be effective at the close of business on June 30, 2019. The Town voted by the majority in favor of the recommendation.

#### **ARTICLE EIGHTH:**

##### **RESCIND PRIOR YEAR BOND AUTHORIZATION**

The Finance Committee recommended that the Town vote to rescind \$530,000 of the \$1,500,000 borrowing authorization approved under Article Twenty-Ninth of the May 2, 2017 Annual Town Meeting for the "Prospect Street and River Road Water Main Replacement Project", which amount was authorized but unissued. The Town so voted unanimously.

#### **ARTICLE NINTH:**

##### **ROAD REPAIRS TO PROSPECT STREET AND RIVER ROAD**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate the sum of \$300,000 from the Water Enterprise Retained Earnings to be expended by the Board of

Selectmen, with the advice of the Board of Water Commissioners, to repair and/or reconstruct areas of Prospect Street and River Road disrupted as part of the recent water main replacement project and previous water main breaks; and to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary to carry out this project.

**ARTICLE TENTH:**

**PEG ACCESS AND CABLE RELATED FUND – FISCAL YEAR 2019 BUDGET TRANSFER**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate \$400 from the PEG Access and Cable Related Fund to PEG and Cable Professional Services to fund cable access services.

*A motion to conclude the Special Town Meeting was made and seconded and the Annual Town Meeting was re-adjournd at 7:42 PM. The Town Moderator requested that the Town Clerk copy the Finance Committee's report from the Special Town Meeting into the Annual Town Meeting Minutes Article First.*

**ARTICLE FIRST:**

**REPORTS CONTINUED**

Katrina Frere, Chairman of the Elementary School Committee Shared information about the Elementary Schools and its budget.

Finance Committee Chairman Karen Dow presented the Finance Committee report, and explained the process of Budget planning for Fiscal Year 2020.

**ARTICLE SECOND:**

**BALANCE TRANSFERS**

The Finance Committee recommended that the Town vote to transfer the sum of \$50,226 from various funds listed under Article Second in the warrant and appropriate the same to fund the General Operating Budget in Fiscal Year 2020 to be voted under Article Third and the Town so voted.

<b>Account:</b>	<b>Amount:</b>
Fund Balance Reserved for Reduction of Future Excludable Debt	1,226
Cable/PEG Fund	49,000
Total Balance to Transfer:	<b>\$50,226</b>

**ARTICLE THIRD:**

**GENERAL OPERATING BUDGET**

The Finance Committee recommended that the Town vote to appropriate the sum of \$20,902,941 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1, 2019, and determine the manner of expending the same as stated in Attachment A to the warrant; and to meet said appropriation, in addition to the amount transferred for such purposes under Article Second, to raise and assess the sum of \$20,852,715; and further, that the Town vote to raise,

assess, and appropriate the additional sum of \$593,068 for the Elementary Schools as stated in the column entitled "Contingency Appropriation" in Attachment A, provided, however, that such additional appropriation shall be expressly contingent upon approval by the voters at an election of a so-called Proposition 2 ½ override pursuant to General Laws Chapter 59, Section 21C(g).

John Kinhan, of 55 Colrain Rd., made a motion to divide the main article of the General Operating Budget from the override for the Elementary Schools. The motion was defeated. Eldon Goodhue, of 37 Winsor Lane, stood to amend Article Third, by recommending the Town vote to appropriate \$20,430,092 for the General Budget and to meet said appropriation, to raise and assess a \$20,379,866, and additionally, raise, assess and appropriate the additional sum \$593,068 for the Elementary Schools. However, Mr. Goodhue could not specify which line items would be reduced, and a vote was not taken.

The discussion continued for some time, with Town Counsel addressing questions about the process of re-aligning the budget. Mr. Goodhue, then restated his amendment such that the Town would appropriate \$20,430,092 for the General Budget, subtracting that amount from the Finance Committee's recommendation of \$20,902,941, and then further subtracting that percentage from each line item. Following further discussion, the Moderator called for a vote on the amendment. The motion failed by a significant majority.

David Larsen, of 109 North Street, stood to "amend Article Third to reduce the Town Hall budget by \$50,000 by changing the Town Hall Facilities and Town Hall Information Technologies Support of \$25,000 each to zero." Following a brief discussion, the amendment was defeated. The Moderator called for a vote on the original Finance Committee recommendation and it passed by an overwhelming margin.

#### **ARTICLE FOURTH:** **WATER DEPARTMENT OPERATING BUDGET**

The Finance Committee recommended that the Town vote to transfer from Water Revenue the sum of \$1,936,281 and appropriate the same as detailed under Article Fourth in the Warrant, to operate the Water Department from July 1, 2019, through June 30, 2020, and to approve the sum of \$155,083 of indirect costs appropriated in the General Fund under Article Third, to be funded from Water Revenues.

<b>WATER DEPARTMENT OPERATING BUDGET</b>			
Actual			Proposed
Appropriation			Appropriation
FY2019			FY2020
\$ 302,539	Salary & Wages		\$ 378,387
349,180	Other		415,824
152,500	Long-Term Debt Principal		529,000
68,578	Long-Term Debt Interest		342,695
-	Short Term Debt Principal		-
377,634	Short-Term Debt Interest		115,375
5,000	Debt Issue Costs		5,000
56,710	Water Reserve Fund		50,000
300,000	Unanticipated Emergency		100,000
1,612,141		<b>SUB-TOTAL – DIRECT COSTS:</b>	<b>1,936,281</b>
159,760	Indirect Costs		155,083
<u>\$1,771,901</u>		<b>TOTAL WATER DEPARTMENT BUDGET:</b>	<b>\$2,091,364</b>

The Town so voted unanimously.



**ARTICLE FIFTH:**

**MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT**

The Finance Committee recommended and the Town so voted unanimously to approve the Fiscal Year 2020 Gross Budget of the Masconomet Regional School District in the amount of \$37,057,467 and raise and assess and appropriate the sum of \$7,693,568 to fund the Town's share of the Fiscal Year 2020 Masconomet Regional School District Assessment, of which the sum of \$7,408,262 supports the Maintenance & Operating Budget, and the sum of \$285,306 supports the Masconomet Building Debt Service.

**ARTICLE SIXTH:**

**MASCONOMET REGIONAL SCHOOL DISTRICT – STABILIZATION FUND**

The Finance Committee recommended and the Town so voted unanimously to approve the Masconomet Regional School District Fiscal Year Stabilization Fund request in the amount of \$450,000 including parking and sidewalk repairs, wood shop safety upgrades, and an appropriation to the District Stabilization Fund as requested by the District School Committee and transfer and appropriate the sum of \$119,250 from Free Cash to fund the Town's share of the Stabilization Fund request of same.

**ARTICLE SEVENTH:**

**ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT**

The Finance Committee recommended and the Town so voted unanimously to approve the Fiscal Year 2020 Gross Operating Budget of the Essex North Shore Agricultural and Technical School District in the amount of \$29,643,949 and raise and assess and appropriate the sum of \$302,815 for the Town's share of the assessment of same.

*At 9:30 pm the Moderator entertained a motion to accept the use of the Consent Agenda in the Annual Town Meeting. The motion was defeated and the Consent Agenda was not used. The Moderator then proceeded with the Articles individually.*

**\*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. The Town so voted unanimously.

**\*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 any sums of money made available to the Town in accordance with G.L. c.90. The Town so voted unanimously.

**\*ARTICLE TENTH:**

**LEASE OF EMERSON FIELD**

The Finance Committee recommended that the Town vote to authorize the Board of Selectmen, with the advice of the Parks 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 transfer and appropriate from Free Cash the sum of \$1,250 to fund said lease. The Article passed by a majority vote.

**\*ARTICLE ELEVENTH:**

**TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$20,500 as a grant for Fiscal Year 2020 to fund activities of the Tri-Town Council.

**\*ARTICLE TWELFTH:**

**SENIOR CARE**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$1,500 as a grant for Fiscal Year 2020 to fund activities of Senior Care Inc.

**\*ARTICLE THIRTEENTH:**

**TOWN FACILITIES REPAIR AND MAINTENANCE FUND**

The Finance Committee recommended that the Town vote to transfer and appropriate from Free Cash the sum of \$37,000 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. The Article passed by a majority vote.

**\*ARTICLE FOURTEENTH:**

**POLICE SUV CRUISER**

The Finance Committee recommended that the Town vote to transfer and appropriate from Free Cash the sum of \$62,000 to be expended by the Board of Selectmen, with the advice of the Police Chief, to purchase and equip a new SUV Police Cruiser, including all incidental and related expenses. Chief Haglund fielded several questions. The Town voted unanimously in favor of the recommendation.

*At 9:51 pm the Moderator presented the second group of consent articles including Articles Fifteenth thru Article Seventeenth, asking the Town to vote unanimously on these annually recurring articles. A particular article could be pulled for debate and discussion simply by objection. The Moderator then restated the Consent Items, and the Town so voted.*



**\*\*ARTICLE FIFTEENTH:**

**WATER SYSTEM IMPROVEMENTS**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate \$100,000 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 water system improvements including design of water main replacements projects, replacement of fire hydrants, replacement/extension of water mains and other water system projects; and including all incidental and related costs; and, further, to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary.

**\*\*ARTICLE SIXTEENTH:**

**WATER METER READING SYSTEM UPGRADES**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate the sum of \$25,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase and install water meter reading equipment and software, including all incidental and related expenses; and to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary.

**\*\*ARTICLE SEVENTEENTH:**

**NORTH STREET EXPLORATORY DRILLING**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate the sum of \$100,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to conduct exploratory drilling and well testing at the North Street Wellfield; including all incidental and related expenses; and, further, to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary.

**ARTICLE EIGHTEENTH:**

**HIGHWAY FRONT END LOADER**

The Finance Committee recommended and the Town so voted unanimously to appropriate the sum of \$165,000 to be expended by the Board of Selectmen, with the advice of the Road Commissioners, to purchase and equip a front-end loader, including all incidental and related expenses; and to meet said appropriation to transfer the sum of \$150,000 from Free Cash, and the sum of \$15,000 from the Water Enterprise Retained Earnings Account.

**ARTICLE NINETEENTH:**

**TOWN HALL COMPUTER WORKSTATIONS**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$26,000 to be expended by the Board of Selectmen to purchase and install twenty-six (26) computer workstations at Town Hall, including hardware, software and all incidental and related expenses.

**ARTICLE TWENTIETH:**

**AMBULANCE/RESCUE VEHICLE REPLACEMENT**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$30,000 to be expended by the Board of Selectmen, with the advice of the Fire Chief, to purchase and equip a used Ambulance/Rescue Vehicle, including all incidental and related expenses.

**ARTICLE TWENTY-FIRST:**

**ELEMENTARY SCHOOLS TECHNOLOGY**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$210,000 to be expended by the Board of Selectmen, with the advice of the Topsfield School Committee, to purchase and install technology at the Proctor and Steward Elementary Schools, including hardware, software and including all incidental and related expenses.

**ARTICLE TWENTY-SECOND:**

**STEWART ELEMENTARY SCHOOL SECURITY & SURVEILLANCE SYSTEM**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$85,000 to be expended by the Board of Selectmen, with the advice of the Topsfield School Committee, to purchase and install a security and surveillance system for the Stewart Elementary School, including all incidental and related expenses.

**ARTICLE TWENTY-THIRD:**

**LIBRARY MAINTENANCE & ROOFING REPAIRS**

The Finance Committee recommended that the Town vote to take no action to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Board of Selectmen, with the advice of the Library Director, for building maintenance and roof repairs to the Topsfield Library. Finance Committee member Dana Warren, of 12 Boston St., Unit 19, presented the Finance Committee's review determining that the Gould Fund is permitted to cover the repairs. Gail Bryson, of 5 Porter Meadow Rd., rose to state that she would like to amend the Article. The Town overwhelmingly defeated the Finance Committee's recommendation. Gail Bryson, of 5 Porter Meadow Rd., moved to take positive action, with \$10,000 to be transferred from Free Cash for Library roof repairs, and the Town so voted by a vast majority.

**ARTICLE TWENTY-FOURTH:**

**GENERAL STABILIZATION FUND**

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

**ARTICLE TWENTY-FIFTH:**  
**CAPITAL STABILIZATION FUND**

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

**ARTICLE TWENTY-SIXTH:**  
**OTHER POST-EMPLOYMENT BENEFITS (“OPEB” TRUST FUND)**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from Free Cash the sum of \$300,000 to the Other Post-Employment Benefits Liability Trust Fund.

**ARTICLE TWENTY-SEVENTH:**  
**REVOLVING FUNDS: PUBLIC HALL REVOLVING FUND**

PROGRAM OR PURPOSE	DEPARTMENT RECEIPT	AUTHORIZED TO SPEND
<b>Public Hall Revolving Fund</b> (Paying costs and expenses related to the use and rental of the Public Hall, including direct and incidental expenses for the use, care and maintenance of the hall. Fees charged are deposited into the fund to pay for contractor fees, part-time wages, supplies and operating expenses.)	Receipts from the use of the Public Hall.	Board of Selectmen

The Finance Committee recommended and the Town so voted unanimously, pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish a new Public Hall Revolving Fund, and, for such purposes, to amend Section 64-1 of the Town By-Laws to insert in the chart set forth therein a new row for the Public Hall Revolving Fund as printed in the warrant under Article Twenty-Seventh, and to approve an annual expenditure limit of \$10,000 for such fund with such expenditure limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to change the same; provided, however, that the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only.

**ARTICLE TWENTY-EIGHTH:**  
**AMEND ZONING BY-LAW: ARTICLE I, DEFINITIONS**

The Finance Committee recommended that the Town vote to amend certain sections of the Town Zoning By-Laws, Article I, Definitions as follows, with the provisions to be added shown in bold italics:

1.95 Special Permit Granting Authority.

The Planning Board, Town of Topsfield, Massachusetts, ***unless otherwise defined herein.***

Or take any other action relative thereto.

The Town so voted by a 2/3 majority in support of the Finance Committee’s recommendation.



**ARTICLE TWENTY-NINTH:**

**AMEND ZONING BY-LAW: ARTICLE V, ADMINISTRATION AND ENFORCEMENT**

The Finance Committee recommended that the Town vote to amend certain sections of the Town Zoning By-Laws, Article V, Administration and Enforcement as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

**5.02 Permit Granting Authority and Special Permit Granting Authority.**

A. Permit Granting Authority. The Zoning Board of Appeals, hereinafter called "The Board", shall be the Permit Granting Authority pursuant to the Zoning Act.

B. Special Permit Granting Authority. The Topsfield Planning Board shall be the Special Permit Granting Authority ~~pursuant to the Zoning Act. In this capacity the Planning Board shall be~~ responsible for hearing and deciding upon applications for special permits for the following

~~1. Uses in the Business Park District requiring special permits in accordance with Section 3.06 and the Table of Use Regulations.~~

~~a. The installation and maintenance of wind energy conversion systems.~~

~~1. Special Permit and Site Plan Approval for multifamily residences for the elderly in an Elderly Housing District.~~

**1. Special Permit and Site Plan Approval for multifamily residences for the elderly in an Elderly Housing District (Article III, Section 3.16).**

**2. Special Permit for a Common Driveway (Article IV, Section 4.07 J).**

~~2~~ **3. Temporary Accessory Apartment Special Permit By-Law (Article ~~IV~~VII, Section 7.03).**

~~3~~ **4. Special Permits for uses and activities in the Groundwater Protection District (Article XI).**

~~4~~ **5. Wind Energy Conversion Systems (Article XV).**

~~5~~ **6. Ground-Mounted Solar Photovoltaic Installations (Article XVI).**

~~3.~~ The Board of Selectmen may appoint one town resident as an associate member of the Planning Board for a one year term, who shall be eligible to participate solely in matters in which the Planning Board is acting as the Special Permit Granting Authority, in accordance with M.G.L. Chapter 40A, § 9. The Chairman of the Planning Board, or the Acting Chairman, in the event of the absence of the Chairman, may designate the associate member to sit on the Planning Board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board.

**C. Special Permit Granting Authority. The Topsfield Board of Selectmen shall be the Special Permit Granting Authority responsible for hearing and deciding upon applications for special permits for the following:**

**1. Signs (Article XIII).**

Or take any other action relative thereto.

Steven Hall, of 86 Salem Road, presented the Planning Board's report. The Town so voted by a 2/3 majority in support of the Finance Committee's recommendation.

**ARTICLE THIRTIETH:**  
**LOCAL MEALS EXCISE**

The Finance Committee recommended that the Town vote to accept the provisions of G.L. c.64L, §2(a) authorizing the Town to impose what is commonly known as a "local meals excise", a local sales tax at the statutory rate of 0.75 percent on the sale of restaurant meals originating within the Town. The motion carried by majority vote.

**ARTICLE THIRTY-FIRST:**  
**COMMISSION ON DISABILITIES**

The Finance Committee recommended and the Town so voted unanimously to accept the provisions of G.L. c.40, §8J to create a Commission on Disabilities of five (5) members, to be appointed by the Board of Selectmen, in accordance with the provisions of Article Thirty-First as set forth in the warrant to carry out the duties of such a Commission in accordance with law.

**ARTICLE THIRTY-SECOND:**  
**SPECIAL EDUCATION RESERVE FUND**

The Finance Committee recommended and the Town so voted unanimously to accept the provisions of G.L. c.40, §13E to create a Special Education Reserve Fund, consistent with the vote of the Topsfield School Committee, for future payments of unanticipated or unbudgeted special education costs, out-of-district tuition, or transportation, provided however, that the monies in such fund shall be expended only with the approval of the Elementary School Committee and Board of Selectmen.

**ARTICLE THIRTY-THIRD:**  
**CITIZEN PETITION: ADOPT GENERAL BY-LAW - PROHIBITION OF WILD OR EXOTIC ANIMALS FOR ENTERTAINMENT**

The Finance Committee recommended that the Town vote to take no action on a citizens' petition requesting the Town amend the Town of Topsfield General Bylaws by inserting a new bylaw to prohibit the use of certain wild or exotic animals for entertainment in any circus, carnival, fair, traveling show, exhibit, or similar event or undertaking, or take any other action relative thereto, as follows:

**Chapter \_\_\_\_ – Prohibition of Wild or Exotic Animals for Entertainment**

**\_\_\_\_-1. Purpose**

The purpose of this Bylaw is to prevent the cruel and inhumane treatment of certain wild and exotic animals displayed for public entertainment in the Town of Topsfield and to thereby preserve and protect the general safety, welfare, and health of the public.

**\_\_\_\_-2. Definitions**

“Displayed” – This term shall include, but is not limited to, animal acts or performances, animal rides, photographic opportunities, and parades.

“Domesticated Animal” - Any animal occurring naturally or historically in the United States, that through long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes it unique and different from wild animals of its kind.

“Entertainment” - Any replication of the traditional wild animal circus or other carnival, traveling show, fair, or presentation of any kind in which wild or exotic animals are required to perform tricks or are used in performances for the amusement of an audience.

“Traveling Show” - Any mobile or stationary act, public show, trade show or similar undertaking incorporating wild or exotic animals as defined in this bylaw wherein the animals are taken from their permanent residence and required to walk or travel for any distance.

“Wild or Exotic Animal” - Any or all of the following, whether born in the wild or in captivity, and also any or all of their hybrids with domestic species:

- a. Elephants;
- b. Lions;
- c. Tigers;
- d. Ocelots;
- e. Cheetahs;
- f. Jaguars;
- g. Cougars;
- h. Lynx;
- i. Bears;
- j. Giraffes;
- k. Camels;
- l. Zebras;
- m. Kangaroos;
- n. All non-human primates.

### **\_\_\_-3. Prohibition of Wild or Exotic Animals for Entertainment**

No living wild or exotic animal as defined in this bylaw shall be displayed or used for public entertainment on any property in the Town of Topsfield, including land owned by the Town, leased by the Town, or private property, and regardless of how such public entertainment is characterized, including, for example, a circus, carnival, fair, traveling show, exhibit, or similar event or undertaking.

### **\_\_\_4. Exemptions**

The provisions of \_\_\_-3 shall not apply to:

1. Domesticated animals, including, but not limited to, dogs, cats, horses, and farm animal



2. Any non-domesticated animal that is not included in this bylaw's definition of "Wild or Exotic Animal"
3. Exhibits that are part of a duly licensed zoo and accredited by American Zoo and Aquarium Association, and exhibits that are deemed educational by either Mass Audubon, Massachusetts Society for the Protection of Animals, or the New England Wildlife Center, provided that the required permitting from the MA Division of Fisheries and Wildlife, US Fish and Wildlife Service, and USDA has been obtained.

#### **-5. Enforcement and Penalties**

This Bylaw shall be enforced by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Display of a wild or exotic animal in violation of this bylaw shall constitute a separate violation for each day such violation exists. When enforced through non-criminal disposition, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third violation and subsequent offenses:	\$300.00

The Board of Selectmen or its designee, the Board of Health or its agent, and any Police Officer of the Town of Topsfield shall be considered "enforcing persons" for purposes of this bylaw.

A lengthy discussion took place. Martha Sanders, of 192 Rowley Bridge Road, the resident who brought forth the petition and Jamie O'Brien, the President of the Topsfield Fair both spoke. Several residents made comments for and against the petition. Philip Knowles, 12 Boston St., Unit 21, rose to move the question. The Town so voted by overwhelming majority to move the question. The Town then voted by a majority of a show of hands to defeat the Finance Committee's recommendation of no action. Martha Sanders, of 192 Rowley Bridge Road, then stood and moved for positive action under Article 33<sup>rd</sup>. The motion was seconded. The Town so voted by majority for positive action on Article 33<sup>rd</sup>.

#### **ARTICLE THIRTY-FOURTH:**

##### **CITIZEN PETITION: AMEND ZONING BY-LAW, ARTICLE III, SECTION 3.02 PERMITTED USES**

To see if the Town will vote to amend Section 3.02 of the Topsfield Zoning Bylaw entitled "Permitted Uses" by striking out the "S" (Special Permit) in the Table of Use Regulation, as shown in red (striked-out) and inserting therefore NP (Not Permitted) in lines 2.14 and 2.16 in the columns CR, BV and BHN as shown in the excerpt of the aforementioned Table seen below:

<b>2. Community Facilities</b>		<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
2.14	Hospital	S	S	NP	NP	S	S	S NP
2.16	Nursing and Community Care Facilities	S	S	S NP	S NP	S	S	S NP

A positive vote will re-instate the 1993 ATM vote to limit the establishment of such facilities in Topsfield to the IRA, ORA, BH, and BP zoning districts that are less densely populated.

The Finance Committee, by a vote of 4 to 2, recommended positive action on this Citizen's Petition. Jeanine Cuniff, of 16 Towne Ln, presented the report of the Planning Board. The Planning Board's vote was 2-2-1. An extensive discussion ensued with many residents speaking both for and against the petition. Jack Burns, of 46 Campmeeting Rd., stood to move the question, and the Town so voted. The Moderator

called for a standing count vote. The recommendation of the Finance Committee passed by a vote of 294 Yeas to 78 Nays, a 2/3 majority.

**ARTICLE THIRTY-FIFTH:**

**CITIZEN PETITION: APPROPRIATE FREE CASH TO DEBT SERVICE**

To see if the Town will vote to appropriate a total amount of four hundred thousand (\$400,000.00) dollars of free cash in the town's current free cash account and apply the same to the town's current debt service for purposes of debt service relief, and to take any other action related thereto.

The Finance Committee recommended no action on this Citizen's Petition. Following an explanation of the petition by the petitioner, Kim Sherwood, of 29 Perkins Row, and a clarification of Free Cash by Town Counsel, Lauren Goldberg, the Town voted in an overwhelming majority to support the Finance Committee's recommendation of no action.

**ARTICLE THIRTY-SIXTH:**

**DONIBRISTLE FARM: TRANSFER FUND BALANCE RESERVED FOR CAPITAL EXCLUSION REDUCTION**

The Finance Committee recommended and the Town so voted unanimously to transfer and appropriate from the Fund Balance Reserve Account, established by the Town Accountant upon receipt of a \$400,000 LAND Grant, the sum of \$405,190 to reduce the tax levy for Fiscal Year 2020.

**ARTICLE THIRTY-SEVENTH:**

**FREE CASH TO OFFSET THE TAX RATE**

The Finance Committee recommended that the Town vote to transfer and appropriate from Free Cash the sum of \$500,000 to reduce the tax levy for Fiscal Year 2020. The Finance Committee's recommendation was approved by an overwhelming majority.

*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. The Annual Town Meeting of 2019 was dissolved at 12:30 AM. There were 663 registered voters in attendance.*

**TOWN OF TOPSFIELD  
TOWN ELECTION  
May 9, 2019**

The polls opened at 7:00 AM on May 9, 2018 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 Bonanno, Diane Bufalino, Carole Carter, Mary Connor, Elaine Crippen, Kathy Curran, Jan Englehardt, Judy Forrest, Jolene Guerra, Mary Hayden, Debra Parkhurst, and Dorothy Roberts

The polls were closed at 8:00 PM, and 1459 ballots were cast. There were 4621 persons registered to vote in this election. Total percentage voting in this election is 31.6%. The results are as follows:

Moderator, One Year

Stephen T. Whelan	1086	*
Blanks	308	
Shawn Malloy – Write-in	54	
Jeanine Cunniff – Write-in	11	

Selectman, Three Years

Mark B. Lyons	1142	*
Blanks	317	
Write Ins	0	

Elementary School Committee, Three Years (Vote for Two)

Andrew C. Prazar	1138	*
Blanks	1587	
Augustin Serino – Write-in	193	*

Assessor, Three Years

Lynn A. Conant	1150	*
Blanks	309	
Write Ins	0	

Commissioner of Trust Funds, Three Years

Thomas P. Walsh	1137	*
Blanks	322	
Write Ins		

Library Trustee, Three Years (Vote for Two)

Gail D. Bryson	1096	*
Kenneth J. Scott	865	*
Blanks	957	
Write Ins	0	

Park & Cemetery Commissioner, Three Years

Blanks	1220	
Marshall Hook	194	*
Michael Smerczynski	36	
Robert Benjamin	9	

Planning Board, Three Years (Vote for Two)

Gregory S. Mellinger	979	*
Jennie M. Merrill	1012	*



Blanks	927
Write Ins	0

Regional School Committee, Three Years (Vote for One)

William J. Hodges	764	*
Melissa Even	433	
Blanks	262	
Write Ins	0	

Regional School Committee, One Year

Melissa A. Ogden	1139	*
Blanks	320	
Write Ins	0	

Road Commissioner, Three Years

Philip G. Knowles	1148	*
Blanks	311	
Write Ins	0	

Water Commissioner, Three Years

Richard L. Stone	1133	*
Blanks	326	
Write Ins	0	

QUESTION ONE:

Shall the Town of Topsfield be allowed to assess an additional \$593,068 in real estate and property taxes for the purpose of funding the general fund operating budget for the elementary schools for the fiscal year beginning July first, two thousand and nineteen?

YES	960	*
NO	485	
BLANK	14	

A true copy attest:

*Mary E. Willis*  
 Mary E. Willis  
 Town Clerk