



**ANNUAL/SPECIAL TOWN MEETINGS  
MASCONOMET REGIONAL HIGH SCHOOL AUDITORIUM  
20 ENDICOTT ROAD, BOXFORD, MA  
TUESDAY, MAY 2, 2023**

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

The Annual Town Meeting was called to order at 7:11 PM by Moderator Stephen Whelan and at that time, it was determined that the quorum of 100 had been met and exceeded. He acknowledged the presence of several special guests: Senator Bruce Tarr, Representative Kristin Kassner, and Representative Sally Kerans. The Moderator welcomed the audience and thanked all Board and Committee volunteers and employees of the Town who worked hard to get the Town to this point. The Moderator acknowledged the Board of Health and its volunteers for their work on the front-lines providing vaccinations and boosters to the public throughout the year.

The Moderator led the Meeting in the Pledge of Allegiance and a moment of silence. He recognized the efforts of volunteers on Boards and Committees by asking them to stand for a round of applause.

A summary of further announcements and ground rules for Town Meeting are listed below:

1. For restrooms, please exit at the back of the auditorium and turn left or right. The restrooms are located down the corridor at the bend.
2. Please retain the yellow cards you were issued at Check-in. In the event of a hand count vote, you will be required to raise your card. Residents are asked to remain seated for the duration of the count.
3. Please silence all cell phones.
4. The meeting is being recorded for a future broadcast. The Moderator thanked Brad Sweet and Boxford Cable for their service.
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. Please proceed to the nearest microphone. When recognized, the person must state his or her name and street address. There is a two-minute speaking limit. 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.

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

School Committee member Andrew Prazar presented the report of the Tri-Town Regional Planning Committee, for which he is the Chair.

Select Board Chair Marshall Hook presented the report of the Select Board summarizing FY 2023 accomplishments and happenings.

*At 7:35 PM, the Moderator entertained a motion from Mr. Hook to recess the Annual Town Meeting. The motion was duly seconded and so voted by the Town, and the Moderator called to order the Special Town Meeting.*

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

There were no reports.

**ARTICLE SECOND:**  
**PRIOR YEAR BILLS**

To see if the Town will vote to transfer from available funds a sum of money to pay any outstanding bills contracted prior to July 1, 2022.

Bills of a prior year:

VENDOR	INVOICE DATE	AMOUNT	ACCOUNT TO:
CANVA	03/31/2022	119.99	12205-57300 – SEL DUES/PUB (ANNUAL SUBSCRIPTION)
CANVA	05/05/2022	167.50	12205-57300 – SEL DUES/PUB
VERIZON	06/10/2022	92.49	15005-53400-TOWN HALL TELEPHONE (MONTHLY CONTRACT)
VERIZON	04/10/2022	813.40	15005-53400-TOWN HALL TELEPHONE (MONTHLY CONTRACT)
VERIZON	5/10/2022	798.52	15005-53400-TOWN HALL TELEPHONE (MONTHLY CONTRACT)
VERIZON	06/10/2022	807.50	15005-53400-TOWN HALL TELEPHONE (MONTHLY CONTRACT)
KONICA MINOLTA	12/15/2019	178.00	15005-54226-TOWN HALL COPIER (MONTHLY CONTRACT)
		<b><u>\$2,977.40</u></b>	

Finance Committee Chair Che Elwell moved that the Town vote to appropriate funding from fiscal year 2023 to pay outstanding bills from a prior fiscal year. The Finance Committee recommended positive action.

There was no discussion. Article Second passed by Unanimous vote, so declared the Moderator.

### **ARTICLE THIRD:**

#### **FISCAL YEAR 2023 BUDGET TRANSFERS**

To see if the Town will vote to transfer from the unexpended balance of certain accounts, and/or from available funds, and appropriate said funds to certain other accounts to pay certain expenses for the 2023 fiscal year, or take any other action relative thereto.

TRANSFER FROM:			TRANSFER TO:		
Account Name	Account #	Amount	Account Name	Account #	Amount
MIIA HEALTH INSURANCE	91505-51730	15,000.00	LEGAL SERVICES	12405-53030	15,000.00
SEL WAGE EXEC ASSISTANT	12202-51140	2,100.00	ACT MTG/CONG/LIC	13505-53200	2,100.00
P&C WAGE EQUIP OPERATOR	49202-51130	18,000.00	TWN ELECTRICITY	15005-52100	18,000.00
MIIA HEALTH INSURANCE	91505-51730	2,000.00	TWN NATURAL GAS	15005-52200	2,000.00
VET VETERAN BENEFITS	54605-57700	8,000.00	POL ELECTRICITY	21005-52100	8,000.00
MIIA HEALTH INSURANCE	91505-51730	19,000.00	POL VEHICLE MAINTENANCE	21005-52450	19,000.00
PROPERTY+LIABILITY INS	91605-57400	42,910.00	SNOW & ICE SALT	42305-55330	42,910.00
P&C WAGE FT LABOR	49202-51131	10,000.00	HWY GASOLINE & DIESEL	42005-54100	10,000.00
BOH SAL HEALTH AGENT	51201-51120	14,000.00	STR LIGHT/ELEC	42405-52100	14,000.00
MIIA HEALTH INSURANCE	91505-51730	1,600.00	REFUSE EXP/RUBBISH COLLECTION	43005-52910	1,600.00
		<b><u>\$132,610.00</u></b>			<b><u>\$132,610.00</u></b>

Finance Committee Chair Che Elwell moved 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 2023 fiscal year. The Finance Committee recommended positive action.

There was no discussion. Article Third passed by Unanimous vote, so declared the Moderator.

***A motion to conclude the Special Town Meeting was made, seconded and the Town so voted. The Annual Town Meeting was re-convened at 7:39 PM.***

### **ARTICLE FIRST:**

#### **REPORTS (CONTINUED)**

Finance Committee Chair Che Elwell and Select Board Chair Marshall Hook recognized Stephen Whelan for his many years of service to the Town, the last 8 of which he was the elected Moderator. Mr. Whelan took a moment to thank the citizens of Topsfield for the honor of serving as Moderator.

Finance Committee Chair Che Elwell presented the report of the Finance Committee.

The Moderator introduced the officials who were seated at the front of Town Meeting. Attending for Finance Committee were Michael Hartmann, Catherine Hodges, Karen Duval, David Larson, Tim O'Malley, Jon Guido, and Chair Che Elwell. Seated at the Select Board table were Vice Chair and Clerk Rafael McDonald, Boyd Jackson, Cameron Brown, Lynne Bermudez, Chair Marshall Hook, Town Counsel Matthew Sirigu and Lauren Goldberg, and Town Administrator Kevin Harutunian.

**ARTICLE SECOND:**  
**BALANCE TRANSFERS**

To see if the Town will vote to transfer certain account balances and appropriate the same to fund the General Operating Budget for Fiscal Year 2024 to be voted under Article Third, or take any other action relative thereto.

<b>Account:</b>	<b>Amount:</b>
Conservation Commission	15,000
Cemetery Revolving Account	15,000
Cemetery Perpetual Care Fund	25,000
Cemetery Sale of Lots Account	10,000
Cable/PEG Fund	55,178
<b>Total Balance to Transfer:</b>	<b>\$120,178</b>

Finance Committee member Jon Guido moved that the Town vote to transfer the sum of \$120,178 from various funds listed under this Article Second in the warrant and appropriate the same to fund the General Operating Budget in Fiscal Year 2024 to be voted under Article Third. The Finance Committee recommended positive action.

Town Administrator Kevin Harutunian stated: “On the Cemetery Perpetual Care Fund, it being a trust fund, it is going directly into the general fund, however, on our Omnibus we have made a highlight of that item in the operating budget of the \$50,000 and a note referencing the fact that it’s being paid for through the transfer. So it is unique and it is called out specifically. I would like that to be made on the record.”

Article Second passed by Unanimous vote, so declared the Moderator.

**ARTICLE THIRD:**  
**GENERAL OPERATING BUDGET**

To see if the Town will vote to fix the annual salary and compensation of all elected officers, and raise and assess, or transfer from available funds, and appropriate a sum of money for elementary schools, highways, and other Town expenses from July 1, 2023 for Fiscal Year 2024, and determine the manner of expending the same, or take any other action relative thereto.

**Motion A - Base Budget as set forth in Attachment A.** Finance Committee member Michael Hartmann moved that the Town vote to appropriate the sum of \$23,553,502 for elementary schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1, 2023, and determine the manner of expending the same, all as stated in the column entitled “Approved Appropriations” in Attachment A to the warrant; and to meet said appropriation, in addition to the amount of \$120,178 transferred for such purposes under Article Second, to transfer the sum of \$100,000 from Overlay Surplus and raise and assess the sum of \$23,333,324. The Finance Committee recommends positive action.

John Kinan, of 55 Colrain Rd., rose to move the question. The motion passed Unanimously.

Motion A of Article Third passed by Unanimous vote, so declared the Moderator.

**Motion B – Contingency Appropriation as set forth in Attachment A.** Finance Committee member Michael Hartmann moved that the Town take no action.

The Moderator acknowledged he was aware that residents may want a Secret Ballot on this question. Finance Committee member Michael Hartmann moved to have a Secret Ballot for voting on Article Third – Motion B as written. The motion for a Secret Ballot failed by Majority vote, so declared the Moderator.

The Moderator invited Elementary School Committee Chair Charise Rohm Nulsen, 3 Beech Place, to present about the current elementary school budget situation. And a robust discussion followed. Phil Knowles, 12 Boston St., #21, rose to call the question, and the Town so voted.

The Finance Committee’s recommendation of no action on Motion B of Article Third was defeated by Majority vote, so declared the Moderator.

Charise Rohm Nulsen, of 3 Beech Place, made the following motion: “I move that the Town of Topsfield vote to appropriate the amount of \$1,139,926 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 on May 4<sup>th</sup> of a so-called Proposition 2 ½ override pursuant to MGL c. 59, § 21C(g).” The motion was seconded.

The counter motion for Motion B of Article Third passed by Majority vote, so declared the Moderator.

#### **ARTICLE FOURTH:**

#### **WATER DEPARTMENT OPERATING BUDGET**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money for the Water Department for Fiscal Year 2024 and determine the manner of expending the same, or take any other action relative thereto.

#### **WATER DEPARTMENT OPERATING BUDGET**

Actual Appropriation FY2023		Proposed Appropriation FY2024
\$ 397,213	Salary & Wages	\$ 396,884
419,550	Other	441,350
652,300	Long-Term Debt Principal	650,500
337,856	Long-Term Debt Interest	310,221
-	Short-Term Debt Principal	-
-	Short-Term Debt Interest	40,000
-	Debt Issue Costs	5,000
125,000	Water Reserve Fund	150,000
125,000	Unanticipated Emergency	130,000
<b>2,056,919</b>		<b>SUB-TOTAL – DIRECT COSTS: 2,123,955</b>
190,671	Indirect Costs	167,440
<b>\$2,247,590</b>		<b>TOTAL WATER DEPARTMENT BUDGET: \$2,291,395</b>

Finance Committee member David Larson moved that the Town vote to transfer from Water Revenue the sum of \$2,123,955 and appropriate the same as detailed under this Article Fourth in the Warrant, to operate the Water Department from July 1, 2023, through June 30, 2024, and to confirm the sum of \$167,440 of indirect costs appropriated in the General Fund under Article Third, to be funded from Water Revenues. The Finance Committee recommended positive action.

Article Fourth passed by Unanimous vote, so declared the Moderator.

## **ARTICLE FIFTH:**

### **MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to approve a Fiscal Year 2024 Budget for the Masconomet Regional School District and to raise and assess, or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment of same, or take any other action relative thereto.

Finance Committee Member Karen Duval moved that the Town vote to raise, assess and appropriate the sum of \$8,876,259 to fund a portion of the Town's share of the Fiscal Year 2024 Masconomet Regional School District Operating Assessment and the additional sum of \$246,921 to fully fund the amount assessed to the Town under the Fiscal 2024 Masconomet Regional School District Operating Assessment, provided, however, that such additional appropriation shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override pursuant to MGL c. 59, § 21C(g); and, further, to acknowledge that if such override is passed at the election, the Town will have approved the Masconomet Regional School District FY2024 operating budget in the requested amount of \$39,757,686. The Finance Committee recommended positive action.

Article Fifth passed by simple majority vote.

## **ARTICLE SIXTH:**

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

To see if the Town will vote to approve the Fiscal Year 2024 Gross Operating Budget of the Essex North Shore Agricultural and Technical School District and to raise and assess, or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment of same, or take any other action relative thereto.

Finance Committee member Karen Duval moved that the Town vote to approve the Fiscal Year 2024 Gross Operating Budget of the Essex North Shore Agricultural and Technical School District in the amount of \$36,627,270 and raise, assess and appropriate the sum of \$485,391 for the Town's share of the assessment of same. The Finance Committee recommends positive action.

Ms. Duval referred back to the Moderator, who clarified that Topsfield's assessment for FY 2024 had changed after the warrant was printed. He stated that Topsfield's assessment for FY 2024 is \$498,292.

Article Sixth passed by Unanimous vote, so declared the Moderator.

*At 8:46 PM, the Moderator presented the first group of consent articles including Articles Seventh thru Article Twelfth, 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 Town voted to approve the use of the Consent Agenda.*

## **\*ARTICLE SEVENTH:**

### **GRANT AUTHORIZATION FOR TOWN PROJECTS**

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

Finance Committee member Tim O'Malley moved that the Town vote to authorize the Select Board to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects. The Finance Committee recommended positive action.

Article Seventh passed by Unanimous vote, so declared the Moderator.

**\*ARTICLE EIGHTH:**

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS**

To see if the Town will vote to authorize the Select Board 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 in accordance with MGL c. 90, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to authorize the Select Board 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 MGL c.90. The Finance Committee recommended positive action.

Article Eighth passed by Unanimous vote, so declared the Moderator.

**\*ARTICLE NINTH:**

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

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money as a grant for Fiscal Year 2024 to fund certain activities of the Tri-Town Council, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate from Free Cash the sum of \$21,525 as a grant for Fiscal Year 2024 to fund activities of the Tri-Town Council. The Finance Committee recommended positive action.

Article Ninth passed by Unanimous vote, so declared the Moderator.

**\*ARTICLE TENTH:**

**SENIOR CARE**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money as a grant to Senior Care Inc., an authorized service provider for elders in Topsfield, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate from Free Cash the sum of \$1,500 as a grant for Fiscal Year 2024 to fund activities of Senior Care Inc. The Finance Committee recommended positive action.

Article Tenth passed by Unanimous vote, so declared the Moderator.

**\*ARTICLE ELEVENTH:**

**ASSESSOR FIVE-YEAR RECERTIFICATION**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, to fund the state required five-year property assessment recertification, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate the sum of \$8,000 from Free Cash, to be expended by the Select Board to fund the state required five-year property assessment recertification, including all incidental and related expenses. The Finance Committee recommended positive action.

Article Eleventh passed by Unanimous vote, so declared the Moderator.

**\*ARTICLE TWELFTH:**

**TOWN FACILITIES REPAIR AND MAINTENANCE FUND**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board 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, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate from Free Cash the sum of \$30,000 to be expended by the Select Board 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 Finance Committee recommended positive action.

Article Twelfth passed by Unanimous vote, so declared the Moderator.

**ARTICLE THIRTEENTH:**

**POLICE CRUISERS**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, with the advice of the Police Chief, to purchase and equip two new Police Cruisers, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Free Cash the sum of \$130,000 to be expended by the Select Board, with the advice of the Police Chief, to purchase and equip two new Police Cruisers, including all incidental and related expenses. The Finance Committee recommended positive action.

During a robust discussion, Dick Gandt, of 31 Timber Lane, moved to amend the motion to specify that the Town "sell or trade-in both current cruisers" with the purchase of the new cruisers instead of re-purposing one of the cruisers as a pool car for the Council on Aging and/or Town Hall, as was proposed in the warrant. Town Counsel, Lauren Goldberg, of KP Law, clarified that voters at Town Meeting can "authorize" the Select Board to do something in particular, but they cannot necessarily "mandate" that the Board does it. Several people rose to agree with the idea of having a pool car, while Lynne Bermudez, speaking as the Vice Chair of the Council on Aging, offered that the Council on Aging had taken a vote at their last meeting



that they do not need a pool car at this time. Phil Knowles, of 12 Boston Street #21, rose to call the question, and it was so voted.

The Town voted against the amendment to the original motion. Article Thirteenth passed by Majority vote, so declared the Moderator.

**ARTICLE FOURTEENTH:**  
**POLICE CRUISER RADIOS**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, with the advice of the Police Chief, to purchase and install two new police cruiser radios, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Free Cash the sum of \$11,000 to be expended by the Select Board, with the advice of the Police Chief, to purchase and install two new police cruiser radios, including all incidental and related expenses. The Finance Committee recommended positive action.

There was no discussion. Article Fourteenth passed by Majority vote, so declared the Moderator.

**ARTICLE FIFTEENTH:**  
**FIRE DEPARTMENT AMBULANCE**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, with the advice of the Fire Chief, to purchase and equip a new Ambulance, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate the total sum of \$480,000, to be expended by the Select Board, with the advice of the Fire Chief, to purchase and equip a new Ambulance, including all incidental and related expenses; with the sum of \$40,000 to come from Article Fourteenth of the 2021 Annual Town Meeting (Town Hall Generator), \$200,000 to come from the Capital Stabilization Fund, \$140,000 to come from Free Cash, as well as the sum of \$100,000 to come from the American Rescue Plan Act (ARPA) funds as allocated by the Select Board. The Finance Committee recommended positive action.

Article Fifteenth passed by the required two-thirds Majority vote, so declared the Moderator.

**ARTICLE SIXTEENTH:**  
**PUBLIC WORKS DUMP TRUCK**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, to purchase and equip a new Dump Truck for the Public Works Department, including all incidental and related expenses, and trade-in or sell a 2012 Dump Truck Sander, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Free Cash the sum of \$243,000 to be expended by the Select Board, to purchase and equip a new Dump Truck,

including all incidental and related expenses, and trade-in or sell a 2012 Dump Truck Sander. The Finance Committee recommended positive action.

There was no discussion. Article Sixteenth passed by Majority vote, so declared the Moderator.

#### **ARTICLE SEVENTEENTH:**

##### **PUBLIC WORKS PICKUP TRUCK**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, to purchase and equip a new Pickup Truck for the Public Works Department, including all incidental and related expenses, and trade-in or sell a 2013 Pickup Truck, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Free Cash the sum of \$45,000 to be expended by the Select Board to purchase and equip a new Pickup Truck, including all incidental and related expenses, and trade-in or sell a 2013 Pickup Truck. The Finance Committee recommended positive action.

There was no discussion. Article Seventeenth passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE EIGHTEENTH:**

##### **BOSTON STREET WATER STORAGE TANK REPLACEMENT**

To see if the Town will vote to appropriate a sum of money to fund the design and construction of a new Boston Street Water Storage Tank, including site clearance, demolition, and all incidental or related expenses, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise; or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to appropriate the sum of \$3,800,000 to be expended by the Select Board to fund the design and construction of a new Boston Street Water Storage Tank, including the payment of all incidental or related expenses; and to meet this appropriation, that \$800,000 be transferred and appropriated from the Water Enterprise Retained Earnings Fund, and the Treasurer, with approval of the Select Board, be authorized to borrow \$3,000,000 pursuant to MGL c. 44, §8(4), or any other enabling authority, and to issue bonds or notes of the Town therefor.

There was no discussion. Article Eighteenth passed with a Unanimous vote, so declared the Moderator.

#### **ARTICLE NINETEENTH:**

##### **WATER METER REPLACEMENT**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to fund the purchase and installation of new water meters, including all incidental or related expenses, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Water Enterprise Retained Earnings Fund the sum of \$90,000, to be expended by the Select Board, to fund

the purchase and installation of new water meters, including all incidental or related expenses. The Finance Committee recommended positive action.

Following a brief discussion, Article Nineteenth passed by Majority vote, so declared the Moderator.

#### **ARTICLE TWENTIETH:**

##### **PERKINS ROW PUMP STATION AND WELL REHABILITATION**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to fund the rehabilitation of the Perkins Row pump station and wells, including all incidental or related expenses, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to transfer and appropriate from Water Enterprise Retained Earnings Fund the sum of \$150,000, to be expended by the Select Board, to fund the design phase of the rehabilitation of the Perkins Row pump station and wells, including all incidental or related expenses. The Finance Committee recommended positive action.

There was no discussion. Article Twentieth passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE TWENTY-FIRST:**

##### **PLAYGROUND IMPROVEMENTS**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, to repair and improve playgrounds located Steward School Proctor School, and Pye Brook Community Park, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member Catherine Hodges moved that the Town vote to transfer and appropriate the sum of \$25,000 from Free Cash, to be expended by the Select Board to repair and improve playgrounds located at Steward School, Proctor School, and Pye Brook Community Park, including all incidental and related expenses. The Finance Committee recommended positive action.

There was no discussion. Article Twenty-First passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE TWENTY-SECOND:**

##### **AMEND ZONING BYLAW: ACCESSORY APARTMENT**

To see if the Town will vote to amend the Town Zoning Bylaw, Article VII, Section 7.03(3.25), Temporary Accessory Apartment Special Permit By-law – Requirements, as presented below, with the provisions to be inserted shown in ***bold italic***, or take any other action relative thereto:

***3.25. In the case of new construction which includes a family accessory apartment, a building permit may only be issued after the Special Permit for the accessory apartment has been approved by the Planning Board.*** There shall be no occupancy of the family accessory apartment until the Building Inspector has issued a certificate of occupancy that the main dwelling and family accessory apartment shall be in compliance with all applicable health and building codes. ***In the case of an addition to an existing dwelling that has a certificate of occupancy, there shall be no occupancy of the accessory apartment until the Building Inspector has issued a certificate of***

*occupancy for the accessory apartment.*

Finance Committee member Karen Duval moved that the Town vote to amend the Town Zoning Bylaw, Article VII, Section 7.03(3.25), Temporary Accessory Apartment Special Permit By-law – Requirements, as set forth in this Article Twenty-Second in the warrant. The Finance Committee recommended positive action.

Josh Rownd, of 110 Salem Road, presented the Planning Board report. The Planning Board recommended positive action.

There was no discussion. Article Twenty-second passed by 2/3 Majority, so declared the Moderator.

**ARTICLE TWENTY-THIRD:**

**AMEND ZONING BYLAW: DEFINITIONS**

To see if the Town will vote to amend the Town Zoning Bylaw, Article I, Definitions, by inserting the following new definitions, and renumbering the existing definitions accordingly, or take any other action relative thereto:

- 1.09** Beverage Manufacturing –A facility, licensed under relevant local, state and federal statutes, for the production and packaging of beverages, including alcoholic and non-alcoholic beverages, for retail sale and for consumption on or off the premises or wholesale distribution, and which may include as an accessory use preparation and/or sale of food for on premises consumption or for take-out and may include outdoor dining. Any such facility may provide samples limited in size, provided that such sampling is allowed under relevant local, state, and federal statutes, regulations and licenses issued thereunder. The facility may host marketing events, special events, and/or factory tours. Live indoor entertainment is allowed as stipulated by the locally-issued Special Permit.
- 1.87** Pub Brewery - An eat-in restaurant, licensed under relevant local, state and federal statutes to produce and sell malt beverages at the dining location, whose primary business is the preparation and sale of food to be consumed on the premises, and whose accessory business is the production of malt beverages, including beer and ales, which may include the packaging of such beverages and on-premises sale of such beverages for consumption on or off the premises. Malt beverages produced on the premises, may be sold to other establishments in compliance with relevant state and federal statutes and regulations, but such sales shall not exceed 40 percent of the establishment's production capacity. Accessory outdoor dining and live indoor entertainment are allowed as stipulated by the locally-issued Special Permit.
- 1.106** Tavern - An establishment where alcoholic beverages may be ordered and served at tables or a counter with or without food. Accessory outdoor dining and live indoor entertainment are allowed as stipulated by the locally-issued Special Permit.

Finance Committee member Karen Duval moved that the Town vote to amend the Topsfield Zoning Bylaws, ARTICLE I, Definitions, as set forth in this Article Twenty-Third in the warrant. The Finance Committee recommended positive action.

Planning Board Chair Martha Morrison, of 217 Rowley Bridge Rd., presented the Planning Board report. The Planning Board recommended positive action.

Following a brief discussion, Article Twenty-Third passed with a Unanimous vote, so declared the Moderator.

#### **ARTICLE TWENTY-FOURTH:**

##### **AMEND ZONING BYLAW: HOUSING TABLE OF USE**

To see if the Town will vote to amend the Town's Zoning Bylaw, Article III, Sections 3.02 and 3.04, Table of Use Regulations, as presented below, by inserting the provisions shown in ***bold italic*** and deleting the provisions shown in ~~strike through~~, or take any other action relative thereto:

	<b>Permitted Uses</b>	<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
1.2	Two Family Dwelling	NP	NP	NP	S	<del>P* S</del>	<del>NPS</del>	<del>P* S</del>
1.3	Multi-Family Dwelling	NP	NP	NP	S	<del>P* S</del>	<del>NP S</del>	<del>P* S</del>

Finance Committee member Karen Duval moved that the Town vote to amend the Topsfield Zoning Bylaw, ARTICLE III, Sections 3.02 and 3.04, as set forth in this Article Twenty-Fourth in the warrant. The Finance Committee recommended positive action.

Steven Hall, of 86 Salem Road, presented the Planning Board recommendation. The Planning Board recommended positive action.

There was no discussion. Article Twenty-Fourth passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE TWENTY-FIFTH:**

##### **AMEND ZONING BYLAW: COMMERCIAL TABLE OF USE**

To see if the Town will vote to amend the Town's Zoning Bylaw, Article III, Sections 3.02 and 3.04, Table of Use Regulations, as presented below, by inserting the provisions shown in ***bold italic*** and deleting the provisions shown in ~~strike through~~, or take any other action relative thereto:

	<b>Permitted Uses</b>	<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
2.3	For Profit School	NP	NP	NP	<del>S, P</del>	<del>S-P</del>	<del>S-P</del>	<del>S-P</del>

	<b>Permitted Uses</b>	<b>ORA</b>	<b>IRA</b>	<b>CR</b>	<b>BV</b>	<b>BH</b>	<b>BP</b>	<b>BHN</b>
4.12 A	Restaurant, Full Service	NP	NP	NP	<b><i>SP</i></b>	S	S	S
<b><i>4.39</i></b>	<b><i>Pub Brewery</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>
<b><i>4.40</i></b>	<b><i>Beverage Manufacturing</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>
<b><i>4.41</i></b>	<b><i>Tavern</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>NP</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>	<b><i>S</i></b>

Finance Committee member Karen Duval moved that the Town vote to amend the Topsfield Zoning Bylaw, ARTICLE III, Sections 3.02 and 3.04, as set forth in this Article Twenty-Fifth in the warrant. The Finance Committee recommended positive action.

Steven Hall, of 86 Salem Road, presented the Planning Board recommendation of positive action.

Article Twenty-Fifth passed by 2/3 Majority, so declared the Moderator.

## **ARTICLE TWENTY-SIXTH:**

### **HOME RULE PETITION TO AMEND SCOPE OF EXISTING LIQUOR LICENSES**

To see if the Town will vote to authorize the Select Board to file a petition with the General Court for special legislation amending the scope of the eight (8) licenses for the sale of alcoholic beverages to be drunk on premises, pursuant to Section 12 of Chapter 138 of the General Laws, granted to the Town pursuant to Chapter 315 of the Acts of 2014, An Act Relative to the Sale of All Alcoholic Beverages to be Drunk on the Premises in the Town of Topsfield; thus, in addition to the ability to grant such licenses to an entity licensed as a common victualler pursuant to chapter 140 of the General Laws and operating as a conference and event facility or full-service restaurant, as defined in the Town's Zoning Bylaws, the Select Board would also be able to grant such licenses to entities with or without a common victuallers license and operating as a Pub Brewery, Tavern or Beverage Manufacturing facility, as such terms may be defined, from time-to-time, in the Town's Zoning Bylaws, as set forth in a document on file with the Town Clerk entitled, "Article Twenty-Sixth 2023 Proposed Pouring License Home Rule Petition"; provided however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court, and to authorize the Select Board to approve amendments which shall be within the scope of the petition, thereto or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to authorize the Select Board to petition the General Court for special legislation, as set forth in a document on file with the Town Clerk entitled "Article Twenty-Sixth 2023 Proposed Pouring License Home Rule Petition" as set forth in this Article Twenty-Sixth in the warrant. The Finance Committee recommended positive action.

There was no discussion. Article Twenty-Sixth passed by Unanimous vote, so declared the Moderator.

## **ARTICLE TWENTY-SEVENTH:**

### **AMEND ZONING BYLAW: BUSINESS DISTRICT HIGHWAY**

To see if the Town will vote to amend the Town's Zoning Bylaw, Article II, Section 2.03, Business District Highway, as presented below, by inserting the provision shown in ***bold italic***, or take any other action relative thereto:

#### **2.03 Business District Highway**

The Business District Highway shall comprise an area bounded by a line beginning at the intersection of Main Street and the center line of the railroad or railroad bed right of way where track has been removed, and following said line westerly to the Proctor School Playground; thence following the southern boundary of the Proctor School playground to Main Street, and crossing Main Street; and following the southern boundary of the Town Library grounds to the brook; following the brook southwesterly until it intersects a parallel to Main Street 250 feet to the southeast thereof, following this parallel across Central Street and Park Street to South Main Street; then following South Main Street north to the center line of the railroad, the point of beginning. ***The Business District Highway shall also include the following lot referred to by the lot number and the Assessor's map number: Map 41 Lot 102.***

The Moderator pointed out to the audience that the wording of the change was incorrect in the Warrant mailed to residents. Finance Committee member Karen Duval read the following, correct definition, which was also projected on the screen for the audience:

## 2.03 Business District Highway

The Business District Highway shall comprise the area bounded by a line beginning at the junction of Boston Street and South Main Street, thence northerly on South Main Street to Maple Street, thence easterly on Maple Street to a point 300 feet from Boston Street, thence northerly parallel to Boston Street to a point within 150 feet south of the center line of the railroad, thence northwesterly parallel to the center line of the railroad to Summer Street, thence northerly on Summer Street to a point 200 feet north of the center line of the railroad, thence easterly parallel to the center line of the railroad to a point on a perpendicular to Central Street and on the junction of Central Street and the brook passing under Central Street, thence northeasterly on the perpendicular across Central Street to a point 200 feet north of Central Street, thence easterly parallel to Central Street to a point 300 feet west of Boston Street, thence northerly parallel to Boston Street and 300 feet west of Boston Street, thence northerly parallel to Boston Street and 300 feet west of Boston Street to a boundary of the land now or formerly owned by Lape and thence easterly to Boston Street and northerly along western boundary of Boston Street to High Street, thence following High Street to a point 300 feet east of Boston Street, thence southerly parallel to Boston Street and 300 feet east thereof to Maple Street, thence westerly to Boston Street, thence southerly to the junction of Boston Street and South Main Street, the point of beginning. **The Business District Highway shall also include the following lot referred to by the lot number and the Assessor's map number: Map 41 Lot 102.**

Finance Committee member Karen Duval then moved that the Town vote to amend the Town's Zoning Bylaw, Article II, Section 2.03, Business District Highway, as read. The Finance Committee recommended positive action.

Steven Hall, of 86 Salem Road, reported that the Planning Board did not recommend positive action.

Following a robust discussion, Article Twenty-Seventh was defeated by a resounding Majority, so declared the Moderator.

### **ARTICLE TWENTY-EIGHTH:**

#### **LEASE OF DOWNTOWN PROPERTY**

To see if the Town will vote to authorize the Select Board to enter into a lease for all or any portion of the private property located at 30 Main Street, abutting the Town right of way, and shown on Assessors' Map 40, Parcel 74, for such purposes, on such terms and conditions and for such term of years as the Select Board may determine, or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to authorize the Select Board to enter into a lease within twelve months for all or any portion of the private property located at 30 Main Street abutting the Town right of way and shown on the Assessor's Map 40, parcel 74, for the general purposes of set forth in the text appearing in the warrant under 28, on such terms and conditions and for such terms of years as the Select Board shall determine. The Finance Committee recommended positive action.

During a lengthy discussion, it was an even split of residents who spoke in favor of the Article, and those who were not in favor of the Town doing anything to benefit the landlord, who does not care for his property. Phil Knowles, 12 Boston St. #21, rose to call the question, and the Town so voted. The voice vote was inconclusive, so the Moderator took the vote using raised cards.

Article Twenty-Eighth passed by Majority vote, so declared the Moderator.

## **ARTICLE TWENTY-NINTH:**

### **OPTION TO PURCHASE REAL PROPERTY**

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain, or otherwise, an interest in real property, including without limitation, an option to purchase, all or any portion of the private property abutting the Town-owned former Highway Department garage property at the end of School Avenue, known as 35R Main Street, and shown on Assessors' Map 41, Parcel 133, to be under the care, custody, management and control of the Select Board for general municipal purposes and for the purposes of sale, and to authorize the Select Board to sell such interest, on such terms and conditions and for such option period as the Select Board may determine, or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to authorize the Select Board to acquire an option to purchase all or any portion of the private property abutting the Town-owned former Highway Department garage property at the end of School Avenue, known as 35R Main Street, and shown on Assessors' Map 41, Parcel 133, shown on Assessors' Map 41 as Parcel 133, for general municipal purposes and for the purposes of sale, and to authorize the Select Board to sell such interest on such terms and conditions and for such option period as the Select Board may determine. The Finance Committee recommended positive action.

There was no discussion. Article Twenty-Ninth passed by Majority vote, so declared the Moderator.

## **ARTICLE THIRTIETH:**

### **AMEND WATER USE RESTRICTION BYLAW**

To see if the Town will vote to amend Chapter 245, Article III of the Town Code, Water Use Restrictions, as set forth in a document on file with the Town Clerk entitled, "Article Thirtieth 2023 Proposed Amendments to Article II of the Town Code, Water Use Restrictions, or take any other action relative thereto.

Finance Committee member Karen Duval moved that the Town vote to amend Chapter 245, Article II of the Town Code, as set forth in a document on file with the Town Clerk entitled, "Article Thirtieth 2023 Proposed Amendments to Article II of the Town Code, Water Use Restrictions. The Finance Committee recommends positive action.

There was no discussion. Article Thirtieth passed by Majority vote, so declared the Moderator.

## **ARTICLE THIRTY-FIRST:**

### **HOUSEKEEPING: BYLAW AMENDMENTS**

To see if the Town will vote to amend the Town Code to update the General Bylaws to be consistent with the provisions of Chapter 340 of the Acts of 2020, An Act Relative to the Reorganization of the Water, Highway and Park and Cemetery Departments in the Town of Topsfield, all as set forth in a document on file with the Town Clerk entitled, "Article Thirty-First 2023 Proposed Amendments to Town Code", or take any action relative thereto.

Recommended that the Town vote to amend the Town Code to update the General Bylaws to be consistent the provisions of Chapter 340 of the Acts of 2020, An Act Relative to the Reorganization of the Water, Highway and Park and Cemetery Departments in the Town of Topsfield, all as set forth in a document on file with the Town Clerk entitled, "Article Thirty-First 2023 Proposed Amendments to Town Code".



Article Thirty-First was withdrawn.

**ARTICLE THIRTY-SECOND:**  
**FUNDING FOR A BYLAW REVIEW**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Select Board, with the advice of the Town Administrator, to engage Town Counsel or a consultant to review and recommend revisions to the Town Code to remove dated and obsolete references and conflicting provisions, and to work with department heads to identify bylaws within their jurisdiction that may be amended or repealed to reflect current and best practices, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee member Tim O'Malley moved that the Town vote to transfer and appropriate from Free Cash the sum of \$15,000 to be expended by the Select Board, with the advice of the Town Administrator, to engage Town Counsel or a consultant to review and recommend revisions to the Town Code to remove dated and obsolete references and conflicting provisions, and to work with department heads to identify bylaws within their jurisdiction that may be amended or repealed to reflect current and best practices, including all incidental and related expenses. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Second passed by Majority vote, so declared the Moderator.

**ARTICLE THIRTY-THIRD**  
**AMEND MASCONOMET SCHOOL DISTRICT AGREEMENT – CAPITAL**

To see if the Town will vote to amend subsection D of Section IV ("Apportionment of Capital Costs") of the Masconomet Regional School District Agreement, as recommended by the Masconomet Regional School District School Committee, by deleting the text shown in ~~strike through~~ and inserting the ***bold, italicized text***:

**D. Apportionment of Capital Costs**

***1. All capital costs of the regional school district for ~~each fiscal year~~ Fiscal Year 2024 shall be apportioned annually to the member towns on the basis of their respective pupil enrollments on October 1 of the preceding year in grades 7 through 12 residing in each member town and receiving education at such town's expense, except that pupils for whom a member town is paying tuition for non-resident vocational programs or special education as provided under Chapters 74 and 71B of the General Laws, and pupils attending the Essex North Shore Agricultural and Technical School shall be excluded from the pupil enrollments for this purpose. Each member town's share for ~~each fiscal year~~ Fiscal Year 2024 shall be determined by computing the ratio which that town's pupil enrollment as specified above bears to the total of such pupil enrollments in all the member towns of the regional school district on that same date. Debt service included in capital costs shall be apportioned as a capital cost of the year in which the same falls due.***

***2. All capital costs of the regional school district for Fiscal Year 2025 shall be apportioned to the member towns on the basis of their respective pupil enrollments on October 1 of the preceding four (4) years in grades 7 through 12 residing in each member town and receiving education at such town's expense, except that pupils for whom a member town is paying tuition for non-resident vocational programs or special education as provided under Chapters 74 and 71B of the General Laws, and pupils attending the Essex North Shore Agricultural and Technical School shall be excluded from the pupil enrollments for this purpose. Each member town's share for Fiscal Year 2025 shall be determined by computing the***

*ratio which that town's pupil enrollment as specified above bears to the total of such pupil enrollments in all the member towns of the regional school district on October 1 of the preceding four (4) years. Debt service included in capital costs shall be apportioned as a capital cost of the year in which the same falls due.*

*3. All capital costs of the regional school district for Fiscal Year 2026 and thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments on October 1 of the preceding five (5) years in grades 7 through 12 residing in each member town and receiving education at such town's expense, except that pupils for whom a member town is paying tuition for non-resident vocational programs or special education as provided under Chapters 74 and 71B of the General Laws, and pupils attending the Essex North Shore Agricultural and Technical School shall be excluded from the pupil enrollments for this purpose. Each member town's share for Fiscal Year 2026 and thereafter shall be determined by computing the ratio which that town's pupil enrollment as specified above bears to the total of such pupil enrollments in all the member towns of the regional school district on October 1 of the preceding five (5) years. Debt service included in capital costs shall be apportioned as a capital cost of the year in which the same falls due.*

Finance Committee Member Karen Duval moved that the Town vote to amend the Masconomet Regional School District Agreement, as set forth in this Article Thirty-Third in the warrant. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Third passed by Unanimous vote.

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

##### **MASCONOMET REGIONAL SCHOOL DISTRICT TURF FIELD DESIGN**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to be expended by the Masconomet Regional District School Committee, with the advice of the School Superintendent, to design and permit turf athletic fields, including all incidental and related expenses, or take any other action relative thereto.

Finance Committee Member Karen Duval moved that the Town vote to transfer and appropriate from Free Cash the sum of \$131,437 to be expended by the Masconomet Regional District School Committee, with the advice of the School Superintendent, to design and permit turf athletic fields, including all incidental and related expenses. The Finance Committee recommended positive action.

A lengthy discussion ensued. Many residents spoke in support of Article Thirty-Forth. A few residents cited concerns regarding the toxicity of turf products, the environment, as well as the viability of rehabilitating the existing grass fields. Phil Knowles, of 21 English Commons, rose to call the question, and the Town so voted.

Article Thirty-Fourth passed by a simple Majority vote, so declared the Moderator.

#### **ARTICLE THIRTY-FIFTH:**

##### **HISTORICAL COMMISSION REVOLVING FUNDS**

To see if the Town will vote pursuant to the provisions of MGL. c.44, §53E½ to create a new revolving fund, to be known as the Historical Commission Sign Revolving Fund, and for such purposes, to amend the chart appearing in Section 28-5 of the Town Bylaws by inserting a new row for the Historical Commission Sign Revolving Fund, as shown below:

PROGRAM OR PURPOSE	DEPARTMENT RECEIPT	AUTHORIZED TO SPEND
<b>Historical Commission Sign Revolving Fund</b> (Paying costs and expenses related to the purchase of signs for placement on designated historic structures by the Town Historical Commission)	Receipts from Historical Commission sign permit applications	Historical Commission

And further, to vote to establish an annual expenditure limit of \$3,000 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 Select Board, with the approval of the Finance Committee, may change such limit, for that current fiscal year in compliance with law, or take any other action relative thereto.

Finance Committee member Karen Duval moved that the Town vote pursuant to the provisions of MGL c.44, §53E½ to establish a new Historical Commission Sign Revolving Fund, and, for such purposes, to amend Section 28-5 of the Town Bylaws to insert in the chart set forth therein a new row for the Historical Commission Sign Revolving Fund as printed in the warrant under Article Thirty-Fifth, and to approve an annual expenditure limit of \$3,000 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 Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, in compliance with state law. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Fifth passed by Majority vote, so declared the Moderator.

#### **ARTICLE THIRTY-SIXTH:**

##### **AMEND CEMETERY REVOLVING FUND SPENDING LIMIT**

To see if the Town will vote pursuant to the provisions of MGL c.44, §53E½ to increase the fiscal year spending limit for the Cemetery Revolving Fund from \$25,000 to \$30,000 in FY2024, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote pursuant to the provisions of MGL c.44, §53E½ to increase the fiscal year spending limit for the Cemetery Revolving Fund from \$25,000 to \$30,000 in FY2024, with such expenditure limit to be applicable for each fiscal year, thereafter, until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to change the same; provided, however, that the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, in compliance with state law. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Sixth passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE THIRTY-SEVENTH:**

##### **RESCIND PRIOR APPROPRIATION FROM CEMETERY PERPETUAL CARE AND SALE OF LOTS FUNDS**

To see if the Town will vote to rescind its vote under Article 20 of the May 3, 2022 Annual Town Meeting, thereby returning the sum of \$160,000 to the Cemetery Perpetual Care Fund, or take any other action relative thereto.

Finance Committee member David Larson moved that the Town vote to rescind its vote under Article 20 of the May 3, 2022 Annual Town Meeting thereby returning the sum of \$160,000 to the Cemetery Perpetual Care Fund. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Seventh passed by Unanimous vote, so declared the Moderator.

#### **ARTICLE THIRTY-EIGHTH:**

##### **CITIZEN PETITION: EMERSON FIELD**

Topsfield Town Meeting, May 2023, Citizen Petition Warrant Article,

##### **CITIZEN PETITION – Emerson Field Purchase by Topsfield, Non-Binding, “Sense of Town Meeting”**

To See, in a non-binding vote, if the Town has an interest in purchasing the Emerson Field property with the prospective transaction to be voted at a future town Meeting. The Congregational Church of Topsfield is currently working with a private developer to sell the Emerson Field Property. If this sale process is discontinued, would the Town Meeting support a purchase: (1) Of the Emerson Field Property, comprised of approximately 12.4 acres, to the northeast of a lot on High Street, and to the east of the Congregational Church Emerson Center on East Common Street, (2) for the perpetually restricted purpose of athletic and recreational areas, conservation woodlands and open space, and/or solar cell for energy generation and student environmental training.

Finance Committee member Jon Guido moved that the Town vote to approve the Citizen Petition, as set forth in this Article Thirty-Eighth in the warrant. The Finance Committee recommended positive action.

Robert Kmetz, of 32 Town Lane, presented the Citizen Petition. There was no discussion. Article Thirty-Eighth passed by Majority vote, so declared the Moderator.

*At 11:06 PM Finance Committee member Jon Guido moved that the Town consider Articles Thirty-Ninth through Article Forty-Second as a consent agenda. The Moderator explained that these articles are annually recurring articles, straight-forward and routine in nature, and asked that Town vote on them as a Consent Agenda. A particular article could be pulled for debate and discussion simply by objection. The Town voted to approve the use of the Consent Agenda for Articles Thirty-Ninth through Article Forty-Second.*

#### **ARTICLE THIRTY-NINTH:**

##### **OTHER POST-EMPLOYMENT BENEFITS (“OPEB” TRUST FUND)**

To see if the Town will vote to raise and assess, or transfer from available funds, and appropriate a sum of money to the Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to transfer and appropriate from Free Cash the sum of \$380,000 to the Other Post-Employment Benefits Liability Trust Fund. The Finance Committee recommended positive action.

There was no discussion. Article Thirty-Ninth passed by a clear Majority, so declared the Moderator.

**ARTICLE FOURTIETH:**

**CAPITAL STABILIZATION FUND**

To see if the Town will vote in accordance with the provisions of MGL c. 40, §5B to raise and assess, or transfer from available funds, and appropriate a sum of money to the Capital Stabilization Fund, or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to transfer and appropriate from Free Cash the sum of \$300,000 to the Capital Stabilization Fund. The Finance Committee recommended positive action.

There was no discussion. Article Fourtieth passed by a clear Majority, so declared the Moderator.

**ARTICLE FOURTY-FIRST:**

**GENERAL STABILIZATION FUND**

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

Finance Committee member Jon Guido moved that the Town vote to transfer and appropriate from Free Cash the sum of \$25,000 to the General Stabilization Fund. The Finance Committee recommended positive action.

There was no discussion. Article Fourty-First passed by a clear Majority, so declared the Moderator.

**ARTICLE FOURTY-SECOND:**

**FREE CASH TO OFFSET THE TAX RATE**

To see if the Town will vote to transfer from available funds and appropriate a sum of money to reduce the tax levy for Fiscal Year 2024, or take any other action relative thereto.

Finance Committee member Jon Guido moved that the Town vote to transfer and appropriate from Free Cash the sum of \$284,000 to reduce the tax levy for Fiscal Year 2024. The Finance Committee recommended positive action.

There was no discussion. Article Fourty-Second passed by a clear Majority, so declared the Moderator.

*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 2023 was dissolved at 11:10 PM. There were 486 registered voters in attendance.*

**TOWN OF TOPSFIELD  
ANNUAL TOWN ELECTION  
May 4, 2023**

The polls opened at 7:00 AM on May 4, 2023, at St. Rose of Lima Church Hall, 12 Park Street, with Paula Burke as Election Warden, and Frederick Capobianco as Constable. The following election workers were sworn to the faithful performance of their duties:

Ruth Bortzfield, Christine Cotti, Elaine Crippen, Kathy Curran, Judy Forrest, Sandy Guido, Wendy LaRovere, Erin Merrill, Carol Sampson, and Susan Whelton.

The polls were closed at 8:00 PM, and 1450 ballots were cast. There were 5056 persons registered to vote in this election. Total percentage voting in this election is 28.68%. The results are as follows:

<b>Precinct #</b>	<b>1</b>	<b>2</b>	<b>TOTAL</b>
<b>Total Registered Voters</b>	<b>2626</b>	<b>2430</b>	<b>5056</b>
<b>Total Votes</b>	<b>774</b>	<b>676</b>	<b>1450</b>
<b>Total Votes/Registered Voters</b>	<b>29.47%</b>	<b>27.82%</b>	<b>28.68%</b>

<b>Precinct #</b>	<b>1</b>	<b>2</b>	<b>TOTAL</b>
<b><u>Moderator</u></b>			
<i>(For One Year - Vote for One)</i>			
Jamie M. Belsito	551	542	1093
Blanks	214	132	346
Write-Ins	9	2	11
	774	676	1450
<b><u>Select Board</u></b>			
<i>(For Three Years - Vote for no more than Two)</i>			
Marshall P. Hook	414	459	873
Boyd R. Jackson	366	387	753
Robert A. Kmetz	436	283	719
Blanks	324	220	544
Write-Ins	8	3	11
	1548	1352	2900
<b><u>Elementary School Committee</u></b>			
<i>(For Three Years - Vote for not more than Two)</i>			
Shawn P. Malloy	451	447	898
Emily Ciampa King	496	431	927
Blanks	596	473	1069
Write-Ins	5	1	6
	1548	1352	2900

<b><u>Assessor</u></b>			
<i>(For Three Years - Vote for One)</i>			
John W. Minnehan	541	509	1050
Blanks	232	165	397
Write-Ins	1	2	3
	774	676	1450
<b><u>Commissioner of Trust Funds</u></b>			
<i>(For Three Years - Vote for One)</i>			
Mark Rafferty (Write-In)	4	20	24
Blanks	746	640	1386
Write-Ins	24	16	40
	774	676	1450
<b><u>Constable</u></b>			
<i>(For Three Years - Vote for One)</i>			
Frederick A. Capobianco	521	507	1028
Blanks	252	169	421
Write-Ins	1	0	1
	774	676	1450
<b><u>Housing Authority</u></b>			
<i>(For Five Years - Vote for One)</i>			
Gerard L. McCarthy	503	456	959
Janet Wilkins (Write-In)	25	48	73
Blanks	243	169	412
Write-Ins	3	3	6
	774	676	1450
<b><u>Library Trustee</u></b>			
<i>(For Three Years - Vote for not more than Two)</i>			
Maureen McCarthy	528	503	1031
Caroline B. Playter	510	471	981
Blanks	508	374	882
Write-Ins	2	4	6
	1548	1352	2900

<b><u>Planning Board</u></b>			
<i>(For Three Years - Vote for not more than Two)</i>			
Steven B. Hall	508	479	987
Martha A. Morrison	515	492	1007
Blanks	522	378	900
Write-Ins	3	3	6
	1548	1352	2900
<b><u>Regional District School Committee</u></b>			
<i>(For Three Years - Vote for One)</i>			
Melissa A. Ogdan	351	429	780
Joseph A. Vella	365	226	591
Blanks	58	21	79
Write-Ins	0	0	0
	774	676	1450
<b><u>Question 1</u></b>			
Yes	440	437	877
No	319	233	552
Blank	15	6	21
	774	676	1450
<b><u>Question 2</u></b>			
Yes	478	494	972
No	278	175	453
Blank	18	7	25
	774	676	1450

A true copy attest:

Mary E. Willis  
*Town Clerk*