

TOWN OF TOPSFIELD



2011 ANNUAL TOWN MEETING

**PROCTOR SCHOOL
WOODBURY AUDITORIUM**

May 3, 2011 @ 7:00 P.M.

Minutes

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

The Moderator called the annual Town Meeting to order at 7:03 P.M., stating that a quorum was present. The meeting opened with the Pledge of Allegiance led by Willard Flagg of 21 Perkins Row, an Army veteran of World War II. The Moderator stated that the Warrant for the 2011 Annual Town Meeting had been duly served and posted according to law and the Constable's Return of service was certified as complete and proper by the Town Clerk. He noted that this, the 361st Annual Town Meeting, notice of which was duly posted and timely advertised, would be lawful and would now proceed. He continued with the following announcements:

1. Topsfield Cable is taping our meeting for future broadcast. I commend Bill Whiting and his crew (Evelyn Hammond) for their dedication and thank them for their extraordinary service year in and year out.
2. Microphones have been provided in this auditorium for your convenience. Please use them when addressing the meeting. Audio services are provided by Essex Radio - thank you, gentlemen.
3. Whoever desires to address the meeting must first be recognized by the Moderator. If recognized, then that person must state his or her name and street address prior to discussion. All discussion is addressed to the Moderator and not to individuals. All discussion will be timed for duration, which will generally be limited to two minutes each.
4. By long standing tradition in the town, a recommendation of the Finance Committee amounts to a motion, made and seconded and before the town for debate.

5. If the finance committee recommends “no action” on a particular article, and a voter desires positive action on the main 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 if the finance committee’s “no action” recommendation is voted down, but the vote on the finance committee’s recommendation of “no action” will be taken before a motion for positive action is in order.
6. If a voter desires to offer an amendment to a finance committee recommendation or to any other motion, I will require submittal of a written Motion to Amend for review by myself and Town Counsel prior to any action on it. We have printed forms for these motions and will assist anyone in drafting the wording of the amendment.

The motion to waive the reading of each and every article in its entirety, substituting instead a brief synopsis was then duly made and seconded. There being no discussion, a vote was taken and at 7:07 P.M. and the motion passed unanimously.

Next, the Moderator introduced many of the people who were involved in this year’s Town Meeting and asked them to stand to be recognized. He first introduced Paula Burke, the new Town Clerk, thanking her for making the arrangements for the evening and for her professional service to the community. He then noted that Assistant Town Clerk Jack Armitage would be assisting by tracking the time to help the meeting run efficiently.

The Moderator thanked Shawn Conary and the custodial staff at Proctor School for setting up the Auditorium and other rooms.

He recognized the attendees sitting at the front of the auditorium including the Board of Selectman-Chairman Richard Gandt, Clerk Laura Powers, Members Martha Morrison, Nancy Luther, and Eldon Goodhue-as well as the Town Administrator Virginia Wilder and Town Counsel Lauren Goldberg from the law firm of Kopelman & Paige along with the Finance Committee-Chairman Mark Lyons, Kathryn Hartmann, Karen Dow, Heidi Bond, Stephen Lais, Holger Luther, and Paul Dierze.

He asked for a round of applause for “these folks who have committed many hours of their time to labor and wrestle with the many complexities and challenges of the budget and the budget process. They reviewed every department request, line item by line item. It is a tribute to their extraordinary dedication and commitment that the proposed budget is once again a model of fiscal prudence.”

The Moderator introduced Pam Wood, Town Accountant, Barbara Michalowski, Town Treasurer, and Fred Glatz, Town Constable. He welcomed our distinguished educators Dr. Bernard Creeden, Superintendent of our Elementary Schools and Dr. Darrell Lockwood, Superintendent of Masconomet Regional H.S.

The Moderator asked for assent to permit Greg Krom, Superintendent of our Water Department, Susan Givens, Masconomet's Chief Financial Officer, Lana Spillman, Conservation Commission Administrator, Dana Mastroianni, our new Library Director, Evan Haglund, Chief of Police, and Nina Evans, Chief Assessor (not present), all non-residents to sit with the voters and not sit apart in the visitor section. When no objections were heard, the Moderator permitted the specified non-residents to sit at the front of the Town Meeting floor in designated seats and not apart in the Visitor's Section. He reminded visitors that they are to observe the proceedings, and, if necessary, assist in the discussion of Articles directly pertaining to them, but could not vote on any matter.

The Moderator noted those who were serving as tellers, Ruth Lucy, Darcy Fulton, Dottie Wass, Elizabeth Collins, Elizabeth Dorn, and Mary Connor.

2011 Award Presentations

SELECTMEN'S CERTIFICATES OF APPRECIATION:

Several recognition presentations were made by the Selectmen. Selectman Richard Gandt presented the certificates with Laura Powers assisting. For their service to the Town, outgoing volunteers Paula Burke, Holger Luther, Nancy Luther and Bob Winship were awarded certificates.

WALLY KNEELAND AWARD:

Holger Luther stood in for Scott Dow to present this special award to Janice Ablon for her years of devoted service to Topsfield.

The Moderator moved to Article First at 7:19 P.M.

ARTICLE FIRST:

REPORTS

Mr. Richard Gandt, Chairman of the Board of Selectman, explained that the reasonable warrant being presented was the result of many meetings, including one half dozen meetings in March. He noted that valuable, but not critical articles were removed and that only three capital requests were included.

Mr. Mark Lyons, Chairman of the Finance Committee, thanked town volunteers and community activists such as the Scouts and the Topsfield Main Street Foundation for their contributions to the town.

At 7:32 P.M., the Moderator entertained a motion to adjourn the Annual Town Meeting and the Town voted unanimously to recess the Annual Town Meeting to go to the Special Town Meeting.

2011 SPECIAL TOWN MEETING

The Moderator noted that he would waive the reading of the Warrant in its entirety.

ARTICLE FIRST:

REPORTS

There were no reports.

ARTICLE SECOND:

PRIOR YEAR BILLS AND WAGES

Mark Lyons, on behalf of the Finance Committee, recommended and at 7:34 P.M. the Town voted unanimously, exceeding the nine-tenths requirement, to transfer from available funds and appropriate the sum of \$870 from the Town Hall Computer Maintenance Account and \$675 from the Selectmen Special Other Legal Services Account to pay outstanding bills that were contracted and incurred prior to July 1, 2010.

ARTICLE THIRD:

TRANSFER OF FUNDS FROM UNEXPENDED BALANCES

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 7:36 P.M. the Town voted unanimously to transfer from the unexpended balance of certain accounts, and/or from available funds, and appropriate said funds to certain other accounts to pay certain expenses for the 2011 fiscal year as follows:

\$100	From Account Prior Year Street Lights to the School Street Other Account
\$3,000	From the Medical Insurance Account to the Selectmen Other Account
\$110	From Account Prior Year Street Lights to the Animal Control Other Account
\$23,881	From the Insurance & Restitution Injured Police Officer Account to the Police Injury Wage Account
\$1,008	From the Medical Insurance Account to the Inspectional Services Salary Account
\$72	From the Medical Insurance Account to the Inspectional Services Wages Account
\$1,500	From the Assessors Wage Account to the Assessors Other Account
\$3,276	From the Selectmen Special Other Account to the Veterans' Benefits Other Account
\$1,093	From the Town Clerk Wage Account to the Town Clerk Other Account
\$93,000	From the Insurance Liability Account to the Snow & Ice Other Account
\$8,000	From the Selectmen Special Other Account to the Town Hall Other Account
\$12,156	From the Medical Insurance Account to the Library Salary Account
\$1,000	From the MSW/HHW Services Account to the Snow & Ice Other Account
\$800	From Account Prior Year Assessors Other to the Snow & Ice Other Account
\$278	From Account Prior Year Highway Other to the Snow & Ice Other Account
\$1,478	From Conservation Commission Revolving Fund to Conservation Commission Salary Account
\$1,170	From Board of Health Other Account to Board of Health Wage Account

ARTICLE FOURTH:

NON-RESIDENT OR FOSTER CARE STUDENT TUITION REVOLVING ACCOUNT

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 7:39 P.M. the Town voted unanimously to adopt the provisions of M.G.L. Chapter 71, Section 71F as set forth below; and further, to transfer and appropriate the sum of \$27,200 from Free Cash to the Non-Resident or Foster Care Students Tuition Revolving Account for receipts received in FY10 from the special education program.

“In any city or town which accepts this section, all monies received by the school committee as tuition payments for nonresident students and as state reimbursements for students who are foster care children shall be deposited with the treasurer of the town or city and held as separate accounts. The receipts held in such a separate account may be expended by said school committee without further appropriation for expenses incurred in providing education for such nonresident students or for such students who are foster care children, notwithstanding the provisions of section fifty-three of chapter forty-four. A city or town may appropriate funds for expenses incurred in providing education for such nonresident students or for such students who are foster care children, which funds shall be expended by the school committee in addition to funds provided from other sources.”

ARTICLE FIFTH:

TOWN HALL BOILER REPLACEMENT

Mr. Holger Luther, on behalf of the Finance Committee, after explaining the long term savings in fuel costs that would result in the unit paying for itself in just three years, recommended and at 7:46 P.M. the Town voted unanimously to transfer and appropriate the sum of \$32,330 from Article 3 Medical Insurance of the May 2010 Annual Town Meeting for the installation of a high efficiency natural gas fired boiler including associated project costs and related energy saving improvements.

The Moderator stated that the business of the Special Town Meeting was now concluded. He would, therefore, entertain a motion to dissolve the Special Town Meeting of May 3, 2011. The motion was made, seconded and the Town voted unanimously at 7:46 P.M. in the affirmative.

2011 ANNUAL TOWN MEETING continued

The 2011 Annual Town Meeting reconvened at 7:46 P.M. with Article Second.

ARTICLE SECOND:

RESERVE FUND

Mr. Mark Lyons, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$150,000 for the Reserve Fund, and to meet said appropriation that the Town transfer the sum of \$150,000 from Free Cash. At 7:47 P.M., the Town voted unanimously to transfer \$150,000 from Free Cash to the Reserve Fund.

ARTICLE THIRD:

GENERAL OPERATING BUDGET

Mr. Kinhan explained that the General Operating Budget would be presented in its entirety and in concise fashion and requested that any amendment proposals be held until the entire budget had been presented. Mrs. Heidi Bond, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$15,158,376 for schools, highways, and other Town expenses, and fix the annual salary and compensation of all elected officers from July 1st and determine the manner of expending the same; and to meet said appropriation, raise and assess the sum of \$14,982,793; transfer the sum of \$34,088 from the Police Insurance and Restitution Injured Officer Revolving Account; transfer the sum of \$66,000 from the Gould Trust Fund Part B; transfer the sum of \$1,466 from the Bond Accrued Interest Account; transfer the sum of \$1,016 from the Bond Premium Account; transfer the sum of \$6,783 from the Conservation Revolving Fund; transfer the sum of \$18,551 from Article 3 Debt Service Interest of the May 2010 Annual Town Meeting; transfer the sum of \$33,485 from Article 3 Debt Issue Costs of the May 2010 Annual Town Meeting; transfer the amount of \$10,894 from Article 3 Pensions of the May 2010 Annual Town Meeting; transfer the sum of \$3,300 from Article 36 of the May 2010 Annual Town Meeting. After Finance Committee Member, Stephen Lais, Town Accountant, Pamela Wood, Board of Selectmen Chairperson, Richard Gandt, Finance Committee Member Kathryn Hartmann, and Tri-Town School Union Superintendent Bernie Creeden, responded to citizens' questions, the Town voted unanimously at 8:05 P.M. to appropriate the money to fund the FY 2012 General Operating Budget as written and as recommended by the Finance Committee.

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

ARTICLE FOURTH:

WATER DEPARTMENT OPERATING BUDGET

Mr. Stephen Lais, on behalf of the Finance Committee, recommended that the Town vote to appropriate the sum of \$728,611.00 as detailed herein, and to meet said appropriation \$728,001.00 to come from Water Revenue, and \$610.00 from Water Department accrued Interest Reserved for Expenditure account, to operate the Water Department from July 1, 2011, through June 30, 2012, and to approve the sum of \$106,564.00 of indirect costs appropriated in the General Fund under Article Third above, to be funded from Water Revenue. Chairperson Richard Gandt stated that the Board of Selectmen recommended positive action. Mr. Richard Carlson proposed the following amendment to Article Fourth:

“To reduce following line items:

>Water Reserve App. of \$88,000 to zero (\$0)

>Water Unanticipated Emergency Fund of \$75,000 to zero (\$0)”

After a twenty-minute discussion that included comments by Town Counsel Lauren Goldberg and Water Superintendent Gregory Krom, after introduction by Board of Water Commissioners' Chairperson Philip Knowles, a vote was taken at 8:25 P.M. on the amendment. The Town voted unanimously not to accept the amendment.

At 8:27 P.M., the Town voted nearly unanimously to appropriate the money to fund the FY 2012 Water Department Operating Budget as presented.

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

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

Finance Committee Member Karen Dow explained that the recommendation she would read would be different from what was printed in the warrant. She explained that, because of a delay in receiving information from the State of Massachusetts, a revised budget was sent to the three towns in the Masconomet Regional School District after the deadline for submitting the 2011 Topsfield Town Warrant had passed.

Mrs. Karen Dow, on behalf of the Finance Committee, recommended that the Town vote to approve the 2012 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$27,971,314 and appropriate the sum of \$6,197,599 to fund the Town's share of the Fiscal Year 2012 Masconomet Regional School District Assessment of which the sum of \$5,882,771 supports the Maintenance & Operating Budget, and the sum of \$314,828 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,197,599; provided, however, that the sum of \$149,552 of the amount appropriated for the Maintenance & Operating Assessment shall be contingent upon the passage of a Proposition 2 ½ general override referendum under Massachusetts General Law Chapter 59, § 21C (g), and if such referendum is not passed, the vote as it pertains to the appropriation in the amount of \$149,552 will be deemed to be a disapproval.

Citizens' questions were addressed by Masconomet Regional School District Member Larry Lindquist, Board of Selectmen Chairperson Richard Gandt, and Masconomet Regional School District Chief Financial Officer Susan Givens. At 8:51 P.M. the Town met the more than two-thirds required by voting unanimously to fund the FY 2012 Masconomet Regional School District Assessment of \$6,197,599, contingent upon the passage of the Proposition 2½ general override referendum under Massachusetts General Law Chapter 59, § 21C (g) in the amount of \$149,552 that would require majority passage of Question 1 at the Annual Town Election on May 5, 2011.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 8:52 P.M. the Town voted unanimously to approve the 2012 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,646,033 and raise, assess, and appropriate the sum of \$75,400 for the Town's share of the assessment of same.

ARTICLE SEVENTH:

ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT ASSESSMENT

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 8:54 P.M. the Town voted unanimously to approve the 2012 Fiscal Year Debt Service of the Essex North Shore Agricultural and Technical School District in the amount of \$100,000 and raise, assess, and appropriate the sum of \$838 for the Town's share of the Debt Service of same.

ARTICLE EIGHTH:

LEASE OF EMERSON FIELD

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:55 P.M. the Town voted unanimously to authorize the Board of Selectmen with the advice of the Park and Cemetery Commission, and under such terms as it deems advisable, to enter into a lease with the Congregational Church of Topsfield for certain property in Topsfield commonly known as Emerson Field, and to transfer from Free Cash and appropriate the sum of \$1,250 for said lease.

ARTICLE NINTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:56 P.M. the Town voted unanimously to authorize the Board of Selectmen to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects.

ARTICLE TENTH:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 8:56 P.M. the Town voted unanimously to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year.

ARTICLE ELEVENTH:

PARK REVOLVING FUND

Mr. Holger Luther, on behalf of the Finance Committee, recommended and at 8:58 P.M. the Town voted unanimously to establish the Park Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, seasonal and temporary wages, equipment, supplies and other

operating expenses; (2) receipts of the Park & Cemetery Department's recreation programs shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$40,000 in the ensuing year.

ARTICLE TWELTH:

CEMETERY REVOLVING FUND

Mr. Holger Luther, on behalf of the Finance Committee, recommended and at 9:00 P.M. the Town voted unanimously to establish the Cemetery Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, temporary and seasonal wages, equipment, supplies and other operating expenses; (2) cemetery related receipts of the Park & Cemetery Department shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$25,000 in the ensuing year.

ARTICLE THIRTEENTH:

CONSERVATION COMMISSION REVOLVING FUND

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:01 P.M. the Town voted unanimously to establish the Conservation Revolving Fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to be expended for services, supplies, and other operating expenses as authorized by Massachusetts General Law Chapter 40, § 8C; (2) receipts of the Conservation Commission of fees paid under the Topsfield General Wetlands Bylaw and Regulations will be deposited in said fund unless otherwise provided for by law; (3) said funds may be expended by majority vote of the Conservation Commissioners; (4) expenditures to be limited to \$10,000 in the ensuing year.

ARTICLE FOURTEENTH:

ANNUAL ENGINEERING & LANDFILL MONITORING

Mr. Holger Luther, on behalf of the Finance Committee, recommended and at 9:03 P.M. the Town voted unanimously to transfer and appropriate the sum of \$ 36,700 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2012 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.

ARTICLE FIFTEENTH:

FISCAL YEAR 2012 ADDITIONAL REAL ESTATE EXEMPTION

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:04 P.M. the Town voted unanimously under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, an exemption increase of one hundred per cent (100%) for Fiscal Year 2012 for all taxpayers qualifying for a personal exemption.

ARTICLE SIXTEENTH:

LOCAL OPTION TO INCREASE GROSS RECEIPTS ELIGIBILITY FOR SENIORS

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:07 P.M. the Town voted unanimously to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under Massachusetts General Law Chapter 59 § 5, Clause 41A from \$20,000 to \$40,000, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2011.

ARTICLE SEVENTEENTH:

LOCAL OPTION TO DECREASE INTEREST RATE ON DEFERRED TAXES OF SENIORS

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:09 P.M. the Town voted unanimously to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law Chapter 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2011.

ARTICLE EIGHTEENTH:

HOME RULE PETITION - HEALTH INSURANCE PLAN DESIGN

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

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

SECTION 1

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

SECTION 2

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

SECTION 3

This action shall take effect upon its passage.”

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 9:23 P.M. the Town voted by clear majority to petition the General Court to enact special legislation as set forth above. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by

the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the general scope of the public objectives of this petition.

ARTICLE NINETEENTH:

FUND TOWN EMPLOYEE EMPLOYMENT SEPARATION

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 9:26 P.M. the Town voted unanimously to appropriate from Free Cash the sum of \$50,968 to cover the cost of employment separation benefits for employees for time owed for unused sick and vacation leave or other benefits as may be required by law, the Personnel Bylaw, rules, regulations, policies or applicable contract or collective bargaining agreement.

ARTICLE TWENTIETH:

RESCIND AUTHORIZATION TO BORROW

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 9:27 P.M. the Town voted unanimously, exceeding the two-thirds requirement, to rescind \$100,000 of the authorization to borrow as voted under Article 4 of the May 5, 2009 Special Town Meeting for the Ipswich Road Water Main Project.

ARTICLE TWENTY-FIRST:

TRI-TOWN COUNCIL ON YOUTH AND FAMILY SERVICES

Mrs. Kathryn Hartmann, on behalf of the Finance Committee, recommended and at 9:29 P.M. the Town voted nearly unanimously, by clear plurality, to appropriate the sum of \$18,319 as a grant to fund certain activities of the Tri-Town Council and to meet said appropriation to transfer the sum of \$18,319 from Free Cash.

ARTICLE TWENTY-SECOND:

MASCONOMET REGIONAL SCHOOL COMMITTEE REPRESENTATION

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

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

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

A. Powers, Duties and Composition

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter sometimes called the "Committee". The Committee shall consist of eleven (11) members; four (4) from Middleton; four (4) from Boxford and three (3) from Topsfield.

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

C. Elected Members

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

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

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

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

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

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 9:29 P.M. the Town voted by clear majority to amend the Masconomet Regional School Agreement, between the Towns of Boxford, Middleton and Topsfield as stated above.

ARTICLE TWENTY-THIRD:

CENTRAL STREET WATER MAIN PROJECT

Mr. Stephen Lais, on behalf of the Finance Committee, recommended and at 9:32 P.M. the Town voted unanimously to transfer and appropriate a sum of \$175,000 and to meet said appropriation, transfer the amount of \$57,230 from Article 41 of the May 2004 Annual Town Meeting, transfer \$75,133 from Article 24 of the May 2006 Annual Town Meeting and \$42,637 from Article 32 of the 2005 Annual Town Meeting; to be expended by the

Board of Selectmen, with the advice of the Water Commissioners for the replacement of the Central Street water main from Main Street to Summer Street.

ARTICLE TWENTY FOURTH:

PURCHASE OF A POLICE CRUISER

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:34 P.M. the Town voted by a substantial majority to raise, assess and appropriate the sum of \$29,124 to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new cruiser and trade in or sell a 2006 Ford Crown Victoria and to meet said appropriation that the Town transfer the sum of \$21,927 from Free Cash and transfer the sum of \$7,197 from Article 19th of the May 5, 2009 Annual Town Meeting.

ARTICLE TWENTY-FIFTH:

PURCHASE OF HIGHWAY DUMP/PLOW/SANDER/WING TRUCK

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 9:36 P.M. voted by a clear majority, exceeding the two-thirds requirement, to authorize the Board of Selectmen with the advice of the Board of Road Commissioners to acquire and equip a Dump/Plow/Sander/Wing Truck, and to trade in or sell the 1994 International Dump/Sander/Wing Truck and further to raise and assess and appropriate \$145,000 provided, however, that any appropriation authorized hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ capital outlay expenditure exclusion question pursuant to the provisions of Massachusetts General Laws Chapter 59, § 21C (i ½), or take any other action relative thereto.

ARTICLE TWENTY-SIXTH:

STRETCH ENERGY CODE BYLAW

§63-1. Purpose

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

§63-2. Applicability

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

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

Mr. Holger Luther, on behalf of the Finance Committee, recommended that the Town vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA) as it may be amended from time to time, and by amending the Topsfield General Bylaws within the Town Code by adding Chapter LXIII, the “Stretch Energy Code Bylaw” as indicated above. Robert Winship stated that “the Planning Board recommends positive action.” Richard Gandt of the Board of Selectmen made a motion to

amend (see below) that was denied by a majority vote. At 10:00 P.M., the Town voted by an overwhelming majority in favor of the article as written.

Richard Gandt proposed that the Town “Amend Article 26th as follows: insert ‘to certain renovations to’ between ‘and’ and ‘existing’ in § 63-1 and add ‘as set forth in the code’ to the end of that sentence.”

ARTICLE TWENTY-SEVENTH

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

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

“1.04 Alternative Energy.

See definition under Energy”,

“1.34 Energy.

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

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

“1.84 Renewable Energy.

See definition under Energy”,

“1.85 Research and Development Facilities.

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

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

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

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

, or take any other action relative thereto

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 10:04 P.M. the Town voted unanimously, exceeding the two-thirds requirement, to amend certain articles of the Topsfield Zoning Bylaw as follows: Amend Article I, Definitions, by adding definitions relating to alternative energy and renewable energy and research and development facilities and renumber accordingly the paragraphs that follow; and amend Article III, Section 3.02, Use Regulations and Table of Use Regulations for all districts in the “Permitted Uses” table as set forth above. Mr. Robert Winship of the Planning Board recommended adoption of this Article on behalf of the Planning Board.

ARTICLE TWENTY-EIGHTH

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 10:10 P.M. the Town voted by an overwhelming majority, exceeding the two-thirds requirement, to amend the Topsfield Zoning Bylaw by inserting a new Article XVI, “Ground-Mounted Solar Photovoltaic Installations” as set forth in Attachment B to the warrant (which is appended to these minutes of the Annual Town Meeting), entitled “Article XVI Ground-Mounted Solar Photovoltaic Installations”. Mr. Gregor Smith, of and for the Planning Board, recommended adoption of this Article.

Refer to Attachment B, Article Twenty-Eighth/”Ground-Mounted Solar Photovoltaic Installations,” as approved.

ARTICLE TWENTY-NINTH

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

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

new language in bold italics *

Mr. Paul Dierze, on behalf of the Finance Committee, recommended and at 10:11 P.M. the Town voted unanimously, exceeding the two-thirds requirement, to amend the Topsfield Zoning Bylaw, Article III, Use Regulations and Table of Use Regulations by inserting new uses in the “Permitted Uses” table as described above. Mr. Gregor Smith, of and for the Planning Board, recommended adoption of this Article.

ARTICLE THIRTIETH:

CITIZEN PETITION – CHANGE THE DATE OF THE ANNUAL TOWN MEETING

Mr. Stephen Lais, on behalf of the Finance Committee, recommended that the Town vote to take no action on a petition signed and submitted by ten citizens requesting a vote to see if the Town will change the date of the Annual Town Meeting from the first Tuesday in May to the first Saturday in May. The petition was declared to be defective by Town Counsel because proper research of the Town’s By-Laws had not been conducted. At 10:17 P.M. the Town voted unanimously to take no action on the citizen petition.

ARTICLE THIRTY-FIRST:

ACCEPTANCE OF ANTORIA WAY

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

Mr. Holger Luther, on behalf of the Finance Committee, recommended and at 10:20 P.M. the Town voted by an overwhelming majority to accept “Antoria Way” as a public way, in accordance with the locations, boundaries and measurements of said Antoria Way as laid out, altered or relocated by the Board of Selectmen, all as shown on a plan as described above and to authorize the Board of Selectmen to acquire by gift, purchase or otherwise an easement or easements in such way as so laid out for all purposes for which public ways are used in the Town of Topsfield and all associated easements and to name said way “Antoria Way”.

ARTICLE THIRTY-SECOND:

EXCHANGE OF LAND ON PHEASANT LANE

Mr. Holger Luther, on behalf of the Finance Committee, recommended and at 10:25 P.M. the Town voted unanimously, exceeding the two-thirds requirement, to (a) approve the transfer from the Conservation Commission for conservation purposes to the Conservation Commission for such purposes and also to the Board of Selectmen for purposes of conveyance of a portion of the land off Pheasant Lane, described in a deed recorded at Book 10857, Page 271 at the Essex South District Registry of Deeds, which land constituted the open space parcel for the Pheasant Hill subdivision, as shown on a plan on file with the Town Clerk, to Timothy and Brigitte O'Malley and authorize the Board of Selectmen to convey such property; (b) authorize the Conservation Commission to accept, in consideration therefor, an adjacent parcel of land of equal or greater size and value from Timothy and Brigitte O'Malley; and (c) authorize the Board of Selectmen to petition the General Court to approve the transfer of said property pursuant to Article 97 of the Articles of Amendment to the Massachusetts Constitution.

ARTICLE THIRTY-THIRD:

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

“Section 9A. In any city or town which accepts this section, in a city by vote of the city council subject to the provisions of its charter, and in a town by vote of the town meeting, the following provisions shall apply with respect to nomination papers:—

The final date for obtaining blank nomination papers for nomination to city or town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification.

Each candidate shall file with the city or town clerk, prior to obtaining blank nomination papers, a statement containing his name and address, and the city or town office for which he intends to be a candidate.

No candidate for city or town office shall receive more blank nomination papers than will contain the number of signatures required to place his name in nomination, multiplied by five.”

Mrs. Karen Dow, on behalf of the Finance Committee, recommended and at 10:27 P.M. the Town voted unanimously to accept Massachusetts General Law Chapter 53, Section 9A.

ARTICLE THIRTY-FOURTH:

STABILIZATION FUND

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 10:28 P.M. the Town voted unanimously, exceeding the two-thirds requirement, to appropriate and transfer from Free Cash the sum of \$1,000 for the Stabilization Fund.

ARTICLE THIRTY-FIFTH:

FREE CASH

Mr. Mark Lyons, on behalf of the Finance Committee, recommended and at 10:29 P.M. the Town voted unanimously to authorize and direct the Board of Assessors to transfer and appropriate the sum of \$346,997 from Free Cash to reduce the tax levy for the fiscal year 2012.

The Moderator stated that he would now entertain a motion to adjourn the 2011 Annual Town Meeting to the polling site, St. Rose Church Hall located at 12 Park Street, on Thursday, May 5, 2011 at 7:00 A.M., and at the close of the polls at 8:00 P.M. to dissolve the 2011 Annual town Meeting. The motion to adjourn was duly made and seconded and the Town voted unanimously in favor of adjournment. The meeting adjourned at 10:30 P.M. There were two hundred forty-two (242) registered voters in attendance.

ANNUAL TOWN ELECTION

ST. ROSE CHURCH HALL 12 PARK STREET

May 5, 2011
7:00 a.m. – 8:00 p.m.

The Town Warden announced the polls open at 7:00 a.m. The poll workers were sworn prior to the opening of the polls.

Jack Armitage, Warden
Mary Connor, Deputy Warden
Fred Glatz, Poll Constable

Ballot Clerks and Tellers:

Betty Booye, Sally Cabral, Carole Carter, Chris Cotti, Elaine Crippen, Jan Englehardt, Betty Kruck, Florence Lear, Ruth Lucy, Eileen Reichardt, Dottie Roberts

The polls were closed at 8:00 p.m. The Town Clerk announced at 10:30 P.M. **1248** registered voters had cast their ballots as follows:

Note: Those elected are indicated in **bold**.

MODERATOR

John P. Kinhan	683
Jeanine P. Cunniff	530
Others	2
Blanks	33

SELECTMAN

Martha A. Morrison	839
Kenneth G. Vogel	731
Others	11
Blanks	915

ASSESSOR

John W. Minnehan	932
Others	5
Blanks	311

SCHOOL COMMITTEE

Susan Archer	836
Joseph J. Quigley, Jr.	716
Others	17
Blanks	927

MASCONOMET REGIONAL DISTRICT

SCHOOL COMMITTEE

John K. Spencer	907
Write-In (Elizabeth L.Dierze)	76
Others	16
Blanks	1497

COMMISSIONER OF TRUST FUNDS

Richard T. Walsh	931
Others	3
Blanks	314

LIBRARY TRUSTEE

Dorothea M. DeLuca	738
Sandra M. Conant	336
Audrey B. Iarocci	613
Others	1
Blanks	808

HOUSING AUTHORITY

Rose M. David	848
Others	2
Blanks	398

PARK & CEMETERY

Michael T. Smerczynski	912
Others	6
Blanks	330

PLANNING BOARD

Steven B. Hall	793
Martha A. Morrison	717
Others	7
Blanks	979

ROAD COMMISSIONER

Richard Cullinan	889
Others	5
Blanks	354

WATER COMMISSIONER

Philip G. Knowles	877
Others	11
Blanks	360

Proposition 2 ½ Referendum Ballot Questions

Question One: To fund the Masconomet Regional District School Committee Budget

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

Yes **614** No 607 Blanks 27

Question One passed by 7 votes.

Question Two: To Purchase & Equip a Dump/Plow/Sander/Wing Truck for the Highway Department

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

Yes 543 No **674** Blanks 31

Question Two failed by a significant margin.

Non-Binding Referendum Ballot Question

Question Three: Related to An Act Providing for Health Insurance in the Town of Topsfield

Shall the Town vote to petition the General Court to enact special legislation as set forth below? The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition as described below:

AN ACT PROVIDING FOR HEALTH INSURANCE IN THE TOWN OF TOPSFIELD

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

SECTION 1

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

SECTION 2

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

SECTION 3

This action shall take effect upon its passage.

Yes **803** No 322 Blanks 123

Question Three passed by a significant margin.

Attest:

Paula M. Burke
Town Clerk

ATTACHMENT A

FISCAL YEAR 2012

Approved	GENERAL OPERATING BUDGET	Recommended
Appropriation	May 3, 2011	Appropriation
Fiscal Year 2011	ANNUAL TOWN MEETING	Fiscal Year
	ELECTED OFFICERS	2012

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

GENERAL GOVERNMENT

Moderator:

1.00	Salary	1.00
1.00	TOTAL: Moderator	1.00
	Selectmen:	
164,406.00	Salaries	165,905.00
41,197.00	Wages	41,197.00
25,890.00	Other	28,890.00
231,493.00	TOTAL: Selectmen	235,992.00
	Selectmen's Special:	
68,050.00	Other	68,050.00
68,050.00	TOTAL: Selectmen Special	68,050.00
	Parking Clerk:	
-	Other	-
-	TOTAL: Parking Clerk	-
	Finance Committee:	
1,158.00	Wages	1,158.00
360.00	Other	360.00
1,518.00	TOTAL: Finance Committee	1,518.00
-	Town Website/Cable Advisory:	-
-	Wages	-
-	Other	-
-	Total: Town Website/Cable Advisory	-
	Town Accountant:	
64,272.00	Salary	64,272.00
33,043.00	Wages	33,043.00
20,788.00	Other	20,788.00
118,103.00	TOTAL: Town Accountant	118,103.00
	Board of Assessors	
69,772.00	Salaries	69,772.00

33,855.00	Wages	33,331.00
17,309.00	Other	17,833.00
120,936.00	TOTAL: Assessors	120,936.00
Town Treasurer and Collector:		
64,272.00	Salary	64,922.00
64,132.00	Wages	64,132.00
30,800.00	Other	39,500.00
159,204.00	TOTAL: Town Treasurer & Coll.	168,554.00
Town Hall:		
500.00	Wages	300.00
143,878.00	Other	139,969.00
144,378.00	TOTAL: Town Hall	140,269.00
School Street Building		
634.00	Other	500.00
634.00	TOTAL: School Street Building	500.00
Town Clerk:		
50,842.00	Salary	50,842.00
15,919.00	Wages	19,714.00
11,309.00	Other	10,056.00
78,070.00	TOTAL: Town Clerk	80,612.00
Trust Fund Clerk:		
-	Salary	-
100.00	Other	100.00
100.00	TOTAL: Trust Fund Clerk	100.00
Conservation Commission:		
54,760.00	Salary	54,760.00
14,127.00	Wages	14,127.00
68,887.00	TOTAL: Conservation Commission	68,887.00

	Planning Board:	
5.00	Salaries	5.00
1,754.00	Other	1,754.00
1,759.00	TOTAL: Planning Board	1,759.00
	Zoning Board of Appeals:	
724.00	Other	724.00
724.00	TOTAL: Zoning Board of Appeals	724.00
993,857.00	SUB-TOTAL: GENERAL GOVERNMENT	1,006,005.00

PUBLIC SAFETY

	Police Department:	
144,202.00	Salaries	145,113.00
1,122,374.00	Wages	1,098,522.00
109,653.00	Other	113,372.00
	Capital Equipment	-
1,376,229.00	TOTAL: Police Department	1,357,007.00
	Fire Department:	
97,316.00	Salaries	101,316.00
401,785.00	Wages	401,785.00
86,866.00	Other	85,366.00
585,967.00	TOTAL: Fire Department	588,467.00
	Ambulance Services:	
-	Other	-
-	TOTAL: Ambulance Service	-
	Inspectional Services:	
71,775.00	Salaries	74,450.00
18,462.00	Wages	18,807.00
5,519.00	Other	5,519.00
95,756.00	TOTAL: Inspectional Services	98,776.00

	Sealer Weights & Measure	
1,500.00	Salary	1,500.00
	Other	
1,500.00	TOTAL: Sealers Weights & Measure	1,500.00
	Animal Control Officer:	
8,904.00	Salary	8,904.00
549.00	Other	549.00
9,453.00	TOTAL: Animal Control Officer	9,453.00
	Animal Inspector:	
6,882.00	Salary	6,882.00
1,840.00	Other	1,840.00
8,722.00	TOTAL: Animal Inspector	8,722.00
2,077,627.00	SUB-TOTAL: PUBLIC SAFETY	2,063,925.00

EDUCATION ELEMENTARY SCHOOL

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

PUBLIC WORKS AND FACILITIES

	General Highway:	
75,983.00	Salary	75,983.00

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

HUMAN SERVICES

	Board of Health:	
64,272.00	Salary	64,272.00
12,182.00	Wages	12,182.00
16,730.00	Other	16,730.00
93,184.00	TOTAL: Board of Health	93,184.00
	MSW Collection, HHW & Recycling	
369,819.00	Services	387,560.00
369,819.00	TOTAL: MSW Collection, HHW & Recycling	387,560.00
	Recycling:	
1,350.00	Other	3,850.00
1,350.00	TOTAL: Recycling	3,850.00
	Council On Aging:	
41,865.00	Salary	41,865.00
35,476.00	Wages	35,476.00
	Other	

2,582.00		2,582.00
79,923.00	TOTAL: Council On Aging	79,923.00
	Veterans' Benefits:	
4,970.00	Other	6,350.00
4,970.00	TOTAL: Veterans' Benefits	6,350.00
	Soldiers & Sailors Graves:	
800.00	Other	800.00
800.00	TOTAL: Soldiers & Sailors Graves	800.00
550,046.00	SUB-TOTAL: HUMAN SERVICES	571,667.00

CULTURE & RECREATION

	Library:	
187,719.00	Salaries	182,383.00
150,813.00	Wages	150,813.00
118,846.00	Other	131,140.00
457,378.00	TOTAL: Library	464,336.00
	Park and Cemetery Department:	
65,272.00	Salary	65,272.00
121,207.00	Wages	121,557.00
44,261.00	Other	45,176.00
230,740.00	TOTAL: Park & Cemetery Dept.	232,005.00
	Tree Department:	
2,916.00	Salary	2,916.00
3,137.00	Wages	3,137.00
7,650.00	Other	7,650.00
13,703.00	TOTAL: Tree Department	13,703.00
	Memorial Day/Veteran's Day:	
3,600.00	Other	3,600.00
3,600.00	TOTAL: Memorial Day/Veteran's Day	3,600.00
	Historical Commission:	
450.00	Other	450.00
450.00	TOTAL: Historical Commission	450.00
705,871.00	SUB TOTAL: CULTURE & RECREATION	714,094.00

DEBT SERVICE

643,000.00	Long-Term Debt Principal	796,700.00
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438,042.00	Long -Term Debt Interest	388,283.00
25,000.00	Interest for Temporary Loans	
35,000.00	Issue Cost	2,500.00
1,141,042.00	TOTAL: DEBT SERVICE	1,187,483.00
1,141,042.00	SUB TOTAL: DEBT SERVICE	1,187,483.00

OTHER EXPENDITURES

	Pensions:	
667,094.00	Essex Retirement	733,580.00
667,094.00	TOTAL: Pensions	733,580.00
	Insurance:	
362,253.00	Liability/Accident/Workmen's Compensation	352,941.00
1,575,476.00	Life/Medical/Medicare	1,726,577.00
50,000.00	Unemployment	100,000.00
1,987,729.00	TOTAL: Insurance	2,179,518.00
2,654,823.00	SUB-TOTAL OTHER EXPENDITURES	2,913,098.00

	***TOTAL BUDGET	
14,657,572.00	RECOMMENDATION***	15,158,376.00

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

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

ATTACHMENT B

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

16.01 Purpose

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

16.02 Applicability

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

16.03 Definitions

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

16.04 General Requirements

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

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

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

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

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

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

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

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

F. Design Standards:

1. Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
2. Signage. A sign for all Solar Photovoltaic Installations – Large Scale consistent with the Town's sign bylaw shall be required to identify the owner and provide the business name for the company (ies) that own and operate the installation, their business address, the name of a contact person, and a 24-hour emergency contact phone number.
3. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place cabling and utility connections from the Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.
4. Conditions. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures shall be screened from view by vegetation or fencing.

I. Safety and Environmental Standards:

1. Emergency Services. The Solar Photovoltaic Installation – Large scale owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Topsfield Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Photovoltaic Installation and in accordance with applicable laws, regulations, and bylaws including but not limited to the Conservation Bylaw, the Stormwater Management and Erosion Control Bylaw and the Soil Removal Bylaw.

- J. Maintenance: The Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting,

structural repairs, and integrity of security and safety measures. Site access for Solar Photovoltaic Installation – Large Scale shall be maintained to a level acceptable to the Topsfield Fire Chief.

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

L. Abandonment or Decommissioning:

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

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

16.05 Severability

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