

TOWN OF TOPSFIELD



WARRANT FOR THE 2010 ANNUAL TOWN MEETING

Essex, ss.

To the Constable of the Town of Topsfield, in said County,

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Topsfield, qualified to vote in elections and in Town affairs, to meet at the

**PROCTOR SCHOOL
WOODBURY AUDITORIUM**

in said Topsfield on Tuesday, the fourth day of May, 2010, at seven o'clock in the afternoon (7:00 PM), then and there to act on the following articles:

ARTICLE FIRST:

REPORTS

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

ARTICLE SECOND:

RESERVE FUND

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

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.

This article funds the Finance Committee's Reserve Fund that is the amount annually set aside within the Town's Budget to provide a funding source for extraordinary and unforeseen expenditures.

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 money for schools, highways, and other Town expenses, from July 1st and determine the manner of expending the same, and further, that the Town vote to raise, assess, and appropriate the additional sum of \$32,805 for such matters, provided, however, that such additional appropriation shall be contingent upon the passage of a Proposition 2 1/2 general override referendum under General Laws Chapter 59, § 21C (g).

Recommended that the Town vote to raise, assess, and appropriate the sum of \$14,624,767 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 \$14,436,502; 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 \$2,100 from Article 14 of the May 2008 Annual Town Meeting; transfer the sum of \$10,494 from Article 4 of the May 2008 Annual Town Meeting; transfer the sum of \$694.81 from Article 22 of the May 2008 Annual Town Meeting; transfer the sum of \$6,759.19 from Article 23 of the May 2008 Annual Town Meeting; transfer the sum of \$54,000 from Article 3 Ambulance Service of the May 2009 Annual Town Meeting; transfer \$13,267 from Article 3 Pensions of the May 2009 Annual Town Meeting; transfer \$862 from Article 6 of the May 2009 Annual Town Meeting; and further, that the Town vote to raise, assess, and appropriate the additional sum of \$32,805 for such matters, provided, however, that such additional appropriation shall be contingent upon the passage of a Proposition 2 1/2 general override referendum under General Laws Chapter 59, § 21C (g).

This article approves the Fiscal Year 2011 General Operating Budget for the Town for general government purposes and the elementary schools. Additionally, the article provides for supplemental funding for general government purposes for Fiscal Year 2011, and makes the supplemental funding subject to a general override ballot question.

Refer to Attachment A for the detailed Fiscal Year 2011 General Operating Budget.

ARTICLE FOURTH:

WATER DEPARTMENT OPERATING BUDGET

To see if the Town will vote to raise and assess or transfer from available funds, and appropriate funds for the Water Department for Fiscal Year 2011 and determine the manner of expending the same, or take any other action relative thereto.

Recommended that the Town vote to appropriate \$700,642 as detailed herein, to operate the Water Department from July 1, 2010, through June 30, 2011, of which \$700,642 to come from Water Revenue and \$ 118,179.00 of indirect costs appropriated in the General Fund under Article Third above to be funded from Water Revenue.

Appropriated Fiscal Year 2010		Proposed Appropriation Fiscal Year 2011
	WATER DEPARTMENT OPERATING BUDGET	
\$ 67,371.00	Salary	\$ 67,371.00
159,639.00	Wages	156,766.00
221,284.00	Other	232,940.00
7,000.00	Long-Term Debt Principal	7,000.00
4,622.00	Long-Term Debt Interest	4,565.00
40,000.00	Short-Term Debt Interest	40,000.00
2,000.00	Debt Issue Costs	2,000.00
15,000.00	Short Term Debt Principal Paydown	15,000.00
100,000.00	Water Reserve Fund	100,000.00
75,000.00	Unanticipated Emergency	75,000.00
691,916.00	SUB-TOTAL – DIRECT COSTS	700,642.00
101,060.00	Indirect Costs	118,179.00
792,976.00	TOTAL: WATER DEPARTMENT	818,821.00

This article approves the Fiscal Year 2011 Operating Budget for the Water Department.

ARTICLE FIFTH:

MASCONOMET REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2011 Fiscal Year Gross Budget of the Masconomet Regional School District in the amount of \$27,545,312 and raise and assess or transfer from available funds, and appropriate a sum of money for the Town's share of the assessment, \$6,013,061 of same; provided, however, that the sum of \$63,000 of the amount appropriated for the Maintenance & Operating Assessment shall be contingent upon the passage of a Proposition 2 ½ general override referendum under General Laws Chapter 59, § 21C (g), and if such referendum is not passed, the vote as it pertains to the appropriation in the amount of \$63,000 will be deemed to be a disapproval, or take any other action relative thereto.

Recommended that the Town vote to approve the 2011 Fiscal Year Gross Operating Budget of the Masconomet Regional School District in the amount of \$27,545,312 and appropriate the sum of \$6,013,061 to fund the Town's share of the Fiscal Year 2011 Masconomet Regional School District Assessment of which the sum of \$5,697,246 supports the Maintenance & Operating Budget, and the sum of \$315,815 supports the Masconomet Building Debt Service; and to meet said appropriation raise and assess the sum of \$6,013,061; provided, however, that the sum of \$63,000 of the amount appropriated for the Maintenance & Operating Assessment shall be contingent upon the passage of a Proposition 2 ½ general override referendum under General Laws Chapter 59, § 21C (g), and if such referendum is not passed, the vote as it pertains to the appropriation in the amount of \$63,000 will be deemed to be a disapproval.

This article would approve the Fiscal Year 2011 Assessment for the Masconomet Regional School District of which a \$63,000 portion of maintenance & operations is subject to a general override ballot question.

ARTICLE SIXTH:

NORTH SHORE VOCATIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to approve the 2011 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,288,172 and 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.

Recommended that the Town vote to approve the 2011 Fiscal Year Gross Operating Budget of the North Shore Regional Vocational School District in the amount of \$10,288,172 and raise, assess, and appropriate the sum of \$88,184 for the Town's share of the assessment of same.

This article approves the Fiscal Year 2011 Assessment for the North Shore Regional Vocational School District.

ARTICLE SEVENTH:

LEASE OF EMERSON FIELD

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

Recommended that the Town vote 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.

This article allows the Town to enter into an annual agreement with the Congregational Church to lease Emerson Field for recreational purposes.

ARTICLE EIGHTH:

GRANT AUTHORIZATION FOR TOWN PROJECTS

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

Recommended that the Town vote to authorize the Board of Selectmen to apply for, accept, and expend without further appropriation any private, state, or federal grants or loans for Town projects.

This annual article allows the Board of Selectmen to apply for, accept and expend any private, state, or federal grants and loans for Town projects.

ARTICLE NINTH:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION CONTRACTS

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year, or take any other action relative thereto.

Recommended that the Town vote to authorize the Board of Selectmen to enter into contracts with the Massachusetts Department of Transportation for the ensuing year.

This annual article allows the Board of Selectmen to enter into contracts with the State for highway purposes and to accept state funds such as Chapter 90 funds for road maintenance and reconstruction.

ARTICLE TENTH:

PARK REVOLVING FUND

To see if the Town will vote to establish a park revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

Recommended that the Town vote to establish the Park Revolving Fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to pay for part-time, seasonal and temporary wages, equipment, supplies and other operating expenses; (2) receipts of the Park & Cemetery Department's recreation programs shall be deposited in said fund unless otherwise provided for by law; (3) said funds may be

expended by majority vote of the Park & Cemetery Commissioners; (4) expenditures to be limited to \$40,000 in the ensuing year.

This annual article would approve the establishment of the Park Revolving Fund and would also approve a spending limit in the amount of \$40,000 for Fiscal Year 2011. This fund would be used to support the recreation programs established by the Recreation Committee under the statutory authority of the Park & Cemetery Commission. The recreation programs would include non-competitive activities for all age groups in Town. Fees charged to the participants in the recreation programs would be deposited in this fund to pay for various operating expenses.

ARTICLE ELEVENTH:

CEMETERY REVOLVING FUND

To see if the Town will vote to establish a cemetery revolving fund for the Park & Cemetery Department pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

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

This annual article would approve the establishment of the Cemetery Revolving Fund and would also approve a spending limit in the amount of \$25,000 for Fiscal Year 2011. Grave opening fees are the main source of revenue deposited into the revolving fund, which is used by the Department for major infrastructure improvements to the Pine Grove Cemetery inclusive of road paving and reconstruction, land clearing for new areas, and the purchase of capital equipment.

ARTICLE TWELFTH:

CONSERVATION COMMISSION REVOLVING FUND

To see if the Town will vote to establish a revolving fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2, or take any other action relative thereto.

Recommended that the Town vote to establish the Conservation Revolving Fund for the Conservation Commission pursuant to Massachusetts General Law Chapter 44, § 53E1/2: (1) to be expended for services, supplies, 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.

This annual article would approve the establishment of the Conservation Revolving Fund and would also approve a spending limit in the amount of \$10,000 for Fiscal Year 2011. This revolving fund would support the funding of portions of the Conservation Commission's operating budget. It may also support required services and other expenditures relative to the enforcement of the Town's local Wetlands Bylaw.

ARTICLE THIRTEENTH:

FISCAL YEAR 2011 ADDITIONAL REAL ESTATE EXEMPTION

To see if the Town will vote an exemption for Fiscal Year 2011 under the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, or take any other action relative thereto.

Recommended that the Town vote 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 2011 for all taxpayers qualifying for a personal exemption.

This local option provision allows the Town to grant an exemption increase above the statutory amount granted by Chapter 59, § 5 to qualified applicants including the elderly, blind, surviving spouses and minor children, and veterans. This was first accepted at the May 2001 Town Meeting and requires an annual Town Meeting approval. The amount voted shall not exceed twice the statutory amount of the Chapter 59 exemption for which the taxpayer qualifies; further this additional amount shall not result in a taxpayer paying less taxes than in the preceding year. The percentage amount voted shall be uniform for all classes.

ARTICLE FOURTEENTH:

ANNUAL ENGINEERING & LANDFILL MONITORING

To see if the Town will vote to transfer and appropriate a sum of money from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2011 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$36,760 from the Solid Waste Fund to be expended by the Board of Selectmen to fund the Fiscal Year 2011 annual professional engineering and monitoring services related to the capping and closure of the Town's sanitary landfill.

This annual article would allow the Town to contract for the engineering and monitoring services that are required as part of the Administrative Consent Order issued by the Department of Environmental Protection (DEP) for the capping and closure of the sanitary landfill, and that are also required by the Post Closure Use Permit which allows recreational use.

ARTICLE FIFTEENTH:

PROCTOR SCHOOL DOORS

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 Board of Selectmen with the advice of the School Committee for the replacement of exterior doors at the Proctor School; 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.

Recommended that the Town vote to raise and assess, and appropriate the sum of \$7,000 to be expended by the Board of Selectmen with the advice of the School Committee for the replacement of exterior doors at the Proctor School; 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).

This article would allow the School Department to replace exterior doors at the Proctor School.

ARTICLE SIXTEENTH:

TOWN HALL FINANCE OFFICES WORKSTATIONS

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 Board of Selectmen with the advice of the Computer Technology Committee for the purchase and installation of seven computer workstations, including all related hardware and software, for use in the Town's financial offices, or take any other action relative thereto.

Recommended that the Town vote to transfer from Free Cash, and appropriate the sum of \$11,865 to be expended by the Board of Selectmen with the advice of the Computer Technology Committee for the purchase and installation of seven computer workstations, including all related hardware and software, for use in the Town's financial offices.

This article would allow the Selectmen to purchase seven new workstations for the Town Hall financial offices. These computers are used for critical financial operations. Due to the age of the computers currently used in these offices, the Computer Technology Committee has determined that the probability of failure is such that they should be replaced.

ARTICLE SEVENTEENTH:

PURCHASE OF A 4X4 POLICE CRUISER

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 Board of Selectmen with the advice of the Police Chief to purchase and equip a new 4x4 cruiser, and trade in or sell a 2001 Chevrolet Tahoe; 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.

Recommended that the Town vote to raise, assess and appropriate the sum of \$35,500 to be expended by the Board of Selectmen with the advice of the Police Chief to purchase and equip a new 4x4 cruiser and trade in or sell a 2001 Chevrolet Tahoe; 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).

The new 4x4 cruiser would replace a 10 year old 4x4 Chevrolet Tahoe. This would be the department's one 4x4, front line cruiser which is used especially during weather related responses. The existing vehicle, with over 120,000 miles, continues to experience downtime and incur high repair costs. Excessive rusting of its undercarriage is becoming a safety consideration and would be expensive to repair. The expected service life of the new vehicle would be at least six years. This purchase would be consistent with the vehicle replacement plan of the department and the CIP (Capital Improvement Program).

ARTICLE EIGHTEENTH:

PURCHASE OF HIGHWAY DUMP/SANDER/WING/PLOW TRUCK BY A LEASE AGREEMENT

To see if the Town will authorize the Board of Selectmen with the advice of the Board of Road Commissioners to enter into a six year lease-to-purchase agreement to procure and equip a Dump/Plow/Sander/Wing Truck, and trade in or sell the 1994 International Dump/Sander/Wing Truck and to meet said appropriation raise and assess a sum of money; 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.

Recommended that the Town vote to authorize the Board of Selectmen, with the advice of the Board of Road Commissioners, to enter into a six year lease-to-purchase agreement to procure and equip a Dump/Plow/Sander/Wing Truck, to acquire and equip said truck, and to trade in or sell the 1994 International Dump/Sander/Wing Truck, and to raise, assess, and appropriate the sum of \$23,000 for such purpose; 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.

This article would approve the lease/purchase of a new Dump/Plow/Sander/Wing Truck to replace the 15 year old International Dump/Plow/Sander/Wing Truck that is currently owned by the Town. This expenditure reflects the first year's cost of the total six year cost of \$138,000. This lease is a municipal lease-to-purchase agreement resulting in the Town's ownership of the Dump/Plow/Sander/Wing Truck at the end of the six year lease period.

ARTICLE NINETEENTH:

PURCHASE OF FIRE DEPARTMENT DEFIBRILLATOR

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 Board of Selectmen with the advice of the Fire Chief for the purchase of a 15 lead defibrillator and trade in or sell the Department's 12 lead defibrillator; 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.

Recommended that the Town vote to raise, assess and appropriate the sum of \$28,000 to be expended by the Board of Selectmen with the advice of the Fire Chief for the purchase of a 15 lead defibrillator and trade in or sell the Department's 12 lead defibrillator; 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).

This article would approve the purchase a 15 lead defibrillator for use by the Fire Department in responding to emergency medical aid calls. The Department's current 12 lead defibrillator that is nine years old would be traded in. The proposed, new defibrillator has greater diagnostic capability.

ARTICLE TWENTIETH:

PURCHASE OF CHEMICAL ANALYZERS FOR THE PUMPING STATIONS

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 Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase chemical analyzers for the pumping stations at Perkins Row and at North Street, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$32,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase chemical analyzers; and to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary to carry out this project.

This article would allow the Water Department to replace the existing pH and fluoride analyzers, add new chlorine analyzers that would be integrated into the SCADA (realtime computer monitoring) system. The existing pH and fluoride analyzers that are 15 years old require frequent calibration. Chlorine levels are currently measured manually once per day. Replacement of the analyzers will give the Department better control of chemical concentrations and, in addition to pH and fluoride, allow the SCADA system to notify personnel automatically if chlorine levels are too high or too low.

ARTICLE TWENTY-FIRST:

BOSTON STREET AND GARDEN STREET WATER TANK INSPECTIONS

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 Board of Selectmen, with the advice of the Board of Water Commissioners, to conduct inspections of the Boston Street and Garden Street Water Tanks, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$25,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to conduct inspections of the Boston Street and Garden Street Water Tanks; and to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary to carry out this project.

This article would allow the Water Department to conduct inspections of the Boston Street and Garden Street Water Tanks for structural integrity and sediment build up. The tanks are 60 and 40 years old respectively and were last inspected in 1998. Inspection of tanks of this age is recommended every 5 to 10 years.

ARTICLE TWENTY-SECOND:

CENTRAL STREET WATER MAIN 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 Board of Selectmen, with the advice of the Board of Water Commissioners, for the preparation of design plans and construction documents for replacement of the Central Street Water Main from Main Street to Summer Street, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$20,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the

advice of the Board of Water Commissioners, for the preparation of design plans and construction documents for the replacement of the Central Street Water Main from Main Street to Summer Street; and to authorize the Board of Selectmen, with the advice of the Board of Water Commissioners, to take any other action necessary to carry out this project.

This article would allow the Water Department to prepare for the replacement of the water main on Central Street. The new eight inch main would replace an existing six inch main that has experienced several severe breaks. Typically, the useful life of a water main of the type of material used in this section is 50 years. The existing Central Street Main was installed in the late 1940's or early 1950's.

ARTICLE TWENTY-THIRD:

PURCHASE OF A PICK-UP 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 Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase and equip a new service pick-up truck and trade in or sell a 1997 Ford F350 truck, or take any other action relative thereto.

Recommended that the Town vote to transfer and appropriate the sum of \$22,000 from the Water Enterprise Retained Earnings to be expended by the Board of Selectmen, with the advice of the Board of Water Commissioners, to purchase and equip a new service pick-up truck; and trade in or sell a 1997 Ford F350 truck.

This article would allow the Water Department to replace its 13 year old Ford F350 Service Truck with a new service truck.

ARTICLE TWENTY-FOURTH:

POST EMPLOYMENT BENEFITS TRUST FUND

To see if the Town will vote to accept Massachusetts General Law Chapter 32B § 20, a local acceptance statute, entitled "Other Post Employment Benefits Liability Trust Fund," or take any other action relative thereto.

Recommended that the Town vote to accept Massachusetts General Law Chapter 32B § 20, a local option legislation entitled Other Post Employment Benefits Liability Trust Fund.

This article would allow the Town to establish a Trust Fund to be called "Other Post Employment Benefits Liability Trust Fund," and establish a funding schedule for the fund. The Town implemented a new accounting requirement, known as GASB 45 in Fiscal 2009. GASB 45 (also known as "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions") is a new standard that requires non-pension benefits for retirees, such as health care, to be shown as an accrued liability on financial statements, similar to pension benefits. Once this trust fund is established, the Town can begin to develop strategies for funding this liability.

ARTICLE TWENTY-FIFTH:

ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT

To see if the Town of Topsfield will vote to authorize Topsfield to become a member of the Essex North Shore Agricultural and Technical School District (the "District") in accordance with Chapter 463 of the Acts of 2004 (as amended); and to further authorize Topsfield to appropriate, borrow, or transfer from available funds, its proportioned share of \$133,000,000 dollars, based on

Topsfield's projected percentage of enrollment for the proposed Essex North Shore Agricultural and Technical High School, to be expended under the direction of the District for construction of the Essex North Shore Agricultural and Technical High School, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a non entitlement discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District. Any grant that the District may receive from the MSBA for the Project shall be based on a total project budget of \$125,000,000 and shall not exceed the lesser of (1) sixty-two percent (62%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA. The MSBA's grant is conditioned upon the election by cities and towns representing at least 75 percent (75%) of the October 1, 2004 foundation enrollment of the North Shore Vocational Regional School District to become a member municipality of the District, or take any other action relative thereto.

Recommended that the Town of Topsfield vote to take positive action relative to membership in the Essex North Shore Agricultural and Technical School District in accordance with Chapter 463 of the Acts of 2004 (as amended), as set forth above.

Becoming a member of the Essex North Shore Agricultural and Technical School District, as specified in this article, would enable Topsfield to provide for vocational education as required by Massachusetts General Law. Funding for the building project will be included in member communities' annual assessments. The first assessment, which will be for fiscal year 2012, will be determined at one of the first two school committee meetings of the new entity.

ARTICLE TWENTY-SIXTH:

AMEND GENERAL WETLANDS BYLAW

To see if the Town will vote to amend the Town Code, Chapter LXII, the General Wetlands Bylaw, as follows:

by inserting the following sentence after the second sentence in section 62-7,

“For applications filed only under this Bylaw, and not concurrently under the Wetlands Protection Act, the Commission may allow publication of such notice on the Town's web page, in lieu of publication in a local newspaper.”

and by adding the following new section 62-7A,

“62-7A ADMINISTRATIVE PERMITS.

The provisions of Section 62-7 notwithstanding, the Commission may, by regulation, provide for the issuance of administrative permits for the maintenance or improvement of Land within one hundred (100) feet of Freshwater Wetlands, Bodies of Water, Land Under Water, or Banks, but excluding Riverfront Area, in connection with existing residential uses. Such administrative permits may be issued by the Commission or the Conservation Administrator without a hearing.”

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter LXII, the General Wetlands Bylaw, as described above.

This article would amend the General Wetlands Bylaw by adding a provision allowing the Town's Conservation Commission to regulate and issue a new type of permit designated as a “Topsfield Conservation Commission Administrator Permit (TCCAP).” As provided in Section R:10-5.2.k of the Commission's regulations, this new type of permit would be available for simple

projects that meet specific criteria and would be issued without going through a public meeting/hearing process. Both a pre-activity review/site visit and post-activity inspection process would still be required. The fee for this type of permit would be \$50 and the authorization would be valid for three years.

ARTICLE TWENTY-SEVENTH

NON-CRIMINAL DISPOSITION – BOARD OF HEALTH

To see if the Town will vote to amend the Town Code, Chapter XXX Non-Criminal Disposition Enforcement Bylaw by deleting:

“Article 1, Board of Health, Tobacco Control Access Program” in the title

and by adding Section 30-2 as set forth below:

“30-2 Violations of the provisions of section R-11: Food Code of the Board of Health’s Rules and Regulations may be enforced by the Health Agent by a non-criminal complaint pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by bylaw, rule or regulation, the penalties shall be as follows:

First violation:	\$25.00
Second violation:	\$50.00
Third and subsequent violations:	\$200.00 ”

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter XXX Non-Criminal Disposition Enforcement Bylaw as set forth above.

This article would allow the Town to enforce the Board of Health’s Rules and Regulations relative to food by using a non-criminal process as an alternative to the present procedure of filing a criminal complaint in a court of law for enforcement. This article also establishes the penalty for offenses. The Board of Health has adopted CMR 590, the State Food Code, as its local regulation.

ARTICLE TWENTY-EIGHTH:

NON-CRIMINAL DISPOSITION – SCENIC ROAD BYLAW

To see if the Town will vote to amend the Town Code, Chapter LV, the Scenic Road Bylaw, by inserting the following paragraph as Section 55-6, and renumber accordingly the paragraphs that follow:

“55-6. This bylaw may be enforced by the Planning Board, its agent, or any Police Officer of the Town of Topsfield, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by bylaw, rule or regulation, the penalties shall be as follows:

First violation:	\$25.00
Second violation:	\$50.00

Third violation: \$100.00
Fourth and subsequent violations: \$200.00 ”

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter LV, the Scenic Road Bylaw, by inserting the paragraph described above as Section 55-6, and renumber accordingly the paragraphs that follow.

This article would allow the Town to enforce the provisions of Scenic Road Bylaw by using a non-criminal process as an additional alternative to the present procedure of filing a criminal complaint in a court of law for enforcement. This article also establishes the penalty for offenses.

ARTICLE TWENTY-NINTH:

NON-CRIMINAL DISPOSITION – STORMWATER MANAGEMENT & EROSION CONTROL BYLAW

To see if the Town will vote to amend the Town Code, Chapter LI, the Stormwater Management & Erosion Control Bylaw, by inserting the following paragraph at the end of Section 51-7 Enforcement as follows:

“This bylaw may also be enforced by the Planning Board, its agent, or any Police Officer of the Town of Topsfield, by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by bylaw, rule or regulation, the penalties shall be as follows:

First violation: \$25.00
Second violation: \$50.00
Third violation: \$100.00
Fourth and subsequent violations: \$200.00 ”

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter LI, the Stormwater Management & Erosion Control Bylaw, by inserting the paragraph described above at the end of Section 51-7 Enforcement.

This article would allow the Town to enforce the provisions of Stormwater Management & Erosion Control Bylaw by using a non-criminal process as an additional alternative to the present procedure of filing a criminal complaint in a court of law for enforcement. This article also establishes the penalty fine schedule.

ARTICLE THIRTIETH:

NON-CRIMINAL DISPOSITION – SOIL REMOVAL BYLAW

To see if the Town will vote to amend the Town Code, Chapter XLIX, the Soil Removal Bylaw, by inserting Section 49-5 c. as follows:

“This bylaw may be enforced by the Planning Board, its agent, or any Police Officer of the Town of Topsfield, by any available means in law or equity, including but not limited to enforcement by

non-criminal disposition pursuant to M.G.L. Chapter 40, §21D. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, unless otherwise specifically provided for by bylaw, rule or regulation, the penalties shall be as follows:

- First violation: \$25.00
- Second violation: \$50.00
- Third violation: \$100.00
- Fourth and subsequent violations: \$200.00 ”

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter XLIX, the Soil Removal Bylaw, by inserting the paragraph described above as Section 49-5 c.

This article would allow the Town to enforce the provisions of Soil Removal Bylaw by using a non-criminal process as an additional alternative to the present procedure of filing a criminal complaint in a court of law for enforcement. This article also establishes the penalty fine schedule.

ARTICLE THIRTY-FIRST:

WIND ENERGY CONVERSION SYSTEM – SMALL SCALE

To see if the Town will vote to amend Article IV of the Topsfield Zoning Bylaw by deleting Section 4.11 “Installation and Maintenance of Wind Energy Conversion Systems” in its entirety and renumbering accordingly the paragraphs that follow, and adding a new Article XV, “Wind Energy Conversion System - Small Scale” as set forth in Attachment B to this warrant, entitled “Wind Energy Conversion System – Small Scale Bylaw Amendment,” or take any other action relative thereto.

Recommended that the Town vote to amend Article IV of the Topsfield Zoning Bylaw by deleting Section 4.11 “Installation and Maintenance of Wind Energy Conversion Systems” in its entirety and renumbering accordingly the paragraphs that follow, and adding a new Article XV, “Wind Energy Conversion System – Small Scale” as set forth in Attachment B to this warrant, entitled “Wind Energy Conversion System – Small Scale Bylaw Amendment.”

This amendment would delete the out-of-date section 4.11 relative to the requirements for the installation and maintenance of wind energy conversion systems such as wind turbines and would create a new, updated Bylaw that establishes the special permitting requirements to regulate small systems referred to as Wind Energy Conversion System – Small Scale (WECS-SS) for all districts within the Town.

ARTICLE THIRTY-SECOND:

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

To see if the Town will vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations, Table of Use Regulations, Section 4.32 and amend footnote four at the end of the table, all as set forth below (new language in bold italics; deletions with strikethrough), or take any other action relative thereto.

Permitted Uses	ORA	IRA	CR	BV	BH	PB	BHN
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4.	Retail and Service							
4.32	Installation of WECS <i>Wind energy conversion system – small scale</i>	P ⁴ S ⁴						

⁴ See Article IV, 4.11 for regulations **See Article XV for permitting standards**

Recommended that the Town vote to amend the Topsfield Zoning Bylaw, Article III, Use Regulations, Table of Use Regulations, Section 4.32 and amend footnote four at the end of the table, all as set forth above.

This amendment would revise the permitting for a WECS in the Table of Use Regulations from that of Permitted (P) to that of requiring a Special Permit (S) for a Wind Energy Conversion System - Small Scale (WECS-SS) for all districts within the Town, and further, update the related footnote to reference the new WECS-SS bylaw.

ARTICLE THIRTY-THIRD

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 to fund certain activities of the Tri-Town Council, or take any other action relative thereto.

Recommended that the Town vote to raise and assess and appropriate the sum of \$18,319 to fund certain activities of the Tri-Town Council.

This article appropriates funds for the operation of the activities of the Tri-Town Council, a non-profit organization serving Topsfield, Boxford, and Middleton. The Council’s mission is to reduce and prevent at-risk behavior and to strengthen the social and emotional well-being of Tri-Town youth.

ARTICLE THIRTY-FOURTH:

CONTRACT FOR TRIENNIAL RE-CERTIFICATION FOR COMMERCIAL AND INDUSTRIAL REAL ESTATE

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 Board of Selectmen, with the advice of the Board of Assessors, to contract for the State required re-certification update of real property values for commercial and industrial real estate, or take any other action relative thereto.

Recommended that the Town vote to transfer from free cash, and appropriate a sum of \$28,000 to be expended by the Board of Selectmen, with the advice of the Board of Assessors, to contract for the State required re-certification update of real property values for commercial and industrial real estate.

This article provides funding for the update of all commercial and industrial real property values as part of the State mandated Triennial certification process.

ARTICLE THIRTY-FIFTH:

CONTRACT FOR TRIENNIAL RE-CERTIFICATION FOR PERSONAL PROPERTY

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 Board of Selectmen, with the advice of the Board of Assessors, to contract for the State required re-certification update of all personal property values, or take any other action relative thereto.

Recommended that the Town vote to transfer from free cash, and appropriate a sum of \$11,000 to be expended by the Board of Selectmen, with the advice of the Board of Assessors, to contract for the State required re-certification update of all personal property values.

This article provides funding for the update of all personal property values as part of the State mandated Triennial certification process.

ARTICLE THIRTY-SIXTH

POLICE LIABILITY REDUCTION TRAINING

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 Board of Selectmen, with the advice of the Police Chief, for the purpose of Liability Reduction Training for members of the Topsfield Police Department; provided, however, that any appropriation authorized hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ general override question pursuant to the provisions of Massachusetts General Laws Chapter 59, § 21 C (g), or take any other action relative thereto.

Recommended that the Town vote to raise, assess and appropriate a sum of \$8,502 to be expended by the Board of Selectmen, with the advice of the Police Chief, for the purpose of Liability Reduction Training for members of the Topsfield Police Department; provided, however, that any appropriation authorized hereunder shall be contingent upon approval by the voters of a Proposition 2 ½ general override question pursuant to the provisions of Massachusetts General Laws Chapter 59, § 21 C (g).

This article would fund additional liability reduction training for all officers, especially reserve officers. The Topsfield Police Department utilizes reserve officers to fill in for regular full time officers as the need arises. Because the town has a relatively small full time force (nine officers plus the Chief), the use of reserve officers is cost effective. Since reserve officers perform the same functions as full time officers and are subjected to the same dangers and liability situations as full time officers, the reserve officers should be trained to the same level of competency as full time officers.

ARTICLE THIRTY-SEVENTH

USE OF TOWN FACILITIES FOR SOLAR ENERGY PROJECTS

To see if the Town will vote for the ensuing year to authorize the Board of Selectmen with respect to municipal property, and the School Committee with respect to school property, to enter into any leases, licenses, easements, and/or other agreements allowing the use for up to 25 years, on such terms and conditions as the said Board or Committee may determine, of any Town-owned lands, buildings, facilities, or portions thereof, for the purpose of installing and operating solar energy facilities to defray the cost of energy borne by taxation, and to enter long-term power purchase agreements, energy management services agreements, utility easements and similar instruments in conjunction therewith and in furtherance thereof, or take any other action relative thereto.

Recommended that the Town vote for the ensuing year to authorize the Board of Selectmen with respect to municipal property, and the School Committee with respect to school property, to enter into any leases, licenses, easements, and/or other agreements allowing the use for up to 25 years, on such terms and conditions as the said Board or Committee may determine, of any Town-owned lands, buildings, facilities, or portions thereof, for the purpose of installing and operating solar energy facilities to defray the cost of energy borne by taxation, and to enter long-term power purchase agreements, energy management services agreements, utility easements and similar instruments in conjunction therewith and in furtherance thereof.

This Article would authorize the Board of Selectmen with respect to municipal property and the School Committee with respect to school property to enter into solar energy agreements in order to reduce energy costs for the Town. Authorization by Town Meeting is required because typical energy agreements are for longer than ten years.

ARTICLE THIRTY-EIGHT

BYLAW GOVERNING ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

To see if the Town will vote to amend the Town Code by adding a new Chapter LIX entitled, "Bylaw Governing Illicit Discharges To The Municipal Storm Drain System," as set forth in Attachment C to this warrant, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code by adding a new Chapter LIX entitled, "Bylaw Governing Illicit Discharges To The Municipal Storm Drain System", as set forth in Attachment C to this warrant.

This is the last element of Topsfield's Phase II Stormwater Management Plan that is required by the EPA. This bylaw regulates illicit discharges into the Town's stormwater collection system, i.e. the storm drains, catch basins, and culverts. It prohibits the discharge of pollutants, largely of a commercial and industrial nature, into the system and establishes the Town's mechanisms for enforcing the regulations.

ARTICLE THIRTY-NINTH

STORMWATER MANAGEMENT COMMITTEE BYLAW

To see if the Town will vote to amend the Town Code, Chapter II, Administration, Article VII, Committee and Commissions by adding a new section 2-14 which shall read as follows:

"2-14 STORMWATER MANAGEMENT COMMITTEE

There shall be a seven (7) member Stormwater Management Committee appointed by the Board of Selectmen for a one year term commencing on July 1 of each fiscal year. Said appointments shall be of one currently active member of the Board of Health, Board of Road Commissioners, Board of Water Commissioners, Conservation Commission, Planning Board or their agents, and the Stormwater Officer and Inspector of Buildings."

, or take any other action relative thereto.

Recommended that the Town vote to amend the Town Code, Chapter II, Administration, Article VII, Committee and Commissions by adding a new section 2-14 as described above.

This article would authorize the Board of Selectmen to appoint a Stormwater Management Committee which would promulgate rules and regulations to effectuate the "Bylaw Governing Illicit Discharges To the Municipal Storm Drain System."

ARTICLE FORTIETH

STABILIZATION FUND

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

Recommended that the Town appropriate and transfer from Free Cash the sum of \$1,000 for the Stabilization Fund.

ARTICLE FORTY-FIRST

FREE CASH

To see if the Town will vote to authorize and direct the Board of Assessors to transfer and appropriate a sum of money from Free Cash to reduce the tax levy for the Fiscal Year 2011, or take any other action relative thereto.

Recommended that the Town vote to authorize and direct the Board of Assessors to transfer and appropriate the sum of \$221,329 from Free Cash to reduce the tax levy for the fiscal year 2011.

And you are also directed to notify said inhabitants, qualified to vote in the election of Town Officers, to meet at the St. Rose Church Hall, 12 Park Street, the sixth day of May, 2010, at seven o'clock in the morning, to bring in their votes on one ballot for the following offices:

ONE	Moderator	(1 year)
ONE	Town Clerk	(3 years)
ONE	Selectmen	(3 years)
ONE	Assessor	(3 years)
ONE	Commissioner of Trust Funds	(3 years)
ONE	Water Commissioner	(3 years)
ONE	Park & Cemetery Commissioner	(3 years)
ONE	Road Commissioner	(3 years)
ONE	Housing Authority	(5 years)
TWO	Elementary School Committee	(3 years)
ONE	Masconomet Regional District School Committee	(3 years)
TWO	Library Trustees	(3 years)
TWO	Planning Board	(3 years)

BALLOT QUESTIONS

QUESTION ONE: Shall the Town of Topsfield be allowed to assess an additional \$104,307 in real estate and personal property taxes for the purposes of funding the Police Liability Training (\$8,502); Police School Resource Officer (\$7,805); Road, Bridge and Sidewalk Reconstruction and Maintenance (\$25,000), and the Town's Assessment for the Masconomet Regional School District (\$63,000), for the fiscal year beginning July first, two thousand and ten?

QUESTION TWO: Shall the Town of Topsfield be allowed to assess an additional \$93,500 in real estate and personal property taxes for the purposes of funding the purchase and equipping of a new 4x4 cruiser for the Police Department (\$35,500), the purchase of a 15 lead defibrillator for the Fire Department (\$28,000), replacement of exterior doors for the Proctor School for the School Department (\$7,000) and the lease purchase of a Dump/Plow/Sander/Wing Truck for the Highway Department (\$23,000), for the fiscal year beginning July first, two thousand and ten?

The polls shall be open from **7:00 AM UNTIL 8:00 PM**, and you are directed to serve this Warrant by posting attested copies thereof, one at the Post Office, one at the Town Hall, and one at each of the Public Meeting Houses in said Town, seven days at least before time for holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this thirty-first day of March in the year two thousand and ten.

TOWN OF TOPSFIELD BOARD OF SELECTMEN

Martha A. Morrison, Chairman

Karen A. Dow, Clerk

A. Richard Gandt, Member

Nancy J. Luther, Member

Laura J. Powers, Member

A true copy

ATTEST:

Frederick J. Glatz, Town Constable

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE

Mark B. Lyons, Chairman
Heidi L. Bond
Paul E. Dierze
Kathryn S. Hartmann
J. Stephen Lais
Holger M. Luther
Trudi I. Perry

TOWN OF TOPSFIELD



WARRANT FOR THE 2010 SPECIAL TOWN MEETING

Essex, ss.

To the Constable of the Town of Topsfield, in said County,

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Topsfield, qualified to vote in elections and in Town affairs, to meet at the

**PROCTOR SCHOOL
WOODBURY AUDITORIUM**

in said Topsfield, on Tuesday, the fourth day of May 2010, at thirty minutes after seven o'clock in the afternoon (7:30 PM), then and there to act on the following articles:

ARTICLE FIRST:

REPORTS

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

ARTICLE SECOND:

PRIOR YEAR BILLS AND WAGES

To see if the Town will vote to transfer from available funds and appropriate a sum of money to pay outstanding bills contracted prior to July 1, 2009.

Recommendation pending further review.

ARTICLE THIRD:

TRANSFER OF FUNDS

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 2010 fiscal year, or take any other action relative thereto.

Recommendation pending further review.

ARTICLE FOURTH

SALE OF TOWN PROPERTY

To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land off Grove Street, containing 229 square feet more or less, shown as Parcel "A" on a

plan entitled "Plan of Land in Topsfield, MA, Prepared for The Town of Topsfield and Paul A. & Shirley A. Fontaine, Scale: 1" = 10', March 10, 2010, Donohoe and Parkhurst, Inc." said plan being on file with the office of the Town Clerk, from the Board of Selectmen for the purposes for which it is currently held to the Board of Selectmen for the purposes for which it is currently held and for the purpose of conveyance; and further to authorize the Board of Selectmen to convey said Parcel upon such terms and conditions as the Board of Selectmen shall deem appropriate, to the owner of 21A Grove Street, or take any other action relative thereto.

Recommendation pending further review.

Hereof, fail not, and make due return of the Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this thirty-first day of March in the year two thousand and ten.

TOWN OF TOPSFIELD BOARD OF SELECTMEN

Martha A. Morrison, Chairman

Karen A. Dow, Clerk

A. Richard Gandt, Member

Nancy J. Luther, Member

Laura J. Powers, Member

A true copy
ATTEST:

Frederick J. Glatz, Town Constable

RECOMMENDATIONS AS VOTED BY THE TOPSFIELD FINANCE COMMITTEE

Mark B. Lyons, Chairman

Heidi L. Bond
Paul E. Dierze
Kathryn S. Hartmann

J. Stephen Lais
Holger M. Luther
Trudi I. Perry

ATTACHMENT A

Approved Appropriation Fiscal Year 2010	FISCAL YEAR 2011 GENERAL OPERATING BUDGET May 4, 2010 ANNUAL TOWN MEETING	Recommended Appropriation Fiscal Year 2011	Recommended Contingency Appropriation
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ELECTED OFFICERS

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	
58,912.00	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:

162,653.00	Salaries	164,406.00
41,197.00	Wages	41,197.00
26,740.00	Other	25,890.00
230,590.00	TOTAL: Selectmen	231,493.00

Selectmen's Special:

68,000.00	Other	68,050.00
68,000.00	TOTAL: Selectmen Special	68,050.00

Parking Clerk:

50.00	Other	-
50.00	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
	Other	20,788.00

20,788.00		
118,103.00	TOTAL: Town Accountant	118,103.00
	Board of Assessors	
69,772.00	Salaries	69,772.00
36,964.00	Wages	33,855.00
14,200.00	Other	17,309.00
120,936.00	TOTAL: Assessors	120,936.00
	Town Treasurer and Collector:	
64,272.00	Salary	64,272.00
64,132.00	Wages	64,132.00
39,300.00	Other	30,800.00
167,704.00	TOTAL: Town Treasurer & Coll.	159,204.00
	Town Hall:	
1,500.00	Wages	500.00
119,108.00	Other	143,878.00
120,608.00	TOTAL: Town Hall	144,378.00
	School Street Building	
728.00	Other	634.00
728.00	TOTAL: School Street Building	634.00
	Town Clerk:	
58,912.00	Salary	50,842.00
30,488.00	Wages	15,919.00
10,238.00	Other	11,309.00
99,638.00	TOTAL: Town Clerk	78,070.00
	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	
14,167.00	Wages	14,127.00	
68,927.00	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	
999,386.00	SUB-TOTAL: GOVERNMENT		GENERAL
		993,857.00	

PUBLIC SAFETY

	Police Department:		
142,219.00	Salaries	144,202.00	
1,053,107.00	Wages	1,114,569.00	7,805.00 override
106,270.00	Other	109,653.00	
	Capital Equipment		
1,301,596.00	TOTAL: Police Department	1,368,424.00	7,805.00 override
	Fire Department:		
98,366.00	Salaries	97,316.00	
400,735.00	Wages	401,785.00	
86,866.00	Other	86,866.00	
585,967.00	TOTAL: Fire Department	585,967.00	
	Ambulance Services:		
54,000.00	Other	-	
54,000.00	TOTAL: Ambulance Service	-	
	Inspectional Services:		

71,775.00	Salaries	71,775.00	
18,462.00	Wages	18,462.00	
5,519.00	Other	5,519.00	
95,756.00	TOTAL: Inspectional Services	95,756.00	
	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	
2,056,994.00	SUB-TOTAL: PUBLIC SAFETY	2,069,822.00	7,805.00 override

**EDUCATION ELEMENTARY
SCHOOL**

4,529,248.00	Total Salaries	4,493,132.00
127,956.00	total Supplies/Materials/Textbooks	168,959.00
36,358.00	Total Equipment	43,306.00
45,730.00	Total Prof Dev (Mem./Work./Conf.)	45,062.00
400,153.00	Total Special Education (Tuitions & Services)	395,338.00
248,801.00	Total Transportation	246,203.00
237,590.00	Utilities	225,306.00
159,105.00	Facilities	164,287.00
	TOTAL: Elementary Schools	5,781,593.00

5,784,941.00

5,784,941.00 **SUB-TOTAL - ELEMENTARY SCHOOLS** 5,781,593.00

PUBLIC WORKS AND FACILITIES

General Highway:

75,983.00 Salary 75,983.00

185,169.00 Wages 190,419.00

188,195.00 Other 173,805.00 25,000.00 override

49,577.00 Capital Equipment 25,740.00

498,924.00 TOTAL: General Highway 465,947.00 25,000.00 override

Snow and Ice:

78,581.00 Wages 78,581.00

160,080.00 Other 164,285.00

238,661.00 TOTAL: Snow and Ice 242,866.00

Street Lights

18,900.00 Other 18,900.00

18,900.00 TOTAL: Street Lights

756,485.00 SUB-TOTAL: PUBLIC WORKS 727,713.00 25,000.00 override

HUMAN SERVICES

Board of Health:

64,272.00 Salary 64,272.00

13,202.00 Wages 12,182.00

16,001.00 Other 16,730.00

93,475.00 TOTAL: Board of Health 93,184.00

MSW Collection, HHW & Recycling

355,787.00 Services 369,819.00

355,787.00 TOTAL: MSW Collection, HHW & Recycling 369,819.00

	Recycling:	
2,750.00	Other	1,350.00
2,750.00	TOTAL: Recycling	1,350.00
	Council On Aging:	
40,764.00	Salary	41,865.00
34,914.00	Wages	35,476.00
2,582.00	Other	2,582.00
78,260.00	TOTAL: Council On Aging	79,923.00
	Veterans' Benefits:	
3,470.00	Other	4,970.00
3,470.00	TOTAL: Veterans' Benefits	4,970.00
	Soldiers & Sailors Graves:	
800.00	Other	800.00
800.00	TOTAL: Soldiers & Sailors Graves	800.00
534,542.00	SUB-TOTAL: HUMAN SERVICES	550,046.00

CULTURE & RECREATION

	Library:	
187,069.00	Salaries	187,719.00
151,246.00	Wages	150,813.00
112,837.00	Other	118,846.00
451,152.00	TOTAL: Library	457,378.00
	Park and Cemetery Department:	
65,272.00	Salary	65,272.00
121,207.00	Wages	121,207.00
43,774.00	Other	44,261.00
230,253.00	TOTAL: Park & Cemetery Dept.	230,740.00

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

699,158.00	SUB TOTAL: CULTURE & RECREATION	705,871.00
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DEBT SERVICE

618,000.00	Long-Term Debt Principal	643,000.00
467,078.00	Long -Term Debt Interest	438,042.00
25,000.00	Interest for Temporary Loans	25,000.00
7,500.00	Issue Cost	35,000.00
1,117,578.00	TOTAL: DEBT SERVICE	1,141,042.00

1,117,578.00	SUB TOTAL: DEBT SERVICE	1,141,042.00
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OTHER EXPENDITURES

Pensions:

643,879.00	Essex Retirement	667,094.00
643,879.00	TOTAL: Pensions	667,094.00

Insurance:

315,027.00	Liability/Accident/Workmen's Compensation	362,253.00
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1,444,653.00	Life/Medical/Medicare		1,575,476.00	
50,000.00	Unemployment		50,000.00	
1,809,680.00	TOTAL: Insurance		1,987,729.00	
	SUB-TOTAL	OTHER		
2,453,559.00	EXPENDITURES		2,654,823.00	
	***TOTAL	BUDGET		
14,402,643.00	RECOMMENDATION***		14,624,767.00	32,805.00 override

Fiscal Year 2010: July 1, 2009 through June 30, 2010

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

ATTACHMENT B

Wind Energy Conversion System – Small Scale Bylaw Amendment

ARTICLE THIRTY-FIRST OF THE MAY 4, 2010 ANNUAL TOWN MEETING

ARTICLE XV

WIND ENERGY CONVERSION SYSTEM – SMALL SCALE

15.01 Purpose

The purpose of this by-law is to accommodate small scale wind energy conversion systems in appropriate locations to reduce the on-site consumption of utility supplied electricity, to furnish wind-generated energy to the grid or to furnish electric power to an "off the grid" system, while respecting the scenic and rural character of the Town and minimizing adverse visual, safety and environmental impacts of the wind energy system.

15.02 Applicability

The installation, operation and decommissioning of any WECS-SS system in the Town shall comply with this by-law. Wind energy conversion systems with rated nameplate capacity of more than 30 kilowatts (kW) are prohibited in the Town of Topsfield.

15.03 Definitions

- A. Wind Energy Conversion System-Small Scale (“WECS-SS”): A wind energy conversion system typically consists of a wind turbine, generator, foundation, tower, support facilities, fencing and other safety equipment, power lines, transformers, associated interconnection equipment and related control and conversion equipment. A WECS-SS has a rated nameplate capacity of not more than thirty (30) kilowatts (kW).
- B. Height: The height of a wind turbine is the maximum vertical distance of the highest component of the system above the existing average grade within ten (10) feet of the centerline of the structure.
- C. Special Permit: A permit granted by the Special Permit Granting Authority for the installation of a WECS-SS.
- D. Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor.
- E. Rated Nameplate Capacity: The maximum rated output of electric power specified by an equipment manufacturer on the nameplate of a piece of equipment or wind turbine system.

- F. Tower: The structure on which the wind turbine is mounted.
- G. Off-grid: A stand-alone generating system not connected to or in any way dependent on the public utility grid.
- H. Wind Monitoring or Meteorological Tower (“MET tower”): A temporary tower used to gather wind data necessary for site evaluation and development of a wind energy project. In addition a MET tower can be equipped to record temperature, solar radiation and air pressure if necessary, but is not used for the purpose of generating electricity.

15.04 Special Permit Requirements

- A. Special Permit. All applications for such permits shall be filed with the Special Permit Granting Authority in accordance with Article V, Section 5.04.
- B. Site Plan. Eight copies and one electronic file of the site plan must be submitted to the Special Permit Granting Authority, in accordance with Town of Topsfield Zoning By-laws, Article IX, Section 9.06, Submission Requirements and any other applicable by-laws, except that beyond ten feet of the centerline of the tower ten foot contours are acceptable.
- C. Certification: The proposed wind turbine must be approved by a small wind certification program recognized by the American Wind Energy Association or other entity acceptable to the Special Permit Granting Authority.
- D. Engineered Drawing Requirement: A Special Permit application for a WECS-SS shall be accompanied by standard drawings, certified by a professional engineer, of the wind turbine structure, the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
- E. Height: The height of any WECS-SS shall be no greater than 120 feet. The Special Permit Granting Authority may allow this height to be exceeded as part of the Special Permit process if the Applicant can demonstrate that the additional height is needed to ensure technical and economic feasibility and that the additional benefits of the higher tower outweigh any increased adverse impacts. However, in no case shall the total height of the WECS-SS exceed 150 ft.
- F. Dimensional and Density Provisions:
 1. A horizontal axis wind turbine may not be sited within one and one-half times (1.5x) the height of the wind turbine from the nearest abutting property line as measured from the centerline of the tower. For a vertical axis turbine, the setback shall be one and one-tenth times (1.1x) the height.
 2. A wind turbine may not be sited within a distance equal to one times (1x) the height of the wind turbine from critical infrastructure, or private or public ways.
 3. A setback from a lot line of the lot on which the system is installed shall not be required if the owner(s) of the abutting lot (which may be the same as the Applicant) consents to a setback less than that set forth in F.1 above. Such consent shall be in writing and shall be included with the application. If the

Special Permit Granting Authority determines that the setback diminution and the consent are reasonable, based upon the characteristics of the tower and lots, the setback diminution and consent may be approved. If approval is granted, the consent shall be recorded as a restrictive covenant on the abutting property before the Special Permit is released to the Applicant.

4. Setbacks distances of the wind turbine may be reduced by the Special Permit Granting Authority based on site-specific criteria if the project is consistent with Section 15.04 O. Special Permit Approval Criteria and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to the maximum extent practicable. Setbacks for structures other than the wind turbine shall comply with the by-laws of the Town of Topsfield.
 5. No part of the WECS-SS support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zoning district in which the land is located.
 6. WECS-SS may not be installed in a front yard or on the street-facing end of a building which borders the front yard unless the Special Permit Granting Authority determines that the system is a sufficient distance from the street to mitigate the visual impact.
 7. There shall be no more than one (1) horizontal axis system or two vertical axis systems per lot. On lots greater than ten (10) acres, the Special Permit Granting Authority may permit additional units taking into consideration Section 15.04 O. Special Permit Approval Criteria.
- G. Noise: The operation of the WECS-SS shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10) and its Noise Pollution Policy or superseding applicable state standards.
- H. Prevention of Tower Access: Climbing access to the tower shall be limited by one of the following methods: by placing climbing apparatus no lower than twelve (12) feet from the ground, or by placing shielding over climbing apparatus or access, or by installation of a fence with a locked gate that touches the ground with a minimum height of 8 feet.
- I. Compliance as required by the following:
1. Regulations of the Federal Communications Commission (FCC)
 2. Massachusetts Uniform Building Code
 3. Regulations of the Federal Aeronautical Administration (FAA)
 4. National Electric Code
 5. Regulations of the Federal Energy Regulatory Commission (FERC)
- J. Utility Notification: No WECS-SS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and an interconnection agreement has been approved by the utility. Off-grid systems shall be exempt from this requirement.
- K. Site Control: At the time of application for a special permit, the Applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for

installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads.

- L. Temporary Meteorological Tower (MET tower): A MET tower shall be permitted under the same standards as a WECS-SS, except that the requirements apply to a temporary structure. A permit for a temporary MET tower shall be valid for a maximum of one year after which an extension may be granted by the Special Permit Granting Authority upon demonstration of continued need. Small anemometers installed directly on buildings shall not require a Special Permit but may require a building permit.
- M. Exterior Lighting: A wind turbine shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties as approved by the Special Permit Granting Authority.
- N. Support Towers: Monopole towers shall be used as the support structure for Wind Turbines; this requirement may be waived by the Special Permit Granting Authority for good cause at the discretion of the Special Permit Granting Authority.
- O. Special Permit Approval Criteria: In addition to meeting the conditions for Special Permits in Article V, Section 5.04, any Special Permit granted for a WECS-SS shall meet the following conditions:
 - 1. The specific site is an appropriate location for such use including but not limited to consideration of noise, flicker, shadow and visual impact;
 - 2. The use will not pose a significant adverse impact to the health and safety of the neighborhood;
 - 3. The proposed WECS-SS will pose no hazard to persons or property;
 - 4. Adequate and appropriate infrastructure will be provided for the proper operation of the WECS-SS.

The Special Permit may include reasonable conditions, addressing among others, safeguards and limitations and requirements for the Applicant to implement measures to reasonably protect the neighborhood. The Special Permit may require the Applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind energy conversion system should they occur.

- P. As-Built Plan: The system shall not commence operation until an "As-Built" plan and a certificate of compliance have been submitted to the Special Permit Granting Authority and the Inspector of Buildings representing that the system has been constructed substantially in compliance with the plan approved by the Special Permit Granting Authority. Said certificate and plan shall be signed and stamped by a registered professional engineer licensed in the Commonwealth of Massachusetts.
- Q. Abandonment And Decommission: A WECS-SS or a MET tower will be considered to be abandoned if it is not operated for its intended purpose for a period of one year, or considered hazardous by the Inspector of Buildings. Once a WECS-SS or MET tower is designated as abandoned or hazardous, the owner shall mitigate the hazardous condition within thirty days or shall immediately physically remove the installation, which shall include, but not be limited to:

1. Removal of WECS-SS, any equipment shelters and security barriers from the subject property;
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
3. Re-vegetation of the site of the WECS-SS to its natural condition. The Inspector of Buildings may allow the owner to leave below-grade foundations and landscaping in order to minimize erosion and disruption to vegetation.

The Town retains the right, after the receipt of an appropriate court order to enter and remove an abandoned or hazardous WECS-SS or MET tower that is not removed by the property owner within six (6) months from the date of abandonment. All WECS-SS and MET tower removal and associated costs 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.

- R. Severability: All the clauses of this by-law 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 by-law.

ATTACHMENT C

TOWN CODE CHAPTER LIX

Bylaw Governing Illicit Discharges To The Municipal Storm Drain System

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary to protect the Town of Topsfield's water bodies and groundwater, and to safeguard the environment and public health, safety, and welfare.

The objectives of this bylaw are:

1. to prevent pollutants from entering Topsfield's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Topsfield Stormwater Officer shall administer and implement this bylaw. Any powers granted to or duties imposed upon the Stormwater Officer may be delegated in writing by the Stormwater Officer to the appropriate agents of the Town, i.e. the employees and agents of the Highway Department, the Board of Health, the Police and Fire Departments, the Conservation Commission and the Inspectional Services Department.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and as hereafter amended.

GROUNDWATER: Water beneath the surface of the ground.

ILLCIT CONNECTION: Any indoor or outdoor drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Topsfield.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: A partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such entity or an individual.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; sedimentary material and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Precipitation runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to the environment or to human health, safety, or welfare. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board of Selectmen shall appoint the Stormwater Officer. The Stormwater Officer shall administer, implement and enforce this bylaw.

SECTION 6. REGULATIONS

The Stormwater Management Committee may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Committee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

SECTION 7. PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4).

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Stormwater Officer.

SECTION 8. EXEMPTIONS

- A. Discharge or flow of water or other fire fighting materials resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump);

(8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

(9) Discharge from landscape irrigation or lawn watering;

(10) Water from individual residential car washing;

(11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

(12) Discharge from street sweeping;

(13) Discharge of dye for testing purposes, provided verbal notification is given to the Stormwater Officer prior to the time of the test;

(14) Discharge of non-stormwater as permitted under an NPDES permit, or under a Surface Water Discharge Permit, or by a waste discharge order or waiver administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(15) Discharge of non-stormwater for which advanced written approval is received from the Stormwater Officer as necessary to protect the environment or public health, safety, or welfare.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Stormwater Officer may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the environment or to the public health, safety, or welfare. In the event any person fails to comply with an emergency suspension order, the Stormwater Officer may take all reasonable steps to prevent or minimize harm to the environment or to public health, safety, or welfare.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire, police and highway departments. In the event of a release of other than oil or non-hazardous

material, the reporting person shall notify the Stormwater Officer no later than the next business day. The reporting person shall provide to the Stormwater Officer written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

The Stormwater Officer or an authorized agent of the Stormwater Officer shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued hereunder, the Stormwater Officer may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Stormwater Officer or an authorized agent of the Stormwater Officer may issue a written order to enforce the provisions of this bylaw or the regulations hereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, seek a court order requiring the property owner to perform the work or allowing the Town to perform the work and recover its costs.

Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Topsfield may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the Stormwater Officer shall be the enforcing person. The penalty for the first violation shall be \$ 25.00. The penalty for the second violation shall be \$50.00. The penalty for the third and subsequent violations shall be \$100.00. Each day that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Officer, its agents, officers, and employees may enter upon privately owned property for the

purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Officer deems reasonably necessary.

Appeals. The decisions or orders of the Stormwater Officer shall be final. Further except that relief may be sought in a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. COMPATIBILITY WITH OTHER REGULATIONS.

This bylaw is not intended to modify or repeal any other bylaw, rule, regulation, or other provision of law. The requirements of this bylaw are in addition to the requirements of any other bylaw, rule, regulation, or other provision of law, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 13. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.