

**Minutes to the 197th  
Annual Town Meeting  
of the Town of Essex**

*May 2<sup>nd</sup> 2016*

The 197<sup>th</sup> Annual Town Meeting of the Town of Essex was called to order at 7:35 p.m. by Moderator Rolf P. Madsen. A quorum of over 200 voters was present at the time.

The following people were appointed as tellers: Sam Cushing, Kathy Azadian, Anne Landry, Richard Ross, Rebecca Jones, Betsy Ridge-Madsen, Vickie Cataldo and Laura Doyle.

*There were no objections to the tellers appointed.*

Motion made and duly seconded to waive the reading of the warrant.

*There were no objections to waiving the reading of the warrant.*

The 2016 Local Election shall be held on Monday, May 9<sup>th</sup>, 2016:

In the name of the Commonwealth of Massachusetts you are hereby directed and warned as the inhabitants of the Town of Essex, qualified to vote as the laws direct, of the Annual Town Election to bring to ballot for the following officers:

- One Assessor for three years.
- One Moderator for one year.
- One Selectman for three years.
- One Board of Health member for three years.
- Two Constables for one year.
- One School Committee member for three years.
- One Board of Library Trustee for three years.
- One Planning Board members for five years.
- One Housing Authority member for five years.

AND, to do this by vote on one ballot. The polls will be open on Monday, May 9, 2016 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Memorial Fire Station, 24 Martin Street, Essex.

**ARTICLE 1: APPOINT SURVEYOR OF BARK AND LUMBER**

Motion made by Lisa J. O'Donnell, duly seconded, that the Town authorize the Board of Selectmen to appoint a Surveyor of Bark and Lumber.

*Voted unanimously.*

**ARTICLE 2: REPORTS OF TOWN OFFICIALS, BOARDS AND COMMITTEES**

Motion made by Susan Gould-Coviello, duly seconded, that the Town receive the Reports of the Town Officials, Boards, and Committees contained in the Annual Town Report.

Motion made by Bruce Fortier, duly seconded, that the motion before the meeting be amended by replacing it with "moved, that the Meeting hear, receive and consider the Reports of the Town Officials and Committees, and also, receive and consider any Reports contained in the Annual Town Report, and, also, take any action related thereto."

*Amendment carries.*

*Main motion as amended – Voted Unanimously.*

**ARTICLE 3: FY17 WAGE AND SALARY SCALE**

Motion made by Mark Osburn, duly seconded, that the Town vote to approve the Wage and Salary scale for fiscal year 2017 in accordance with the recommendations of the Personnel Board Report.

*Voted unanimously.*

**ARTICLE 4: FY17 ELECTED OFFICERS SALARY AND COMPENSATION**

Motion made by Mark Osburn, duly seconded, that the Town fix the salary and compensation of each of the elected officers of the Town as required by Massachusetts General Law Chapter 41, Section 108, as amended, for fiscal year 2017 in accordance with the recommendations of the Personnel Board Report.

*Voted unanimously.*

**ARTICLE 5: PAYMENTS TO MA WATER POLLUTION ABATEMENT TRUST**

Motion made by Jeffrey D. Jones, duly seconded, that the Town vote to transfer from the Town Septic Betterment Fund the sum of \$26,194 for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2017 in accordance with the terms of repayment for Community Septic Management Program loan funds.

*Voted unanimously.*

**ARTICLE 6: REVOLVING FUNDS FOR ANIMAL CONTROL & BOARD OF HEALTH**

Motion made by, David Doane, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize the revolving funds of the Town for fiscal year 2017 as shown in Article 6 of the Annual Town Meeting Warrant.

*Voted unanimously.*

**Article 6 as shown in the Annual Town Meeting Warrant:**

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses	Spending Limit
Animal Control Officer	Board of Selectmen	Payments from dog owners seeking to claim impounded dogs	Compensating the ACO for the care of impounded dogs and reimbursing the ACO for all associated expenses	\$10,000
Board of Health – Youth Triathlon	Board of Health	Donations, grants and fees collected for the youth triathlon	Purchase of supplies and services for planning and execution of the Annual Youth Triathlon	\$12,000
Board of Health – Health, Safety and Emergency	Board of Health	Donations, grants and fees collected for the purpose of health, safety and/or emergency planning, preparation and	Purchase of supplies and services for the purpose of health, safety and/or emergency planning,	\$10,000

		education	preparation and education	
Board of Health – Public Health Nurse	Board of Health	Medicare and other reimbursements relating to contracted labor, pharmaceuticals and other reimbursements relating to the services of the Public Health Nurse	Purchasing supplies and pharmaceuticals for the Public Health Nurse and for Public Health nurse labor	\$12,000

*Motion made by Lisa J. O'Donnell, duly seconded, that Article 29 be visited before Article 7.  
Voted unanimously.*

**ARTICLE 29: COMMUNITY PRESERVATION FUNDS**

Motion made by, Kimberly Drake, duly seconded, that the Town appropriate or reserve from Fiscal Year 2017 Community Preservation Fund estimated annual revenues, or other available funds, all as specified on the Community Preservation Act Town Meeting Handout, the amounts recommended by the Community Preservation Committee for Open Space Reserve, Historic Resources Reserve, Community Housing Reserve, Budgeted Reserve, administrative expenses, and specific projects.

*Voted unanimously.*

**ARTICLE 7: CONOMO POINT PLANNING COMMITTEE**

Motion made by Mark Lynch, duly seconded, that Article 7 be indefinitely postponed.

*Voted unanimously.*

*Motion made by Lisa J. O'Donnell, duly seconded, that Articles 10 and 11 be considered together before Article 8.*

*Voted unanimously.*

**ARTICLE 10: FUNDING CONSTRUCTION PLANS FOR WATERFRONT ACCESS AND RELATED IMPROVEMENTS TO CONOMO POINT**

Motion made by Mark Lynch, duly seconded, that the Town vote to transfer from the Sale of Real Estate Fund the sum of \$450,000 to retain the services of a design consultant to develop final construction plans for waterfront access and related improvements for the Town's property at Conomo Point, north of the Southern Conomo Point Subdivision, including but not limited to the development of design plans for the project, the preparation bid documents, the oversight of the actual construction of such improvements, and all work incidental or related thereto; and for the construction of such waterfront access and related improvements and all costs incidental or related thereto.

*Motion carried.*

Point of Order – the attendance rose to call for a standing counted vote.

*Standing Counted Vote:*

Yes – 114

No – 66

*Motion carries.*

ARTICLE 11: TRANSFER PROPERTIES FROM PURPOSES OF LEASE TO GENERAL MUNICIPAL PURPOSES

Motion made by, Susan Gould-Coviello, duly seconded, that the Town vote to transfer the following, Town-owned properties from the Board of Selectmen, acting as Conomo Point Commissioners, which properties are currently held for purposes of lease, to the Board of Selectmen, acting as Conomo Point Commissioners, for general municipal purposes:

138 Conomo Point Road, Map 108, Lot 61  
153 Conomo Point Road, Map 108, Lot 41

*Declared 2/3rds vote.*

ARTICLE 8: TRANSFER PROPERTIES FROM PURPOSES OF LEASE TO GENERAL MUNICIPAL PURPOSES AND CONVEYANCE PURPOSES

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer lots 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 17, and 18 depicted on the approved Definitive Subdivision Plan entitled "Central Conomo Point Subdivision, Robbins Island Portion, Essex, MA" which is on file with the Essex Town Clerk, from the Conomo Point Commissioners for purposes of lease to the Board of Selectmen, acting as Conomo Point Commissioners, for general municipal and conveyance purposes;

and further, after said plan has been duly recorded with the Registry of Deeds, to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to convey any or all of said lots for such terms and conditions and for such consideration as the Board of Selectmen, acting as Conomo Point Commissioners, deem to be in the best interests of the Town; provided, however, that the sale prices shall not be lower than the amount of the fair market values for the land only, as established by Massachusetts Certified General Appraiser Mark Tyburksi, in his report dated April 14, 2016;

and further to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to affect the purposes of this vote.

*Declared 2/3rds vote.*

ARTICLE 9: AUTHORIZATION FOR CONOMO POINT COMMISSIONERS TO LEASE

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to authorize the Board of Selectmen, serving in their capacity as Conomo Point Commissioners, to lease for periods of up to twenty years, the following lots depicted on Assessors' Map 108, or any portions thereof:

15, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77 and 79

on such terms and conditions and for such consideration as the Board of Selectmen, acting as Conomo Point Commissioners, deem to be in the best interests of the Town, provided, however, that the rent for such leases shall be no less than the amount of the fair market rental value of the land only, as established by Massachusetts Certified General Appraiser Mark Tyburksi, in his reports dated April 25, 2016.

And further to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to affect the purposes of this vote.

*Motion carries.*

*Note to reader: Articles 10 & 11 were visited prior to Article 8.*

*Motion made by Annie Cameron, duly seconded, to visit Articles 18 & 19 before Article 12.*

*Voted Unanimously.*

**ARTICLE 18: MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT FUNDING – FY17**

Motion made by Ann Cameron, duly seconded, that the Town vote to raise and appropriate the sum of \$7,423,549 to fund the Town's assessment from the Manchester Essex Regional School District - said sum to be calculated solely in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of Massachusetts General Laws chapter 71, section 16B allowing District members "to reallocate the sum of their required local contributions to the district in accordance with the regional agreement", for the fiscal year beginning July first, two thousand sixteen.

*Voted by the majority.*

**ARTICLE 19: FUNDING THE APPORTIONED SHARED OF THE MANCHESTER  
MEMORIAL ELEMENTARY SCHOOL FEASIBILITY STUDY**

Motion made by Ann Cameron, duly seconded, that the Town vote to raise and appropriate the sum of \$147,959 to fund and approve Article 19 as written in the Annual Town Meeting warrant.

*Voted by the majority.*

**Article 19 as shown in the Annual Town Meeting Warrant:**

**ARTICLE 19**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$147,959, which represents its apportioned share of the Manchester Memorial Elementary School feasibility study, authorized by the Manchester Essex Regional School District (MERSD), for the purpose of paying costs of the Manchester Memorial Elementary School feasibility study, for the school located at 43 Lincoln Street in Manchester-by-the-Sea, Massachusetts, and further described in a deed recorded in Book 3507 pages 137 and 138 in the Essex South Registry of Deeds and depicted on Map 47, lot 6 of the Town of Manchester by the Sea Assessors' maps, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of MERSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or take any other action relating thereto.

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**ARTICLE 12: FUNDING AND IMPLEMENTING COLLECTIVE BARGAINING**

**AGREEMENT BETWEEN THE TOWN AND THE AFSCME, LOCAL 2905, AFL-CIO**

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to raise and appropriate the sum of \$10,000, to appropriate from Sewer Department receipts the sum of \$2,000, and to appropriate from Water Department receipts the sum of \$4,500, for a total appropriation of \$16,500, to fund and implement a collective bargaining agreement between the Town and the American Federation of State, County, and Municipal Employees, Local 2905, AFL-CIO.

*Voted unanimously.*

ARTICLE 13: FUNDING AND IMPLEMENTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE POLICE BENEVOLENT ASSOCIATION OF ESSEX, MA COALITION OF POLICE, INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO.

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to raise and appropriate the sum of \$17,000 to fund and implement a collective bargaining agreement between the Town and the Police Benevolent Association of Essex, Massachusetts Coalition of Police, International Union of Police Associations, AFL-CIO.

*Voted unanimously.*

ARTICLE 14: FINANCE COMMITTEE REPORT

Motion made by Justin Bourgette, duly seconded, that the Town vote to appropriate the sum of \$6,482,271 as follows: a) raise by taxation the sum of \$823,678 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$5,700 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$6,680 to the Cemetery Budget; d) transfer from the Cemetery Perpetual Care Fund the sum of \$5,700 to the Cemetery Budget; e) transfer from the Wetlands Protection Fund the sum of \$4,000 to the Conservation Commission Budget; f) transfer from free cash the sum of \$200,000 to the Health Insurance Budget, g) transfer from the Ambulance Fund the sum of \$50,000 to the Ambulance Budget; h) transfer from Overlay Surplus the sum of \$100,000 to the Health Insurance Budget; and i) to raise by taxation the sum of \$5,286,513 to be allocated between the salaries and expenses of the Town according to the remaining budget items as indicated in the Finance Committee Report; and to authorize the Finance Committee to permit budget line item transfers within a department from salary lines to salary lines and from expense lines to expense lines.

*Voted unanimously.*

ARTICLE 15: SEWER ENTERPRISE FUND

Motion made by Trescott Dewitt, duly seconded, that Article 15 be indefinitely postponed.

*Voted unanimously.*

ARTICLE 16: SEWER ENTERPRISE FUND BUDGET

Motion made by Trescott Dewitt, duly seconded, that the Town vote to appropriate the sum of \$2,032,051 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$836,295 from sewer betterments, the sum of \$100,000 from Sewer Enterprise free cash, and the sum of \$328,911 to be raised by taxation; and b) funds to be allocated between the salaries and expenses of the Sewer Department – \$726,845 from departmental receipts and the sum of \$40,000 from Sewer Enterprise free cash; all as indicated in the Finance Committee Report; and to authorize the Finance Committee to permit budget line item transfers within the Sewer Department from salary lines to salary lines and from expense lines to expense lines.

*Voted unanimously.*

ARTICLE 17: WATER ENTERPRISE FUND BUDGET

Motion made by Trescott Dewitt, duly seconded, that the Town vote to appropriate the sum of \$756,161 for the Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$12,653 from water betterments and the sum of \$35,850 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$707,658 from departmental receipts; all as indicated in the Finance Committee Report; and to authorize the Finance Committee to permit budget line item transfers within the Water Department from salary lines to salary lines and from expense lines to expense lines.

*Voted unanimously.*

*Note to reader: Articles 18 & 19 were visited prior to Article 12.*

ARTICLE 20: ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT

Motion made by Alvin Craig, duly seconded, that the Town vote to raise and appropriate the sum of \$327,053 to pay the Town's share of the operating and capital costs of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2016.

*Voted unanimously.*

ARTICLE 21: PAYMENT OF PAYROLL TAX ASSESSMENTS

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from Free Cash the sum of \$211,910.34 for the payment of payroll tax assessments from the Massachusetts Department of Revenue and the Internal Revenue Service.

*Voted unanimously.*

ARTICLE 22: TRANSFER FUNDS FOR THE MAINTENANCE OF 5 SOUTHERN AVENUE

Motion made by David Doane, duly seconded, that the Town vote to transfer from Free Cash the sum of \$25,000 to demolish or secure a structure located at 5 Southern Avenue (Map 136, Lot 113) and to dispose of any contents therein or thereupon, to purchase and erect a security fence at said location, and to do anything incidental or related thereto.

*Voted unanimously.*

ARTICLE 23: ESSEX BICENTENNIAL CELEBRATION FUND

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$5,000 to be added to the Essex Bicentennial Celebration Fund.

*Voted unanimously.*

ARTICLE 24: FUNDING A DESIGNER FOR THE PRESERVATION AND/OR REPAIR OF THE FOLSOM PAVILION AT CENTENNIAL GROVE

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from Free Cash, the sum of \$18,750 to retain the services of a designer to develop design plans and cost estimate options for the preservation and/or repair and/or the demolition and replacement of the Folsom Pavilion at the Centennial Grove, and all work incidental or related thereto.

*Voted unanimously.*

ARTICLE 25: FUNDING THE PURCHASE OF FURNISHING/FIXTURES AT TOWN HALL

Motion made by David Doane, duly seconded, that the Town vote to transfer from Free Cash the sum of \$65,000 to purchase furnishings and fixtures for the Town Hall/Library at 30 Martin Street.

*Voted unanimously.*

ARTICLE 26: PURCHASE A FULLY-EQUIPPED DUMP TRUCK

Motion made by Trescott DeWitt, duly seconded, that the Town vote to transfer from Free Cash the sum of \$75,500 to purchase a fully-equipped dump truck for the Department of Public Works and to authorize the Board of Selectmen to dispose of any truck replaced by this purchase, by sale or trade, and to take any other actions necessary to effectuate the purposes of this vote.

*Voted unanimously.*

ARTICLE 27: THERMAL IMAGING CAMERA FOR HARBORMASTER DEPARTMENT

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from the Waterways Fund the sum of \$10,000 to purchase a thermal imaging camera for use by the Harbormaster Department.

*Voted by the majority.*

ARTICLE 28: POWER STRETCHER FOR USE BY THE AMBULANCE DEPARTMENT

Motion made by Daniel Doucette, duly seconded, that the Town vote to transfer from the Ambulance Fund the sum of \$18,500 to purchase a power stretcher for use by the Ambulance Department.

*Voted unanimously.*

*Note to reader: Article 29 was visited prior to Article 7.*

ARTICLE 30: DEVELOPMENT AND IMPLEMENTATION OF ESSEX STRATEGIC PLAN

Motion made by David Gabor, duly seconded, that the Town vote to transfer from Free Cash the sum of \$2,500 for the Essex Strategic Planning Committee to accomplish public involvement and outreach with respect to the ongoing development and implementation of the Essex Strategic Plan.

*Voted unanimously.*

ARTICLE 31: DEFRAID OPERATIONAL EXPENSES

Motion made by Justin Bourgette, duly seconded, that Article 31 be indefinitely postponed.

*Voted unanimously.*

ARTICLE 32: REPLENISH FINANCE COMMITTEE RESERVE FUND

Motion made by Justin Bourgette, duly seconded, that Article 32 be indefinitely postponed.

*Voted unanimously.*

ARTICLE 33: UNPAID BILLS FROM PRIOR FISCAL YEARS

Motion made by Justin Bourgette, duly seconded, that Article 33 be indefinitely postponed.

*Voted unanimously.*

A motion was made and duly seconded to dissolve the meeting at 9:55 p.m.

*Voted unanimously.*

A true copy.

Attest: \_\_\_\_\_  
Christina J. St.Pierre, Town Clerk