

*Minutes of the
Special Town Meeting
of the
Town of Essex*

The November 15, 2010 Special Town Meeting of The Town of Essex held at the Essex Elementary School Gymnasium was called to order at 7:43pm by Moderator Rolf P. Madsen. A quorum of over 360 voters were present at the time.

A moment of silence was observed in memory of Town officials and volunteers who have passed since our last meeting; Marilyn Browning, Grace Scott and Margaret Nelson.

Moderator Rolf P. Madsen, duly seconded, move that the reading of the Warrant be omitted as copies were available to the audience upon check in.

Voted Unanimously.

ARTICLE 1 – TOWN BUILDING FEASIBILITY STUDY

Motion by A. Raymond Randall, Jr., duly seconded, that Article 1 be considered after Article 16.

Voted Unanimously.

ARTICLE 2 – COMPUTER WORKSTATIONS

Motion by Jeffrey Jones, duly seconded, that the Town vote to transfer from free cash the sum of \$35,000 for the purchase and installation of new computer workstation hardware and software, network server hardware and software, and any necessary appurtenant items to replace and upgrade existing computer and network hardware, software and related appurtenant items on a Town-wide basis.

Voted by the Majority.

ARTICLE 3 – REVERSE 911 CONTRACT

Motion by A. Raymond Randall, Jr., duly seconded, that the Town transfer from free cash the sum of \$5,000 for a contract with a “reverse 911” communications contractor.

Voted by the Majority.

ARTICLE 4 – WATER ENTERPRISE FREE CASH TRANSFER

Motion by A. Raymond Randall, Jr., duly seconded, move that Article 16 be moved before Article 4.

Voted Unanimously.

ARTICLE 16 - ESTABLISHING PROCEDURES FOR THE SALE AND/OR LEASE OF THE
PROPERTY KNOWN AS CONOMO POINT IN THE TOWN OF ESSEX

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to authorize the Board of Selectmen to petition the General Court to enact Special Legislation as follows; provided the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

An Act Establishing Procedures for the Sale and/or Lease of Property Known as Conomo Point in the Town of Essex

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

SECTION 1: Whereas the Town of Essex Massachusetts includes a unique property known as Conomo Point which the Town has historically leased to private individuals for extended periods of time, and where such leases will soon expire, the Town has an interest in establishing, under the specific circumstances at issue, an appropriate procedure for the future potential sale or leasing of such property. Therefore, notwithstanding the provisions of section 16 of Chapter 30B of the General Laws, or any other general or special law to the contrary, the Town of Essex, if first authorized by a vote of its Town Meeting, may sell or lease all or any portion of its property known as Conomo Point, at fair market value, upon such terms and conditions as the Board of Selectmen deem appropriate, in accordance with regulations adopted by the Board of Selectmen at a public hearing for which public notice is provided in a newspaper of general circulation in Town in each of the two successive weeks prior to the date of said hearing, which regulations ensure that such sales or leases shall be undertaken in accordance with an open, fair, and competitive disposition process, using sound business practices and principles of fair dealing, which process may, but need not, recognize as a criteria for evaluation for such sale or lease a certain level of preference for current lessees of such property.

SECTION 2: This Act shall not exempt the Town from the provisions of sections 3, 15 or 15A of Chapter 40 of the General Laws, Sections 2-13.4 and 2-13.11 of the Town bylaws or any other general or special law which requires a vote of Town Meeting to authorize the sale or lease of real property.

SECTION 3: This act shall take effect upon passage.

Commentary and debate on the article ensued.

Motion made by A. Raymond Randall, Jr., duly seconded, that Section 1 of Article 16 only be amended to read as the following:

SECTION 1: Whereas the Town of Essex Massachusetts includes a unique property known as Conomo Point which the Town has historically leased to private individuals for extended periods of time, and where such leases will soon expire, the Town has an interest in establishing, under the specific circumstances at issue, an appropriate procedure for the future potential sale or leasing of such property. Therefore, notwithstanding the provisions of section 16 of Chapter 30B of the General Laws, or any other general or special law to the contrary, the Town of Essex, if first authorized by a vote of its Town Meeting, may sell or lease all or any portion of its property known as Conomo Point, at fair market value, upon such terms and conditions as the Board of Selectmen deem appropriate, in accordance with a bylaw adopted by Town Meeting, which bylaw ensures that such sales or leases shall be undertaken in accordance with an open, fair, and competitive disposition process, using sound business practices and principles of fair dealing, which process may, but need not, recognize as a criteria for

evaluation for such sale or lease a certain level of preference for current lessees of such property.

Commentary and debate on the article as amended ensued.

Motion by Gilbert E. Guerin, duly seconded, that the amendment of Section 1 of Article 16 be hereby amended to strike the word "sale" from the amended motion.

Motion failed.

Vote on the article as amended – Passed.

ARTICLE 1 – TOWN BUILDING FEASIBILITY STUDY

Motion made by Lisa O'Donnell, duly seconded, move that the Town vote to transfer from free cash the sum of \$50,000 for a designer to undertake a feasibility study relative to the construction of new Town buildings and/or renovations to existing Town buildings at various locations including but not limited to the Town-owned parcel at 30 Martin Street (site of the existing Town Hall/Library building); the Town-owned parcel at 24 Martin Street (site of existing Fire and Police Headquarters); and a vacant portion of a Town-owned parcel abutting John Wise Avenue (presently an un-utilized portion of the Spring Street Cemetery).

Voted by Majority.

ARTICLE 4 – WATER ENTERPRISE FREE CASH TRANSFER

Motion made Paul Rullo, duly seconded, that the Town transfer from Water Enterprise free cash the sum of \$30,000 to be added to the Water Department fiscal year 2011 operating budget as follows: \$18,000 to the Well Cleaning line item, \$6,000 to the Other Maintenance line item, and \$6,000 to the Chemicals line item, thereby amending the vote taken under Article 9 of the May 3, 2010 Annual Town Meeting.

Voted Unanimously.

ARTICLE 5 – SEWER ENTERPRISE BUDGET

Motion made by Trescott DeWitt, duly seconded, that the Town vote to amend the vote taken under Article 7 of the May 3, 2010 Annual Town Meeting by reducing the Contract – City of Gloucester line item by \$30,000 in the fiscal year 2011 Sewer Enterprise Budget, and also by transferring from Sewer Enterprise free cash the sum of \$30,000 to fund said budget, thereby reducing the amount of the budget funded from sewer user fees by \$60,000.

Voted Unanimously.

ARTICLE 6 – BOARD OF ASSESSORS – ASSESSMENT AIDS LINE ITEM

Motion made by Richard Cairns, duly seconded, that the Town vote to transfer from free cash the sum of \$1,000 to be added to the Board of Assessor's fiscal year 2011 Assessment Aids line item, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting.

Voted Unanimously.

ARTICLE 7 – LOCAL 2905 AFL-CIO COLLECTIVE BARGAINING

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to transfer from General free cash the sum of \$12,940, to transfer from Water Enterprise free cash the sum of \$6,219, and to transfer from Sewer Enterprise fund free cash the sum of \$3,349, a grand total of \$22,508, to be distributed by the Town Accountant with the approval of the Board of Selectmen, 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 8 – TEAMSTERS LOCAL 42 – COLLECTIVE BARGAINING

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to transfer from free cash the sum of \$3,900 to be distributed by the Town Accountant with the approval of the Board of Selectmen to fund and implement a collective bargaining agreement between the Town and the Teamsters Local 42.

Voted Unanimously.

ARTICLE 9 – POLICE – COLLECTIVE BARGAINING

Motion made by Jeffrey Jones, duly seconded, that the Town vote to transfer from free cash the sum of \$29,000 to be distributed by the Town Accountant with the approval of the Board of Selectmen 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 10 – POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND

Motion made by Jeffrey Soulard, duly seconded, that the Town vote to indefinitely postpone Article 10.

Voted Unanimously.

ARTICLE 11 – PURCHASING A POLICE CRUISER

Motion made by Jeffrey Jones, duly seconded, that the Town vote to indefinitely postpone Article 11.

Voted Unanimously.

ARTICLE 12 – FIRE DEPARTMENT - PURCHASING A USED LADDER TRUCK

Motion made by Daniel Doucette, duly seconded, that the Town vote to indefinitely postpone Article 12.

Voted Unanimously.

ARTICLE 13 – ELEMENTARY SCHOOL GENERATOR RELOCATION/INSTALLATION

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to transfer from free cash the sum of \$15,000 for the Town's share of the relocation and installation of an emergency generator in the custody of the Manchester Essex Regional School District to the Essex Elementary School.

Voted Unanimously.

ARTICLE 14 – INSTALLATION OF DRAINAGE AT MEMORIAL FIRE STATION

Motion made by Daniel Doucette, duly seconded, that the Town vote to transfer from free cash the sum of \$5,000 for the installation of a drainage system designed to alleviate standing water problems in the basement of the Police and Fire Department Headquarters.

Voted Unanimously.

ARTICLE 15 – LEGAL EXPENSES

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to transfer from free cash the sum of \$85,000 to be added to Legal Expense budget line for fiscal year 2011, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting.

Voted Unanimously.

ARTICLE 16 - ESTABLISHING PROCEDURES FOR THE SALE AND/OR LEASE OF THE
PROPERTY KNOWN AS CONOMO POINT IN THE TOWN OF ESSEX
DEBATED PRIOR TO ARTICLE 4.

ARTICLE 17 – DPW GROUND MAINTENANCE LINE ITEMS

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to indefinitely postpone Article 17.

Voted Unanimously.

ARTICLE 18 – ANIMAL CONTROL / ANIMAL HEALTH BUDGET

Motion made by Jeffrey Jones, duly seconded, that the Town vote to amend the fiscal year 2011 Wage & Salary Scale for the Animal Control Officer and the Animal Health Inspector by increasing the stipend for each position to \$3,500, thereby amending the vote taken under Article 3 of the May 3, 2010 Annual Town Meeting, and to transfer from free cash the sum of \$1,536 to fund said increases for fiscal year 2011 and the sum of \$900 to be added to the Animal Control Officer Expense budget line for fiscal year 2011, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting.

Voted Unanimously.

ARTICLE 19 – TOWN CLERK TRAINING EXPENSES

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to amend the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting by adding a new budget line item known as "Training Expenses" in the Town Clerk's budget and to transfer from free cash the sum of \$500 to fund said budget line.

Voted Unanimously.

ARTICLE 20 – YOUTH ENTERPRISE BUDGET

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to amend the vote taken under Article 10 of the May 3, 2010 Annual Town Meeting by reducing the fiscal year 2011 Youth Enterprise Budget to \$51,433.

Voted Unanimously.

ARTICLE 21 – DISPOSITION OF ABANDONED FUNDS

Motion made by Virginia Boutchie, duly seconded, that the Town vote to accept the provisions of Massachusetts General Laws, Chapter 200A, section 9A, as amended by Chapter 188, section 65 of the Acts of 2010, regarding the procedure for disposition of abandoned funds.

Voted Unanimously.

ARTICLE 22 – REPLACEMENT OF CENTENNIAL GROVE FISHING DOCK

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to indefinitely postpone Article 22.

Voted Unanimously.

ARTICLE 23 – INVOICE FROM ELECTION SYSTEMS AND SOFTWARE

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to transfer from free cash the sum of \$19 for the payment of an unpaid invoice from Elections Systems & Software.

Voted Unanimously.

A motion was made and duly seconded to dissolve the Special Town Meeting at 10:12pm.

Voted Unanimously.

A true copy.

Attest:


Christina J. Wright
Town Clerk