

2017

Commonwealth of Massachusetts
Town of Essex

Warrant for Annual Town Meeting and Election

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn 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 8, 2017 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.

AND, you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School, 12 Story Street, on Monday, May 1, 2017 at 7:30 p.m. and there and then to act on the following Articles, viz: [CLICK HERE TO SEE TOWN MEETING PROCEDURES OVERVIEW](#)

ARTICLE 1

To see if the Town will vote to determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

ARTICLE 2

To hear and receive the Reports of the Town Officials and Committees, and also to consider and receive any Reports contained in the [Annual Town Report](#); or take any other action relating thereto.

ARTICLE 3

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2018 in accordance with the recommendations of the [Personnel Board Report](#), a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to 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 2018 in accordance with the recommendations of the [Personnel Board Report](#), a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to transfer from the Town Septic Betterment Fund a sum of money for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2018 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to establish the revolving funds set forth below for the fiscal year beginning on July 1, 2017 and to amend the [Town of Essex General Bylaws](#) by inserting a new section in Chapter II, pursuant to the provisions of [G.L. c.44, §53E½ as most recently amended by §86 of Chapter 218 of the Acts of 2016](#), establishing various revolving funds of the Town, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

2-26 Revolving Funds

There are hereby established in the Town of Essex pursuant to the provisions of [G.L. c.44, §53E½](#), the following Revolving Funds:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
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
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
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 education	Purchase of supplies and services for the purpose of health, safety and/or emergency planning, 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

Expenditures from each revolving fund shall be subject to the limitations established by Town Meeting, and to any additional limitations as otherwise set forth in General Laws Chapter 44, §53E½; or act in relation thereto.

ARTICLE 7

To see if the Town will vote, pursuant to the vote taken under Article 6 at this Town Meeting and pursuant to [G.L. c.44B, §53E ½ as most recently amended by §86 of Chapter 218 of the Acts of 2016](#), to establish limitations on expenditures from the revolving funds established by the [Town of Essex General Bylaws](#), Chapter II, Section 2-26, entitled, “Revolving Funds”, as follows:

Revolving Fund	Spending Limit
Animal Control Officer	\$10,000
Board of Health – Youth Triathlon	\$12,000
Board of Health – Health, Safety and Emergency	\$10,000
Board of Health – Public Health Nurse	\$12,000

; or act in relation thereto.

ARTICLE 8

To see if the Town will vote, pursuant to [Town of Essex Bylaws](#), Chapter II, Section 2-20 to consider appointments to the Conomo Point Planning Committee, including the appointment of new members, or the reappointment or termination of current members of the Committee; or take any other action relating thereto.

ARTICLE 9

To see if the Town will 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:

- 5 Beach Circle, Map 108, Lot 82
- 9 Beach Circle, Map 108, Lot 80
- 4 Conomo Lane, Map 108, Lot 23
- 8 Conomo Lane, Map 108, Lot 24
- 103 Conomo Point Road, Map 108, Lot 85
- 1 Robbins Island Road, Map 108, Lot 20
- 0 Conomo Point, Map 108, Lot 64

; or take any other action relating thereto.

ARTICLE 10

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year, 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; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Sewer Enterprise Fund for fiscal year 2018; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of purchasing and installing replacement grinder pumps for the Town's sewer system, and all work incidental or related thereto; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Water Enterprise Fund for fiscal year 2018; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for design and pre-construction analysis to potentially change the Town's water system disinfection method, including but not limited to a change from chlorine gas to sodium hypochlorate; or take any action relating thereto.

ARTICLE 15

To see if the Town will vote to approve the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the 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 seventeen; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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, 2017; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote raise and appropriate, transfer or borrow a sum of money for purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners for repayment of project and financing costs by such property owners; including without limitation, the payment of all costs thereof as defined in [Section 1 of Chapter 29C of the Massachusetts General Laws](#); and to meet with appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow such sum or sums of money under [G.L. c. 44](#) or any other enabling authority, which amount may be borrowed through the [Massachusetts Water Pollution Abatement Trust Community Septic Management Program](#) offered through the Clean Water Trust, or otherwise, and further to authorize the Board of Selectmen to take any other action necessary to carry out this project; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Essex Bicentennial Celebration Fund; or take any other action relating thereto.

ARTICLE 19

To see if the Town will vote to amend Chapter VII of the [Town's General Bylaws](#), as it relates to the establishment of user fees for use of the Town Dump, by amending Section 7-2 as shown below, with additions shown in **bold** and deletions shown in ~~strikethrough~~:

7-2 TOWN DUMP REGULATIONS. The Department of Public Works Commissioners shall formulate and post regulations concerning the use of the Town Dump, **which shall include the power to impose user fees.** ~~The power to impose user fees shall be reserved to the Annual Town Meeting.~~

; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to increase the various Town transfer station bulk item disposal fees by \$5 each and to increase Town transfer station sticker fees by \$10; or take any other action relating thereto.

ARTICLE 21

To see if the Town will vote to amend Chapter IV of the [Town's General Bylaws](#), as it relates to penalties for non-payment of taxes and other fees, by amending Section 4-13(a) as shown below, with additions shown in **bold** and deletions shown in ~~striketrough~~:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, **and may periodically**, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

; or take any other action relating thereto.

ARTICLE 22

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to allow police officers retiring from the Town of Essex to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that 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 RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF ESSEX.

Be it enacted, etc., as follows:

SECTION 1. Subject to the approval of the Board of Selectmen, the Chief of Police may appoint to serve at his pleasure, as he deems necessary, retired Town of Essex police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers must have been regular full time Town of Essex police officers who voluntarily retired from the town and not elsewhere based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers must, prior to their appointment, pass a medical examination by a physician chosen by the town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which

shall be borne by the special police officers, and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Essex.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Police Chief, subject to removal by the Police Chief at any time with a 14-day written notice.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the town of Essex, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing requirements, regarding uniforms and equipment. Compliance with all requirements will be at no cost to the town of Essex. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer under this act shall entitle any individual appointed as such to assignment to any detail. Special police officers shall be paid the detail rate applicable to regular full time officers but shall not be entitled to any other town benefits. Special police officers appointed under this act shall not be eligible for unemployment nor shall the town be liable for unemployment benefits, under chapter 151A of the General Laws, for any reason, including police detail assignment determinations made by the town or removal of an individual as a special police officer.

SECTION 9. Retired Essex police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

; or take any other action related thereto.

ARTICLE 23

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to retain the services of engineers and designers to develop a Master Plan for the Centennial Grove; or take any other action relating thereto.

ARTICLE 24

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to produce visual renderings of public safety building options including at the current public safety building site and at the corner of Martin Street and Shepard Memorial Drive, opposite the existing fire and police headquarters building; or take any other action relating thereto.

ARTICLE 25

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Assessors' Overlay Account for the abatement of uncollectible taxes that accrued after the expiration of former leaseholds at Conomo Point; or take any other action relating thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase and installation of a new generator for the Essex Senior Center; or take any other action relating thereto.

ARTICLE 27

To see if the Town will vote to acquire from National Grid all of the municipal street lighting facilities and equipment, municipal flood lighting and area lighting facilities and equipment,

consisting of luminaires, lamps, ballasts, photocells, dedicated poles where applicable, foundations, conduits, dedicated manholes where applicable, and other underground equipment, where applicable, that are not part of the electric distribution system, and the rights appurtenant thereto, owned by National Grid and located in the Town of Essex; to raise and appropriate, transfer from available funds, or borrow a sum of money for said acquisition; and to authorize the Board of Selectmen to execute any and all documents necessary to effectuate this Article; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for establishing a fiber optic network for Town-owned buildings, including but not limited to the purchase and installation of fiber optic cables and equipment; running fiber optic cables; equipment upgrades configurations and installations; and all other work incidental or related thereto, and to authorize the Board of Selectmen to execute any and all documents and take any and all actions necessary to effectuate the purposes of this Article; or take any other action relating thereto.

ARTICLE 29

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase a new copier for Town Hall and to authorize the Board of Selectmen to dispose of the old copier, by sale or trade; or take any other action relating thereto.

ARTICLE 30

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase or to lease-purchase for a term of three years or more and equip a new, four-wheel drive Forestry vehicle for the Fire Department; and, further, to authorize the Board of Selectmen to dispose of the old vehicle replaced by this new vehicle by sale or trade; or take any other action relating thereto.

ARTICLE 31

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to complete the construction of a Wellness Room at the Essex Senior Center and all costs incidental thereto; or take any other action relating thereto.

ARTICLE 32

To see if the Town will vote to amend the [Essex Zoning Bylaw](#) by deleting Section 6-10.3.3.a.13, which contains certain prohibited uses in the Water Resource Protection Overlay District, and which currently reads:

13. Residential development which renders impervious more than 15 percent of a building lot (including the portion of any new street abutting the lot) or which has a lot area of less than 40,000 square feet (excluding wetlands) for each dwelling unit;

and inserting in its place a new Section 6-10.3.3.a.13, to include a new prohibited use in the Water Resource Protection Overlay District, so that it reads as follows:

13. Land use which renders impervious more than 15 percent of a lot, except as allowed by Section 6-10.3.3.b.7;

or take any other action relating thereto.

ARTICLE 33

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2018 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including, but not limited to, acquisitions of interests in land, all as recommended by the Community Preservation Committee; and to revise such appropriations and reserves from the vote taken at the 2016 Annual Town Meeting concerning fiscal year 2017; or take any other action relating thereto.

ARTICLE 34

To see if the Town will vote to transfer from available funds a sum of money to be used to defray operational expenses of the various Town departments for the remainder of fiscal year 2017; or take any other action relating thereto.

ARTICLE 35

To see if the Town will vote to transfer from available funds a sum of money to be used to replenish the Finance Committee's Reserve Fund for the remainder of fiscal year 2017; or take any other action relating thereto.

ARTICLE 36

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of unpaid bills from past fiscal years; or take any other action relating thereto.

ARTICLE 37

THIS ARTICLE WAS PLACED ON WARRANT VIA CITIZEN PETITION...

To see if the Town will vote to direct the Selectmen to seek voter approval of the Copley Wolff Design Group's [Master Plan for Northern Conomo Point](#) (dated April 15, 2015) by the placement of an advisory question on the ballot for the 2018 annual Town Election.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, seven days at least before the time for holding said meeting.

Given under our hand this 27th day of March, two thousand seventeen.

Lisa J. O'Donnell, Chairman

Susan Gould-Coviello

David Doane

BOARD OF SELECTMEN
TOWN OF ESSEX

Return of the Warrant:

Date: _____

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least seven days before the time for holding said meeting.

Constable