

2009

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:

Moderator for one year
Selectman for three years
Assessor for three years
Board of Health Member for three years
Two Constables for one year
Regional School Committee Member for three years
Trustee of Library Funds for three years
Two Planning Board Members for five years
Housing Authority Member for five years

And to bring to ballot the following question:

Shall the town vote to have its elected town clerk become an appointed town clerk of the town? Yes _____ No _____

AND, to do this by vote on one ballot. The polls will be open on May 11, 2009 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

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 on Monday, May 4, 2009 at 7:30 p.m. and there and then to act on the following Articles, viz:

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 vote to revise the fiscal year 2009 Wage and Salary Scale by increasing all Youth Department hourly wages by three percent (3%) for the remainder of fiscal year 2009; or take any other action relating thereto.

ARTICLE 4

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2010 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 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 2010 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 6

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; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the Teamsters Local 42; or take any other action relating thereto.

ARTICLE 8

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; or take any other action relating thereto.

ARTICLE 9

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; or take any other action relating thereto.

ARTICLE 10

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 Youth Enterprise Fund; or take any other action relating thereto.

ARTICLE 11

To see if the Town will 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 nine; or take any other action relating thereto.

ARTICLE 12

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

ARTICLE 13

To see if the Town will vote to transfer from available funds a sum of money to be added to the amount appropriated under Article 5 of the May 5, 2008 Annual Town Meeting; Item 423 Snow and Ice overtime, contractors and expenses for the purpose of funding the Fiscal Year 2009 deficit; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to enter into an intergovernmental agreement with other Municipalities in Essex County and the Essex County Sheriff's Department, for a period of up to ten years, for the purpose of providing a regional public safety communication operations center to expedite timely and efficient response by police, fire resources and emergency medical dispatch services of the participating governmental units, or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to amend Section 2-20 of the Town Bylaws, Conomo Point Planning Committee, by authorizing the Board of Selectmen to make appointments to fill vacancies in said Committee for the period of time between Town Meetings, and to provide that persons who miss four consecutive meetings shall be deemed to have vacated their position, all as set forth below (with the language to be inserted underlined); or take any action relating thereto.

2-20 CONOMO POINT PLANNING COMMITTEE

There is hereby established a Conomo Point Planning Committee, the members of which shall be persons with no direct financial interests in the Town's property at Conomo Point. The Committee shall consist of twelve members who shall be appointed by any Town Meeting, the warrant of which has an article specifying that such action is to be considered.

If a vacancy occurs, the Board of Selectmen shall, in writing, appoint a registered voter of the Town to fill said vacancy. The person so appointed shall perform the duties of the office until the next Town Meeting, at which time the position shall be filled in accordance with the preceding paragraph, and until another is qualified.

The duties of the committee shall be to gather and report any information which the Committee might determine to be of value in aiding the townspeople to make decisions regarding the Town's property at Conomo Point, to make recommendations as to present and future uses of that property, and to submit Articles allowing the Town to implement the Committee's recommendations to the Board of Selectmen for inclusion in Warrants for Town Meetings.

If a member is absent from any four consecutive regularly scheduled meetings, the position shall be deemed vacant, and the chair shall give notice of the same to the Board of Selectmen.

ARTICLE 16

To see if it is the sense of the Town Meeting that the Selectmen, subject to a future appropriation, should, jointly with the tenants of Conomo Point, retain the services of a mediator to discuss the future disposition of the Town-owned property North of Robbins Island Road on Conomo Point; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote to amend Chapter 6 of the Town's Zoning Bylaws by deleting the words "Special Permit" from the title of Section 6-6.12 so that it shall read as follows:

6-6.12 SITE PLAN REVIEW

; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to amend Chapter 6, Section 3 DEFINITIONS, of the Town's Zoning Bylaws by inserting the following new Section 6-3.10a:

CHANGE OF USE. Any use that differs from the current or previous use of a building or land. The term "use" shall be the legal enjoyment of property that consists in its employment, occupation, exercise or practice.

; or take any other action relating thereto.

ARTICLE 19

To see if the Town will vote to support the merger of the North Shore Regional Vocational High School, the Essex Agricultural High School, and the Peabody Vocational High School; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including FY 2010 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including acquisitions of interests in land, all as recommended by the Community Preservation Committee; or take any other action relating thereto.

ARTICLE 21

To see if the Town will vote to adopt the provisions of Massachusetts General Laws chapter 32B, section 20, authorizing the Town to establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, into which appropriations may be made, and shall be held in trust, for future costs of post employment benefits such as health insurance coverage for retirees; and which action shall assist the Town in meeting its obligations under General Accounting Standards Board Statements 43 and 45; or take any other action relating thereto.

ARTICLE 22

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to lease with an option to purchase for a term up to or exceeding three years, a new mini-loader utility tractor with attachments and appurtenances and to authorize the Board of Selectmen to enter into a purchase or lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town; and further to authorize the Board of Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Public Works; or take any other action relating 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 lease with an option to purchase for a term up to or exceeding three years and to install a new generator at the Water Filtration Plant and to authorize the Board of Selectmen to enter into a purchase or lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town; and further to authorize the Board of Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Public Works; 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 for the purchase of one outboard motor for the Harbormaster Department and further to authorize the Board of Selectmen to dispose of any Harbormaster equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Selectmen; 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 for the payment of unpaid bills from past fiscal years; or take any other action relating thereto.

ARTICLE 26

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 2010 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 27

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

ARTICLE 28

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health for the purpose of the planning and execution of an annual youth triathlon or other exercise program. Donations, grants and fees collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000; or take any action thereto.

ARTICLE 29

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health Department for the purpose of health, safety, and/or emergency planning, preparation and education. Donations, grants and fees collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000; or take any action thereto.

ARTICLE 30

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchasing supplies and pharmaceuticals as needed by the Public Health Nurse and for the payment of Public Health Nurse wages. Medicare and other reimbursements relating to said programs and donations for the purpose of purchasing supplies and pharmaceuticals and for Public Health Nurse labor shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000; or take any action thereto.

ARTICLE 31

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to re-authorize a revolving fund used by the Board of Selectmen for the purpose of receiving the so-called Excess Fee, to consist of 60% of each electric and plumbing permit issued by the Electrical Inspector, the Plumbing & Gas Inspector, and their respective assistants for certain work as described in further detail in Article 5 of the January 24, 2005, Special Town Meeting warrant, to be expended by the Board of Selectmen, up to a maximum of Twenty Thousand Dollars (\$20,000) per fiscal year, for the purpose of paying said inspectors or assistants for such work; or take any other action relating thereto.

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 23rd day of March, two thousand nine.

A. Raymond Randall, Jr., Chairman

Jeffrey D. Jones

Mark W. Lynch

BOARD OF SELECTMEN
TOWN OF ESSEX

Attest: _____
Constable

Date: _____