

2015

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:

- Assessor for three years.
- Moderator for one year.
- Selectman for three years.
- Board of Health member for three years.
- Two Constables for one year.
- School Committee member for three years.
- Board of Library Trustee for three years.
- Planning Board member for five years.
- Housing Authority member to fill a vacancy for four years.

AND, to do this by vote on one ballot. The polls will be open on Monday, May 11, 2015 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 4, 2015 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 2016 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 2016 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 2016 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 pursuant to Massachusetts [General Laws chapter 44, section 53E ½](#) to reauthorize a revolving fund for the Animal Control Officer for the purpose of compensating the Animal Control Officer for the care of impounded dogs and for reimbursing the Animal Control Officer for all associated expenses. Payments from dog owners seeking to claim impounded dogs shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Selectmen up to a maximum of \$10,000; or take any action thereto.

### ARTICLE 7

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 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 \$12,000; or take any action thereto.

### ARTICLE 8

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 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 9

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, contracted labor, 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 \$12,000; or take any action thereto.

## ARTICLE 10

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 11

To see if the Town will vote to provide a non-binding Sense of the Town Meeting relative to a plan for use of the northern area of Conomo Point that has been developed by the Board of Selectmen, acting in their capacity as Conomo Point Commissioners, the Conomo Point Planning Committee, and the Town's consulting landscape architect, a copy of said plan which is on file in the Town Clerk's office; 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 to enable the Board of Selectmen, acting as Conomo Point Commissioners, in accordance with the [Town's General Bylaws](#), Chapter II, Section 2-13.13, to retain the services of a Massachusetts Certified General Appraiser with a MAI designation from the Appraisal Institute to determine the fair market rental value for each segregable portion of the Town's property at Conomo Point north of Clammers' Beach that the Commissioners intend to lease for periods commencing on or after January 1, 2017; and further to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to enter into all agreements and execute on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article; 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 management of property at Conomo Point including but not limited to renovation, demolition, and contents management of structures and maintenance of all outdoor areas; or take any other action relating thereto.

#### ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, including, without limitation, funds under the Community Preservation Act, or any combination thereof, a sum of money sufficient to make further renovations to the Town Hall and Library building at 30 Martin Street including but not limited to full exterior renovation, addition of an elevator, addition of a fire suppression system, and any improvements required by the Americans with Disabilities Act; and also including costs of design, project management and construction oversight/administration, temporary relocation, furnished temporary office space, temporary office utilities, insurance, and all other costs incidental or related to the project; and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article; or to take any other action relating thereto.

#### ARTICLE 15

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 16

To see if the Town will vote to transfer from available funds a sum of money for the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2015; or take any other action relating thereto.

#### ARTICLE 17

To see if the Town will transfer from available funds a sum of money for the purpose of funding the Water Enterprise Fund for the remainder of fiscal year 2015; 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 for the purpose of funding the Sewer Enterprise Fund for fiscal year 2016; or take any other action relating thereto.

#### ARTICLE 19

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 2016; or take any other action relating thereto.

## ARTICLE 20

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 fifteen; or take any other action relating thereto.

## ARTICLE 21

To see if the Town will 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, 2015; 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 for the purpose of purchasing and installing magnetic water flow meters for use in the Town's public water supply wells, and any elements incidental thereto; 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 for the purpose of purchasing or repairing and installing a pump or pumps for use in the Town's sewer pump stations, and any elements incidental thereto; 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 and equipping of a pickup truck, with snowplow, for use by the Water Department; and to authorize the Board of Public Works and/or the Board of Selectmen to take other action as necessary to effectuate the purposes of this vote; 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 purchase and equipping of a utility truck, with crane and snowplow, for use by the Sewer Department; and to authorize the Board of Public Works and/or the Board of Selectmen to dispose of the vehicle to be replaced by the new truck by sale or trade and to take other action as necessary to effectuate the purposes of this vote; 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 to purchase or to lease for a term of up to or more than three years with an option to purchase and to fully equip a front end loader for use by the Department of Public Works, 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 Selectmen to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

## ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the conversion of up to three, oil-fired heating plants (two possible in Town Hall and one possible in the Fire Station) to natural gas fuel, including the outright replacement of any or all three heating plants that are not suitable candidates for conversion, and any associated piping, tank removal, and/or any other necessary measures incidental or related thereto; 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 to purchase updated radios for the Essex Police Department; 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 and install an extraction and drying system for firefighter turnout gear; 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 for the purchase of a new, equipped ambulance; 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 purchase and install a rescue door in the Harbormaster boat or take any other action relating thereto.

## ARTICLE 32

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2016 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; or take any other action relating thereto.

## ARTICLE 33

To see if the Town will vote to adopt the [“Stretch Energy Code”](#) set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as it may be amended from time to time, and to amend the Town of Essex General Bylaws by inserting a new Section 2-23 to Chapter II, Administration, entitled “Stretch Energy Code” as set forth below:

### **2-23. Stretch Energy Code**

**2-23.1. Adoption.** The Town has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as it may be amended from time to time, and incorporated said 780 CMR 115.AA into the Town’s General Bylaws by reference.

**2-23.2. Purpose.** The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise applicable to the relevant sections of the State Building Code for both new commercial and residential construction and existing commercial and residential buildings.

### **2-23.3. Applicability**

The Stretch Code shall apply to new commercial and residential construction and to existing commercial and residential buildings. Construction and buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

### **2-23.4. Enforcement.**

The Stretch Code shall be enforced by the Building Commissioner or any Assistant Inspector of Buildings.

; or take any other action relating thereto.

## ARTICLE 34

To see if the Town will vote to amend the Town of [Essex General Bylaws](#) by adding a new subsection (p) to Chapter V, Article 4, Section 1, Police Powers as follows:

p. Within an area marked “Resident Sticker Parking Only” unless the vehicle bears a Resident Parking Sticker issued by the Office of the Town Clerk. Resident parking stickers are available through the Town Clerk’s office. The fee for a Resident Parking Sticker shall be \$5.00 per sticker for residents under the age of 65 and \$1.00 per sticker for residents age 65 or older (at the time of the application). The applicant must show a valid vehicle registration for a vehicle registered in the Town of Essex to be eligible. Please consult with the Town Clerk for alternate proof of residency if the applicant’s vehicle registration does not correspond to the applicant’s Essex address. Resident Parking Stickers shall be valid until December 31 of the year of issue.

; said new subsection to take effect upon approval by the Massachusetts Attorney General and publication in accordance with Massachusetts General Laws, Chapter 40 Section 32; or take any other action relating thereto.

## ARTICLE 35

To see if the Town will vote to accept [Section 19K of Chapter 41](#) of the General Laws, which will allow the Town to pay the Town Clerk an amount equal to 10 per cent of his or her regular annual compensation, but not more than \$1,000 per year, in addition to the regular annual compensation paid by the Town for services, if the town clerk has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks’ Association as a certified Massachusetts municipal clerk; or take any other action relating thereto.

## ARTICLE 36

To see if the Town will vote to amend Chapter II, Section 2-1, Town Meeting, of the Town of [Essex General Bylaws](#) by adding a new section pertaining to a standing commitment to a Fall Town Meeting, as follows:

2-1.1a *FALL TOWN MEETING*. A fall town meeting shall be held in November, exactly two Mondays preceding Thanksgiving, and shall begin not earlier than 7:30 p.m.

; or take any other action relating thereto.

## ARTICLE 37

To see if the Town will vote to authorize the Board of Selectmen to lease the following described premises to Greenbow Corp. D/B/A Shea's Riverside Restaurant & Bar upon such terms and conditions as the Selectmen may, in their judgment and discretion so require.

A portion of land being recorded in Book 400 on page 62 of the Essex South District Registry of Deeds and dated May 23, 1848.

The description of the portion of said parcel of land to be leased hereunder is described as follows:

Beginning at a stone boundary at the southeasterly corner of the said parcel, then running

NORTHEASTERLY: to the mean high water line; then running

WESTERLY: to the base of the rip-rap wall on the easterly side of the parcel; then running

SOUTHWESTERLY: along the base of the rip-rap wall to the street line; then running

SOUTHEASTERLY: to the beginning;

said lease to be for a term of ten years beginning on July 1, 2015; or take any other action relating thereto.

## ARTICLE 38

To see if the Town will vote to authorize the Board of Selectmen to lease a certain lot of Town-owned land with the buildings thereon commonly known as the "Legion Hall" located at 28 Main Street (Assessors' Map 41, Lot 35) to a lessee which will use the property primarily for the archiving and/or display of historical materials and artifacts of the shipbuilding industry of the Town of Essex for a term of ten years beginning on July 1, 2015, and upon such other terms and conditions as the Selectmen may, in their judgment and discretion so require; or take any other action relating thereto.

## ARTICLE 39

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 2015; or take any other action relating thereto.

## ARTICLE 40

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 2015; or take any other action relating thereto.

ARTICLE 41

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.

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 23<sup>rd</sup> day of March, two thousand fifteen.

\_\_\_\_\_  
Jeffrey D. Jones, Chairman

\_\_\_\_\_  
Lisa J. O'Donnell

\_\_\_\_\_  
Susan Gould-Coviello

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