

2014

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.
School Committee member to fill a vacancy for one year.
Board of Library Trustee for three years.
Two Planning Board members for five years.
One Planning Board member to fill a vacancy for four years.
Housing Authority member for five years.

AND, to do this by vote on one ballot. The polls will be open on Monday, May 12, 2014 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 5, 2014 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 2015 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 2015 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 2015 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 transfer some or all of the 8 numbered lots depicted on the approved [Definitive Subdivision Plan](#) entitled “Central Conomo Point, Beach Circle, Conomo Point Road, 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 purposes and/or for the purpose of conveyance, and further, to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to convey any or all of said lots, after said plan has been duly recorded with the Registry of Deeds, and 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 said conveyance, subject to terms and conditions as the Board of Selectmen, acting as Conomo Point Commissioners, deem appropriate; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to amend Chapter 2-13.13 of the [Town of Essex Bylaws](#), Procedure for Sale or Lease of Property at Conomo Point, by deleting the words “Long-term Lease – a lease for a period of more than five years” from Section 1 and by deleting Section 3, entitled Long-Term leases, in its entirety, and replacing it with the following:

Section 3: Leases

- a. If duly authorized by a vote of Town Meeting, the Commissioners may enter into one or more leases for occupancy of any or all of its property at Conomo Point.
- b. Any Town Meeting vote authorizing leases pursuant to this section shall also specify the maximum period of time for such leases.
- c. Prior to entering into any lease(s), the Commissioners shall establish the essential terms and conditions for such leases. Such terms and conditions shall include a requirement that the lessee will pay at least the fair market rental value as determined in accordance with this Bylaw and all taxes assessed upon the property.
- d. After essential lease terms and conditions have been established by the Commissioners, the Commissioners shall retain the services of a Massachusetts Certified General Appraiser with an MAI designation from the Appraisal Institute to determine the fair market rental value for each segregable portion of the property the Commissioners intend to lease.
- e. Upon receipt of appraisals, the Commissioners may offer current leaseholders a reasonable opportunity to accept the terms and conditions established by the Commissioners and enter into leases.
- f. The Commissioners may offer leases to the general public in accordance with an open, fair and competitive disposition process, using sound business practices and principles of fair dealing.

; 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, transfer from available funds, or borrow a sum of money to make roadway improvements, including but not limited to resurfacing roads and improving road shoulders at Conomo Point, including the cost of any necessary design, permitting, preparatory work, paving, construction, and any items incidental thereto; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to transfer from available funds or borrow a sum of money to be added to the Conomo Point Legal Budget for fiscal year 2014; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to amend its acceptance of the Community Preservation Act, [Massachusetts General Laws, Chapter 44B](#), sections 3-7, as approved by the voters at the May 14, 2007 Annual Town Election, by increasing the surcharge from .5% to 1%, and to authorize the appropriation of other municipal revenue to the Community Preservation Fund pursuant to Massachusetts General Laws, Chapter 44B, section 3 (b ½), to be implemented beginning in Fiscal Year 2015 or 2016; provided, however, that before such surcharge increase and appropriation authorization may take effect, the change must be approved by the voters at the Biennial State Election on November 4, 2014 to be held in the Town of Essex; or take any other action relating thereto.

ARTICLE 17

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 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 2015; 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 2015; or take any other action relating thereto.

ARTICLE 20

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 making electrical efficiency upgrades to equipment at the Water Filtration Plant, Town of Essex public wells, and any elements incidental thereto; or take any other action relating thereto.

ARTICLE 21

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 new pickup truck, with snowplow, for use by the Water Department; and to authorize the Board of Public Works 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 22

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 dump truck, with snowplow, for use by the Department of Public Works, and to authorize the Board of Public Works or 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 in order to replace one of the existing dump trucks; and to authorize the Board of Public Works or the Board of Selectmen to dispose of the vehicle replaced by the new dump 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 23

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 fourteen; or take any other action relating thereto.

ARTICLE 24

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, 2014; or take any other action relating thereto.

ARTICLE 25

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2015 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 26

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 a consultant to update the Town's Open Space Plan; or take any other action relating thereto.

ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to purchase or accept by gift a used boat from the Commonwealth of Massachusetts and to transfer from available funds a sum of money for purchasing, modifying, outfitting, and equipping such boat for use by the Harbormaster, and to authorize the Board of Selectmen to take any other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote to establish three separate, special-purpose stabilization funds for town building capital improvements, recreational capital improvements, and the purchase of vehicles and major equipment that qualify as capital purchases, respectively; and further, to raise and appropriate, transfer from available funds, or borrow sums of money for each of said funds; or take any other action relating thereto.

ARTICLE 29

To see if the Town will vote to amend the [Town of Essex Bylaws](#), as follows:

CHAPTER I:

Under 1-1:

Currently reads:

1-1 SHORT TITLE.

This book shall be known and may be cited as The Revised General Bylaws of the Town of Essex, 1992, and is herein referred to as the revision.

Replace with:

1-1 SHORT TITLE.

This book shall be known and may be cited as the "General Bylaws of the Town of Essex". The most recently revised version shall be the prevailing authority.

Under 1-2:

Currently reads:

"Clerk" or "town clerk" shall mean the municipal clerk duly elected pursuant to law.

Replace with:

"Clerk" or "town clerk" shall mean the municipal clerk duly appointed pursuant to law.

Currently reads:

“Town” shall mean the Town of Essex in the State of Massachusetts.

Replace with:

“Town” shall mean the Town of Essex in the Commonwealth of Massachusetts.

Currently reads:

“Licensed” shall mean licensed in accordance with the appropriate section or chapter of this revision.

Replace with:

“Licensed” shall mean licensed in accordance with the appropriate section or chapter of the General Bylaws of the Town of Essex or any other applicable law.

Under 1-3:

Currently reads (in the 7th paragraph):

Whenever a specific time is used in this revision, it shall mean the prevailing and established time in effect in the State of Massachusetts any day in any year.

Replace with:

Whenever a specific time is used in this Bylaw, it shall mean the prevailing and established time in effect in the Commonwealth of Massachusetts any day in any year.

CHAPTER II:

Under 2-1.5:

Currently reads:

2-1.5 USE OF TOWN MEETING TIME. The conduct of a town meeting not prescribed by law or by the foregoing subsections shall be determined by the rules of practice contained in TOWN MEETING TIME so far as they are adapted to town meetings.

Replace with:

2-1.5 USE OF TOWN MEETING TIME. The conduct of a town meeting not prescribed by: law, the majority of the voters present at a duly noticed town meeting, or this chapter shall be determined by the rules of practice contained in TOWN MEETING TIME, most recently revised, so far as they are adapted to town meetings.

Under 2-12:

Currently reads:

2-12 JOINT HEALTH DISTRICT. - see 8-9, Page 805

Replace with:

2-12 JOINT HEALTH DISTRICT. [Reserved for future use].

; or take any other action relating thereto.

ARTICLE 30

To see if the Town will vote to amend the [Town of Essex Bylaws](#), Chapter VI, “Zoning”, Section 10.2, “Floodplain Overlay District” by deleting the District boundary description, which currently reads:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25023C0289F, 25023C0291F, 25023C0292F, 25023C0293F, 25023C0294F, 25023C0311F, 25023C0313F, 25023C0427F, 25023C0431F, 25023C0432F and 25023C0451F dated July 3, 2012. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

in its entirety, and by replacing it with the following:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25009C0427F, dated July 3, 2012; and 25009C0289G, 25009C0291G, 25009C0292G, 25009C0293G, 25009C0294G, 25009C0311G, 25009C0313G, 25009C0431G, 25009C0432G, and 25009C0451G, dated July 16, 2014. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

; 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 be used to defray operational expenses of the various Town departments for the remainder of fiscal year 2014; or take any other action relating thereto.

ARTICLE 32

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used to replenish the Finance Committee's Reserve Fund for the remainder of fiscal year 2014; or take any other action relating thereto.

ARTICLE 33

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund an anticipated deficit in the fiscal year 2013 Assessors' Overlay account; or take any other action relating thereto.

ARTICLE 34

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 24th day of March, two thousand fourteen.

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