

2018
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In 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, to meet in said Essex at the Essex Elementary School on Tuesday, October 16, 2018 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 ratify the votes taken pursuant to the following articles on the warrant for the Special Town Meeting held on August 27, 2018; or take any other action relating thereto:

1. Article 7 - transfer from Free Cash the sum of \$14,500 for repairs and renovations, furnishings and equipment for the Centennial Grove Cottage and its adjacent garage, including the cost of any design, engineering, construction, installation and/or related services and everything incidental and related thereto. Said funds shall be expended by the Board of Selectmen;
2. Article 8 - to amend the vote taken under Article 6 of the May 7, 2018 Annual Town Meeting by adding a VOIP telephone expense line in the Police Department Budget for fiscal year 2019 and to transfer the sum of \$4,750 from Free Cash to this new VOIP Telephone line item; and
3. Article 9 - transfer from Free Cash the sum of \$16,000 to replace the Fire Department's base radio transmitter, including all costs for removing and disposing of the old transmitter, if necessary, and installing the new transmitter.

ARTICLE 2

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 Wastewater Department's sewer maintenance line item for fiscal year 2019; or take any other action related thereto.

ARTICLE 3

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 all necessary switchgear and related devices and services, or anything related or incidental thereto to make the Town's fiber optic municipal area network functional after its construction is complete; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to contract for senior citizen transportation services; or take any other action relating thereto.

ARTICLE 5

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 designer to assist the Town and its Owner's Project Manager (OPM) with the development and comparison of various design options for the future renovation and/or replacement of the Town's existing public safety building, either at the existing site or at some other site, and either as a combined facility on one site or as separate police and fire facilities on separate sites; and further, to develop design plans and an associated cost estimate for the recommended option through the 60% construction document (CD) design phase, including all costs incidental or related thereto; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to a) design and renovate space within the Police and Fire Headquarters building at 24 Martin Street into a Police Department prisoner processing area and all costs incidental or related thereto; and b) to purchase, set in place, equip, and wire a storage container to be placed outside the building to serve as the Police Department evidence area and all costs incidental or related thereto; or take any other action relating thereto.

ARTICLE 7

To see if the Town will approve the \$52,232,925 borrowing authorized by the Manchester Essex Regional School District, for the purpose of paying costs of the Manchester Memorial Elementary School new school construction project, for replacement of the school at 43 Lincoln Street in Manchester-by-the-Sea, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-five and ninety-three one hundredths of a percent (35.93%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to amend Section 4-16.6(e) of the Town of Essex Animal Control Bylaw, which currently reads, in part:

Further, the Town Clerk will charge a late fee of Fifteen Dollars to obtain an individual or Kennel License after July 1st of any calendar year.

By changing "July 1st" to "April 1st"; 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 to be used as a match to a State grant program for the design and/or construction of renovations and improvements to the Conomo Point seawall system; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to establish a new Stabilization Fund known as the Conomo Point Repair, Maintenance, and Improvement Fund for the purpose of providing funding for repairs, maintenance and improvements to common areas and structures on the Town-owned land known as Conomo Point; and to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to said Fund; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 6-14.4, **RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows:

Section 6-14.4

Consistent with G.L. c.94G, § 3(a)(2), all types of recreational marijuana establishments as defined in G.L. c.94G, §1(j), including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Essex.

This Section shall be effective upon passage by the voters at a Town Election.

;or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to amend the Town's Zoning Bylaw by revising Section 6-14, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, which temporarily prohibits the use of land for commercial recreational marijuana establishments so that the Planning Board has sufficient time to study the issue and determine what, if any, zoning bylaw should be adopted, by extending the moratorium's date in Section 6-14.3 as set forth below:

6-14.3 *TEMPORARY MORATORIUM*

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through ~~December 31, 2018~~ **June 30, 2019, or until such time as the Town votes to adopt Zoning Bylaw amendments approved by the Attorney General that prohibit or regulate recreational marijuana establishments, whichever occurs earlier.** During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

; 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 tree and shrub maintenance and/or removal work at the Essex Senior Center property at 17 Pickering Street and all costs incidental or related thereto; 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 be added to the Essex Youth Commission operating budget for the remainder of fiscal year 2019; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to amend the vote taken under Article 6 of the May 7, 2018 Annual Town Meeting by revising the amounts transferred to/from various cemetery funds; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to amend the vote taken under Article 8 of the May 7, 2018 Annual Town Meeting by revising the amounts designated for sewer construction debt; or take any other action relating thereto.

ARTICLE 17

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 Bicentennial Fund; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to authorize the Great Marsh Brewing Company at 99 Main Street to purchase additional gallons of sewer capacity in accordance with Section 7-7.5 of the Town of Essex Bylaws; 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 to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund; 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 or sums of money to be added to the Town's building capital improvements fund, and/or recreational capital improvements fund, and/or purchase of vehicles and major equipment that qualify as capital purchases fund, and/or Town Hall/Library repair and maintenance fund, and/or municipal street lighting repair and maintenance fund; 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 to replenish the Finance Committee's Reserve Fund for fiscal year 2019; 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 be added to the Town's Stabilization Fund; 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, fourteen days at least before the time for holding said meeting.

Given under our hand this 24th day of September, two thousand eighteen.

Lisa J. O'Donnell, Chairman

Andrew C. Spinney

Peter D. Phippen

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 fourteen days before the time for holding said meeting.

Constable