

2008
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 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, to meet in said Essex at the Essex Elementary School on Monday, November 3, 2008 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 raise and appropriate, transfer from available funds, or borrow a sum of money for the funding of a consultant to implement a subdivision planning process at Conomo Point pursuant to Article 14 of the Annual Town Meeting held May 5, 2008 and the Town's Request for Proposals for those services dated August 25, 2008, reporting to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 2

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 a consultant to provide general planning services to the Town, reporting to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 10 of the May 5, 2008 Annual Town Meeting by reducing the fiscal year 2009 Youth Enterprise Budget and/or by transferring from available funds a sum of money to fund said budget; 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 for the purpose of purchasing new floats and associated equipment and supplies for the refurbishment of existing floats for use at the Centennial Grove; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to amend the vote taken under Article 9 of the May 5, 2008 Annual Town Meeting by increasing the fiscal year 2009 Water Enterprise Budget by a sum of money, said increase to be funded by an increased water rate and/or to be funded by transferring a sum of money from available funds; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to amend the vote taken under Article 5 of the May 5, 2008 Annual Town Meeting which, in part, read: “to transfer from the Cemetery Lot Care Fund the sum of \$16,800, from the Cemetery Perpetual Care Fund the sum of \$11,089, and from the Cemetery Sale of Lots Fund the sum of \$4,280, all to the Cemetery Budget” by a) increasing the Lot Care amount by \$1,574.62 to a new total of \$18,374.62, b) increasing the Perpetual Care amount by \$820.98 to a new total of \$11,909.98, and c) decreasing the Sale of Lots amount by \$1,368.18 to a new total of \$2,911.82; said changes having the net effect of increasing the total transfers from \$32,169 to \$33,196.42; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to transfer the sum of \$8,898 from the Septic Betterment Fund for debt service associated with State Revolving Loan Fund loan MWPAT #4 97-1187-3, thereby increasing the amount authorized under Article 40 of the May 5, 2008 Annual Town Meeting (\$19,942) to a new total of \$28,840; 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 purchasing a police cruiser for the Police Department to replace one of the existing police cruisers and to authorize the Board of Selectmen to dispose of the vehicle replaced by the new cruiser 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 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 purchasing a new skid-steer loader and associated attachments; 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 to be added to the Finance Committee’s Reserve Fund for fiscal year 2009; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to amend the Town of Essex Animal Control By-law by adding a new Section 3A as follows:

SECTION 3A. ROAMING AT LARGE.

- a. No person shall permit a dog owned or kept by them to cause a nuisance to people or other animals or a threat to public safety while roaming at large.
- b. The Dog Control Officer shall investigate all complaints made to the Dog Control Officer, the Town of Essex Police Department, the Board of Selectmen, or the Town Administrator, that any dog owned or kept within the Town of Essex has caused or is causing a nuisance to people or other animals or a threat to public safety while roaming at large.
- c. The Dog Control Officer is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance.
- d. Without limiting the generality of the foregoing, such order shall require, at a minimum, that the dog be under voice control when off of its owner's premises, that the dog undergo training, and/or that the dog be leashed whenever off of its owner's premises.
- e. The owner or keeper of any dog(s) ordered by the Dog Control Officer to take actions authorized in the preceding paragraph may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within two (2) business days of the owner or keeper's receipt of the Dog Control Officer's order. A copy of the hearing request shall also be delivered to the Dog Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety and/or eliminate a nuisance pending disposition of the matter by the Board of Selectmen.
- f. After hearing, the Board of Selectmen may affirm the Dog Control Officer's order, reverse and nullify the Dog Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance. The determination of the Board of Selectmen after a hearing shall be final.
- g. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157.

; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to accept the provisions of Section 108P of Chapter 41 of the Massachusetts General Laws and to transfer from available funds a sum of money for additional compensation for the Town Treasurer; 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 increases in Town departmental fuel expenses including gasoline, diesel fuel, natural gas, heating oil, and mileage reimbursement; said sum to be spent under the direct control of the Board of Selectmen; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to amend the vote taken under Article 3 of the May 5, 2008 Annual Town Meeting by increasing the "Poll Worker" wage on the fiscal year 2009 Wage & Salary Scale from \$6.75 per hour to \$8.00 per hour; or take any other action relating thereto.

ARTICLE 15

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 a past fiscal year; or take any other action relating thereto.

ARTICLE 16

To See if the Town will vote Pursuant to G.L. c. 44, § 53E ½ to authorize 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 17

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 producing conceptual architectural plans for a new, combined Town Office, Police Department, and Library building and a renovated Fire Station and/or variants thereof; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to amend its action under Article 10 of the May 5, 2008 Annual Town Meeting by revising the sums allocated to the Youth Enterprise Fund and also the sources of the funding, whether by raising and appropriating or transferring from available funds.

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 6th day of October, two thousand eight.

A. Raymond Randall Jr., Chairman

Attest: _____
Constable

Jeffrey D. Jones

Date: _____

Mark W. Lynch

BOARD OF SELECTMEN
TOWN OF ESSEX