

2010
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 15, 2010 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 a designer to undertake a feasibility study relative to the construction of new Town buildings and/or renovations to existing Town buildings at various locations including but not limited to the Town-owned parcel at 30 Martin Street (site of the existing Town Hall/Library building); the Town-owned parcel at 24 Martin Street (site of existing Fire and Police Headquarters); and a vacant portion of a Town-owned parcel abutting John Wise Avenue (presently an un-utilized portion of the Spring Street Cemetery); 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 purchase and installation of new computer workstation hardware and software, network server hardware and software, and any necessary appurtenant items to replace and upgrade existing computer and network hardware, software and related appurtenant items on a Town-wide basis; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sum of money for a contract with a "reverse 911" communications contractor; 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 be added to the Water Department fiscal year 2011 operating budget, thereby amending the vote taken under Article 9 of the May 3, 2010 Annual Town Meeting; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to amend the vote taken under Article 7 of the May 3, 2010 Annual Town Meeting by reducing the fiscal year 2011 Sewer 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 6

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 Board of Assessor's fiscal year 2011 operating budget, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the American Federation of State, County, and Municipal Employees, Local 2905, AFL-CIO; 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 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 9

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the Police Benevolent Association of Essex, Massachusetts Coalition of Police, International Union of Police Associations, AFL-CIO; 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 deposited into the 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 11

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 12

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, repairing, and re-lettering a used ladder truck for the Fire Department to replace the existing ladder truck and to authorize the Board of Selectmen to dispose of the vehicle replaced by the incoming ladder 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 13

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the Town's share of the relocation and installation of an emergency generator in the custody of the Manchester Essex Regional School District to the Essex Elementary School; 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 for the installation of a drainage system designed to alleviate standing water problems in the basement of the Police and Fire Department Headquarters; 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 or sums of money to be added to legal expense budget line(s) for fiscal year 2011, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact Special Legislation as follows; provided the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

An Act Establishing Procedures for the Sale and/or Lease of Property Known as Conomo Point in the Town of Essex

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: Whereas the Town of Essex Massachusetts includes a unique property known as Conomo Point which the Town has historically leased to private individuals for extended periods of time, and where such leases will soon expire, the Town has an interest in establishing, under the specific circumstances at issue, an appropriate procedure for the future potential sale or leasing of such property. Therefore, notwithstanding the provisions of section 16 of Chapter 30B of the General Laws, or any other general or special law to the contrary, the Town of Essex, if first authorized by a vote of its Town Meeting, may sell or lease all or any portion of its property known as Conomo Point, at fair market value, upon such terms and conditions as the Board of Selectmen deem appropriate, in accordance with regulations adopted by the Board of Selectmen at a public hearing for which public notice is provided in a newspaper of general circulation in Town in each of the two successive weeks prior to the date of said hearing, which regulations ensure that such sales or leases shall be undertaken in accordance with an open, fair, and competitive disposition process, using sound business practices and principles of fair dealing, which process may, but need not, recognize as a criteria for evaluation for such sale or lease a certain level of preference for current lessees of such property.

SECTION 2: This Act shall not exempt the Town from the provisions of sections 3, 15 or 15A of Chapter 40 of the General Laws, Sections 2-13.4 and 2-13.11 of the Town bylaws or any other general or special law which requires a vote of Town Meeting to authorize the sale or lease of real property.

SECTION 3: This act shall take effect upon passage.

,or take any other action relative thereto.

EXPLANATION: Passage of this Article will not authorize the sale or lease of any property at Conomo Point. The purpose of the Article is to authorize the Selectmen to seek special legislation to provide the Town with a simplified procedural mechanism to sell or lease any portion of the property at Conomo Point, should Town Meeting authorize such a transaction in the future. Town Counsel has advised that, pursuant to Chapter 30B of the General Laws, if Town Meeting votes to authorize the sale or lease of any property, the property must be sold or leased in accordance with a competitive bidding procedure. This means that current lessees cannot be given any preference in such transactions. Therefore, in order to give the Town the greatest flexibility in disposing of Conomo Point property after the expiration of the current leases, it is recommended that the Town seek an exemption from the requirements of Chapter 30B.

ARTICLE 17

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow sums of money to be added to the Department of Public Works' Grounds Maintenance Wages and Grounds Maintenance Expense budget lines for fiscal year 2011, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to amend the fiscal year 2011 Wage & Salary Scale for the Animal Control Officer and the Animal Health Inspector, thereby amending the vote taken under Article 3 of the May 3, 2010 Annual Town Meeting, and to raise and appropriate, transfer from available funds, or borrow a sum of money to increase each of the annual stipends for those positions for fiscal year 2011 and a sum of money to be added to the Animal Control Officer Expense budget line for fiscal year 2011, thereby amending the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting; or take any other action relating thereto.

ARTICLE 19

To see if the Town will vote to amend the vote taken under Article 5 of the May 3, 2010 Annual Town Meeting by adding a new budget line item known as "Training Expenses" in the Town Clerk's budget and to raise and appropriate, transfer from available funds, or borrow a sum of money to fund said budget line; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to amend the vote taken under Article 10 of the May 3, 2010 Annual Town Meeting by reducing the fiscal year 2011 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 21

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 200A, section 9A, as amended by Chapter 188, section 65 of the Acts of 2010, regarding the procedure for disposition of abandoned funds; 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 replacement of the fishing dock at the Centennial Grove; 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 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, fourteen days at least before the time for holding said meeting.

Given under our hand this 26th day of October, two thousand ten.

A. Raymond Randall, Jr., Chairman

Attest: _____
Constable

Jeffrey D. Jones

Date: _____

Lisa J. O'Donnell

BOARD OF SELECTMEN
TOWN OF ESSEX