

ANNUAL TOWN MEETING
May 4, 2009

The 190th Annual Town Meeting of the Town of Essex was called to order at 7:32 p.m. by Moderator David J. Lane. A quorum of over 100 voters was present at that time.

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:

Moderator for one year
Selectman for three years
Assessor for three years
Board of Health Member for three years
Two Constables for one year
Regional School Committee Member for three years
Trustee of Library Funds for three years
Two Planning Board Members for five years
Housing Authority Member for five years

And to bring to ballot the following question:

Shall the town vote to have its elected town clerk become an appointed town clerk of the town? Yes _____ No _____

AND, to do this by vote on one ballot. The polls will be open on May 11, 2009 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

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 on Monday, May 4, 2009 at 7:30 p.m. and there and then to act on the following Articles, viz:

Before Article 1, Moderator David J. Lane appointed Rolf P. Madsen as Deputy Moderator for this meeting.

Ratification vote on this issue passed.

Article 1. SELECTION OF TOWN OFFICERS

Motion by Jeffrey D. Jones, duly seconded, that the Town authorize the Board of Selectmen to appoint a Surveyor of Bark and Lumber.

Voted unanimously.

Article 2. REPORTS OF TOWN OFFICIALS

Motion by A. Raymond Randall, Jr., duly seconded, that the Town receive the Report of the Town Officials, Boards, and Committees contained in the Annual Town Report with the understanding that, due to transcription errors in the Minutes of the Zoning Articles of the 2008 Annual Town Meeting, a Supplement to the Annual Town Report will be printed and made available to the public.

Voted unanimously.

Article 3. WAGE SCALE REVISION

Motion by Mark Osburn, duly seconded, that the Town vote to revise the fiscal year 2009 Wage and Salary Scale by increasing all Youth Department hourly wages by three percent (3%) for the remainder of fiscal year 2009.

Voted unanimously.

Article 4. PERSONNEL BOARD REPORT

Motion by Mark Osburn, duly seconded, that the Town approve the fiscal year 2010 Town Wage and Salary scale in accordance with the recommendations of the Personnel Board Report.

Voted unanimously.

Article 5. COMPENSATION OF ELECTED OFFICERS

Motion by Mark Osburn, duly seconded, that the Town 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 2010 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 action relating

Voted unanimously.

Article 6. FINANCE COMMITTEE REPORT

Motion by Jeffrey T. Soulard, duly seconded, that the Town vote to appropriate the sum of \$5,183,318 and to a) raise by taxation the sum of \$826,712 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$6,440 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$13,475.67 to the Cemetery Budget; d) transfer from the Waterways Improvement Fund the sum of \$4,608 to the Harbormaster Budget; e) transfer from free cash the sum of \$252,767 to the Health Insurance Budget; f) transfer from the Ambulance Fund the sum of \$63,906 to the Ambulance Budget; g) transfer from the Board of Assessors Overlay Surplus the sum of \$22,240.93 to the Finance Committee Reserve Fund; and h) to raise by taxation the sum of \$3,993,168.40 to be allocated between the salaries and expenses of the Town according to the remaining budget items as indicated in the Finance Committee Report.

Voted by Majority.

Article 7. COLLECTIVE BARGAINING AGREEMENT

Motion by Jeffrey T. Soulard, duly seconded, that Article 7 be indefinitely postponed.

Voted unanimously.

Article 8. SEWER ENTERPRISE FUND BUDGET

Motion by Trescott DeWitt, duly seconded, that the Town vote to appropriate the sum of \$1,956,694 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$932,838 from sewer betterments and the sum of \$362,770 to be raised by taxation; and b) funds to be allocated between the salaries and expenses of the Wastewater Department - \$536,086 from departmental receipts and the sum of \$125,000 from a surplus in the “Fund Balance Reserved for Debt Service”, all as indicated in the Finance Committee Report.

Voted unanimously.

Article 9. WATER ENTERPRISE FUND

Motion by Paul Rullo, duly seconded, that the Town vote to appropriate the sum of \$699,178 for the Water Enterprise Fund Budget as follows a)debt repayment, principal and interest – the sum of \$16,348 from water betterments; and b) funds to be allocated between the salaries and expenses of the Water Department - \$682,830 from departmental receipts: all as indicated in the Finance Committee Report.

Voted unanimously.

Article 10. YOUTH ENTERPRISE FUND

Motion by Mark W. Lynch, duly seconded, the Town vote to appropriate the sum of \$122,746 for the Youth Enterprise Fund Budget salaries and expenses as follows: the sum of \$87,746 from departmental receipts and the sum of \$35,000 from Youth Enterprise Fund Free Cash; all as indicated in the Finance Committee Report.

Voted by majority.

Article 11. SCHOOL BUDGET

Motion by Susan Gould Coviello, duly seconded, that the Town vote to raise and appropriate \$5,954,035 to fund the Town’s assessment from the Manchester Essex Regional School 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, sec.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 nine.

Voted unanimously.

Article 12. NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT.

Motion by George R. Harvey, duly seconded, vote to raise and appropriate \$138,840 to fund the Town's assessment from the North Shore Regional Vocational School district.

Voted unanimously.

Article 13. SNOW AND ICE OVERTIME

Motion by Edward Lafferty, duly seconded, that the Town vote to appropriate and transfer from free cash the sum of \$59,945.30 to be added to the amount appropriated under Article 5 of the May 5, 2008 Annual Town Meeting; Item 423 Snow and Ice – overtime (\$14,057.12), contractors (\$8,840.00), and expenses (\$37,048.18) for the purpose of funding the Fiscal Year 2009 deficit.

Voted unanimously.

Article 14. REGIONAL PUBLIC COMMUNICATION CENTER

Motion by A. Raymond Randall, duly seconded, that the Town vote to authorize the Board of Selectmen to enter into an intergovernmental agreement with other Municipalities in Essex County and the Essex County Sheriff's Department, for a period of up to ten years, for the purpose of providing a regional public safety communication operations center to expedite timely and efficient response by police, fire resources and emergency medical dispatch services of the participating governmental units.

Permission was given by the Town Meeting to allow non-resident speakers.

A motion was made and duly seconded to terminate debate.

Voted by declared 2/3's vote.

Main Motion – voted by majority.

Article 15. BY-LAW CHANGE – CONOMOPOINT PLANNING COMMITTEE

Motion by Mark W. Lynch, duly seconded, that the Town vote to amend Section 2-20 of the Town Bylaws, Conomo Point Planning Committee, by authorizing the Board of Selectmen to make appointments to fill vacancies in said Committee for the period of time between Town Meetings, and to provide that persons who miss four consecutive meetings shall be deemed to have vacated their position, all as set forth under Article 15 of the Annual Town Meeting Warrant (which shows as underlined text the language to be inserted) – with the following modification: that the words “regularly scheduled” be stricken from the second underlined passage.

A motion by John T. Guerin to leave “regularly scheduled” in the motion was withdrawn.

2-20 CONOMO POINT PLANNING COMMITTEE

There is hereby established a Conomo Point Planning Committee, the members of which shall be persons with no direct financial interests in the Town's property at Conomo Point. The Committee shall consist of twelve members who shall be appointed by any Town Meeting, the warrant of which has an article specifying that such action is to be considered.

If a vacancy occurs, the Board of Selectmen shall, in writing, appoint a registered voter of the Town to fill said vacancy. The person so appointed shall perform the duties of the office until the next Town Meeting, at which

time the position shall be filled in accordance with the preceding paragraph, and until another is qualified.

The duties of the committee shall be to gather and report any information which the Committee might determine to be of value in aiding the townspeople to make decisions regarding the Town's property at Conomo Point, to make recommendations as to present and future uses of that property, and to submit Articles allowing the Town to implement the Committee's recommendations to the Board of Selectmen for inclusion in Warrants for Town Meetings.

If a member is absent from any four consecutive regularly scheduled meetings, the position shall be deemed vacant, and the chair shall give notice of the same to the Board of Selectmen.

Counted vote: Yes - 89
No - 52

Motion passed.

Article 16. CONOMO POINT

Motion by Mark W. Lynch, duly seconded, to see if it is the sense of the Town Meeting that the Selectmen, subject to a future appropriation, should, jointly with the tenants of Conomo Point, retain the services of a mediator to discuss the future disposition of the Town-owned property North of Robbins Island Road on Conomo Point.

Counted vote: Yes - 59
No - 73

Motion lost.

Article 17. BY-LAW CHANGE - TITLE 6-6.12

Motion by Andrew St. John, duly seconded, that the Town vote to amend Chapter 6 of the Town's Zoning Bylaws by deleting the words "Special Permit" from the title of Section 6-6.12 so that it shall read as follows

6-6.12 SITE PLAN REVIEW

Voted unanimously.

Article 18. BY-LAW CHANGE – CHANGE OF USE DEFINITION

Motion by Kimberly Drake, duly seconded, that the Town vote to indefinitely postpone this article.

Voted unanimously.

Article 19. VOCATIONAL SCHOOLS MERGER

Motion by George R. Harvey, duly seconded, that the Town vote to support the merger of the North Shore Regional Vocational High School, the Essex Agricultural High School, and the Peabody Vocational High School.

Voted unanimously.

Article 20. COMMUNITY PRESERVATION FUND

Motion by Virginia F. Boutchie, duly seconded, to indefinitely postpone this article.

Voted unanimously. .

Article 21. OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND

Motion by Karen Birch, duly seconded, that the Town vote to adopt the provisions of Massachusetts General Laws chapter 32B, section 20, authorizing the Town to establish a separate fund, to be known as an 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.

Voted unanimously.

Article 22. MINI-LOADER TRACTOR

Motion by Trescott DeWitt, duly seconded, that the Town vote to transfer from free cash the sum of \$9,757.50 to lease with an option to purchase for a term up to or exceeding three years, a new mini-loader utility tractor with attachments and appurtenances 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 Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Public Works.

Voted unanimously.

Article 23. GENERATOR – WATER FILTRATION PLANT

Motion by Paul Rullo, duly seconded, that the Town vote to transfer from general free cash the sum of \$7,664.50 and to transfer from the Water Enterprise Fund Free Cash the sum of \$7,664.50 – a grand total of \$15,239 – and to lease with an option to purchase for a term up to or exceeding three years and to install a new generator at the Water Filtration Plant 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 Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Public Works.

Voted unanimously.

Article 24. HARBORMASTER OUTBOARD MOTOR

Motion by Jeffrey D. Jones, duly seconded, that the Town vote to transfer from free cash the sum of \$1,810.94: to transfer from Article 17 of the 2004 Annual Town Meeting the sum of \$5,894.06; and to transfer from the Waterways Fund the sum of \$595.00-a grand total of \$8,300.00- for the purchase of one outboard motor for the Harbormaster Department and further to authorize the Board of Selectmen to dispose of any Harbormaster equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Selectmen

Voted unanimously.

Article 25. UNPAID BILLS

Motion by James Horrocks, duly seconded, that the Town vote to transfer from free cash the sum of \$880.00 for the payment of an unpaid bill from Whitmarsh Lock and Safe from fiscal year 2008.

Voted unanimously.

Article 26. SEPTIC BETTERMENT FUND

Motion by Mark McKenna, duly seconded, that the Town vote to transfer from the Town Septic Betterment Fund the sum of \$26,265.00 for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2010 in accordance with the terms of repayment for Community Septic Management Program loan funds.

Voted unanimously.

Article 27. STABILIZATION FUND

Motion by Jeffrey Soulard, duly seconded, to indefinitely postpone action of this article.

Voted unanimously.

Article 28. TRIATHLON REVOLVING FUND

Motion by Lynne Marchetti, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize 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 \$10,000.

Voted unanimously.

Article 29. REVOLVING FUND-BOARD OF HEALTH SUPPLIES

Motion by Lynne Marchetti, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize 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.

Voted unanimously.

Article 30. REVOLVING FUND-BOARD OF HEALTH – PUBLIC HEALTH NURSE

Motion by Lynne Marchetti, duly seconded, that the Town vote pursuant to Massachusetts chapter 44, section 53E ½ to reauthorize 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.

Voted unanimously.

Article 31. REVOLVING FUND-PERMIT EXCESS FEE

Motion by Jeffrey D. Jones, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to re-authorize a revolving fund used by the Board of Selectmen for the purpose of receiving the so-called Excess Fee, to consist of 60% of each electric and plumbing permit issued by the Electrical Inspector, the Plumbing & Gas Inspector, and their respective assistants for certain work as described in further detail in Article 5 of the January 24, 2005, Special Town Meeting warrant, to be expended by the Board of Selectmen, up to a maximum of Twenty Thousand Dollars (\$20,000) per fiscal year, for the purpose of paying said inspectors or assistants for such work.

Voted unanimously.

A motion was made and duly seconded to dissolve the Annual Town Meeting.

A true copy. Attest:

Sally A. Soucy, Town Clerk