

## **Guide to Selected Fall Town Meeting Articles**

The following guide serves as the Essex Board of Selectmen's explanation and justification of selected Fall Town Meeting articles. We have selected these particular articles since they are not routine and Town Meeting participants may benefit from having more background on them prior to the meeting.

### **ARTICLE 4 – Senior Citizen Transportation Services**

The Council on Aging was operating a senior transportation van that was acquired via grant funding in the past. Recently, a serious problem with the motor developed that will cost over \$15,000 to repair. While the van did provide reliable transportation in the past, it could, of course, only serve one type of trip at a time. As an adaptation to the loss of the van, the Town has temporarily contracted with a third party for senior transportation services to destinations in 10 surrounding communities. It is likely that this approach will cost the Town the same or less money than running its own van AND the third party can offer multiple vehicles at the same time, making this plan more flexible and effective for the Council. The Council would like to receive sufficient funding to bring the third-party service through the end of the current fiscal year and will reevaluate the situation with the Finance Committee as the fiscal year 2020 budget is built.

Tax impact: No direct impact since Free Cash is being used. In fiscal year 2020, even if all funding for wages presently paid to Town drivers is reallocated to pay the third-party service, it is possible that the cost will increase (not known until the trial period is over). Also, some Town driver wage funding will need to be retained, since the Council is now also operating a sedan for individual trips (such as medical appointments outside the contracted service area).

Justification: The Council hopes to be able to provide more versatile and effective service for a similar amount of money. More will be known after this trial period through the end of fiscal year 2019 is concluded.

### **ARTICLE 5 – Public Safety Building Project Architect**

The Town has hired a Project Manager to develop and compare 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. In order to prepare for a Town Meeting vote in May concerning the final location and construction plan for a much-needed public safety building renovation and/or replacement, our Project Manager needs to work with an architect to develop design plans and an associated cost estimate for the recommended option through the 60% construction document (CD) design phase.

Tax impact: No direct tax impact since the Sale of Real Estate fund is being proposed as the funding source.

Justification: Architectural services are necessary for our Project Manager to be able to provide the Annual Town Meeting in May with a professionally-developed recommendation.

## ARTICLE 6 – Police Prisoner Processing Area

In the past, the Town had an agreement with the Town of Manchester to provide prisoner processing and lockup services for the Police Department (since Essex does not have its own facility). That arrangement was terminated when the Essex County Sheriff began offering regional lockup services in Middleton at no cost to any of the Essex County communities. While the Sheriff's pre-arraignment prisoner service itself is provided at no cost, the Department incurs transport and officer time between an arrest and when the regional lockup actually takes custody of a prisoner. Also, in a case where a prisoner is deemed to be rapidly-releasable, pending arraignment, the Department and the arrested party do not have the advantage of a local processing area, with the arrested party being released in a much shorter period of time. As such, the Department would like to have a prisoner processing area within the police station, to avoid the time and internal costs associated with Middleton, when circumstances dictate. A storage container will also need to be purchased so that the evidence room can be converted into the prisoner processing area and the evidence can be moved to the container.

Tax impact: No direct tax impact since the Town Building Stabilization Fund and Free Cash are being proposed as the funding source. Operationally, the new prisoner processing area will likely decrease present operational costs slightly, since less time will be spent getting to and performing booking in Middleton. It is possible that rapid releases may not even require additional officer call-ins.

Justification: Police force stays local more often, internal operational costs decrease, and certain arrested parties are spared the circumstances associated with transport to and booking at the Middleton facility when minor, immediately-releasable arrests are considered.

## ARTICLE 7 – Replacement of Manchester Memorial School

The Memorial School Building Committee has provided a variety of resources relative to the proposed replacement of the Memorial Elementary School in Manchester. Please see their web page to access these materials at: <https://www.mersd.org/domain/767>

## ARTICLE 9 – Seawall Improvement Grant Matching Funds

The seawall system at Conomo Point was patched by the DPW after the series of storms in early 2018. While this work made the area safe, future storms will likely erode the seawall system further and engineered solutions are likely necessary. The Town has applied for a State grant to have the seawall system assessed by an engineering firm, so that steady progress can be made toward resilient solutions for the future. It may be necessary for the Town to provide matching funds for either the design grant or for future construction project grants that stem from the design work.

Tax impact: No direct impact since Free Cash is being proposed as the funding source. In the future, the more grant money that the Town receives to defray the cost of inevitable repairs and improvements, the less the impact will be to the taxpayer.

Justification: Not acting will only result in the further degradation of the infrastructure and, eventually, the road itself, which is important for taxpayer recreational access and for emergency response capabilities.

## ARTICLE 10 – New Stabilization Fund for Conomo Point Repair, Maintenance, Improvement

Over time, this proposed fund will provide funding for future Conomo Point waterfront access improvements for all taxpayers. It is important to intentionally put money aside for the Point, since the Sale of Real Estate Fund, which paid for the new park and parking lot, has also been tapped for the Town Hall project and may be further depleted by the public safety building project.

## ARTICLES 11-12 – Bylaw to Ban Recreational Marijuana Facilities/Extension of Moratorium

The State ballot question relative to the legalization of recreational marijuana in the Commonwealth passed in Essex. It is possible that voters were signifying that they felt that the industry would be good for the Commonwealth in general, but it is not clear whether that vote was an endorsement of recreational establishments in Essex itself. In towns where the ballot question passed (like Essex), if any sorts of limitations, up to a complete ban, are to be put in place, it is necessary to attain approval of Town Meeting and approval of the ballot question following the Town Meeting vote. If any town (regardless of how they voted on the state ballot question) wants to impose any restrictions, it must be done through their Town Meeting. That is, if no action is taken then, by default, what is legal in the state becomes automatically legal in the town.

In order to understand voter intent and to allow the Town, as a whole, to reach a decision on this important change, the Selectmen are posing to Town Meeting voters the possibility of banning recreational establishments in Essex. Please understand that by proposing this ban, the Board of Selectmen is not endorsing putting this ban in place – this is simply the only way to pose the question, since the default (doing nothing) essentially allows whatever state regulations do. The Board wants to be sure that the will of the Town is heard and followed. Therefore, the only way to do this is to propose the ban, and then see how Town Meeting (and the ballot) falls on this decision.

Presently, the Town's bylaws place a moratorium on any recreational marijuana establishments through the end of this calendar year. If the ban that is proposed in Article 11 is adopted (which will also require an affirmative vote at the November 6, 2018 Special Town Election), the moratorium will simply morph into a permanent ban. If the ban that is proposed in Article 11 is rejected, then this vote becomes the Town's decision on the matter and the vote at the ballot, even if affirmative, is not sufficient on its own to put the ban in place.

However, Article 12 at this Fall Town Meeting also proposes extending the moratorium through June 30, 2018 in order to give the Town more time to perhaps otherwise regulate the industry if the proposed ban is not approved (either at Town Meeting, or at the election, or both). A bylaw otherwise regulating the industry (i.e. in addition to the State regulations) could be approved at the Annual Town Meeting in May 2019, should the ban not be supported.

Therefore, the following outcomes are possible:

Article 11 proposing the ban passes at this Town Meeting and at the ballot. In this case, there is a permanent ban on any recreational marijuana facilities, of any kind, in town. Regardless of whether Article 12 passes, the ban is in place. That is, the vote on Article 12 is meaningless.

Article 11 passes at this Town Meeting but fails at the ballot. In this case, the ban is not in place and, the outcome of Article 12 determines if the moratorium is extended or not. If Article 12 is passed, then the Town has an additional 6 months on the moratorium and time, before Annual Town Meeting in May 2019, to decide if there are any restrictions that should be put into place. If Article 12 has failed,

then the ban is not in place and there is no moratorium after December 2018 and anything permissible under state law is allowed in Essex after that.

Article 11 fails at the at this Town Meeting. If the ban that is proposed in Article 11 is rejected, then this vote becomes the Town's decision on the matter and the vote at the ballot, even if affirmative, is not sufficient on its own to put the ban in place. The outcome of the Town Meeting vote on Article 12 determines what happens next.

With the failure of Article 11 and approval of Article 12, the Town gains another 6 months to consider what restrictions are desired and what could be proposed at Annual Town Meeting in May 2019.

With the failure of both Articles 11 and 12, the temporary moratorium that is currently in place, through the end of the calendar year, simply expires and the state regulations then govern what is permissible in Essex.

#### ARTICLE 18 – Sewer Capacity for Proposed Brewery/Restaurant

The brew pub that is under construction at the former site of the Fortune Palace Restaurant on Main Street will require an additional 2,500 additional gallons of daily wastewater flow. The Board of Public Works can approve up to 1,000 gallons of additional flow and a Town Meeting vote is required for any request above 1,000 gallons.

Tax impact: The more customers that the new establishment can serve, the more meals tax money the Town makes. The construction of the new establishment will also be tax-positive, in the form of new growth on the tax levy.

Justification: As noted above.