

ANNUAL TOWN MEETING

May 2-3, 2011

The 192nd Annual Town Meeting of the Town of Essex was called to order at 7:32 p.m. by Moderator Rolf P. Madsen. A quorum of over 400 voters was present at the 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 one year
Trustee of Library Funds for three years
Planning Board Member for two years
Planning Board Member for five years
Housing Authority Member for five years

AND, to do this by vote on one ballot. The polls will be open on Monday, May 9, 2011 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

The following people were appointed as tellers: Wendy Fossa, Karen Greene, Sandy Ginn, (Susan) "Scotti" Robinson, Andrew Cataldo, Nancy Muniz, Greg Crockett, Mike Dyer, Annie Cameron, Tyler Stavros, Karen Bernier, Suzanne Lynch, Meg Lewiecki, Patty Byrne, Vickie Cataldo, Kathy Azadian, Dawn Burnham, Karen Zanelis, Jimmy O'Donnell and Carolyn Knowlton.

There were no objections made to the tellers appointed.

A motion was made and duly seconded to waive the reading of the warrant.

Voted unanimously.

A motion was made and duly seconded to appoint David J. Lane as the deputy moderator.

Voted unanimously.

Motion made by A. Raymond Randall, Jr., duly seconded, that Articles 5 and 6 be considered before Article 1.

Voted unanimously.

ARTICLE 5: SELECTION OF TOWN OFFICERS

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

Voted unanimously.

ARTICLE 6: REPORT OF TOWN OFFICIALS

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town receive the Reports 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 2010 Annual Town Meeting, a Supplement to the Annual Report will be printed and made available to the public.

Motion carries unanimously.

ARTICLE 1: SOUTHERN CONOMO POINT ZONING DISTRICT

Motion made by Kimberly Drake, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", by inserting a new section, to be numbered as Section 6-11, as printed in Article 1 of the Annual Town Meeting Warrant.

Declared 2/3rds vote.

Motion carries.

[Note to reader: This article was revisited during this Town Meeting. Please read further for details.]

ARTICLE 2: PROCEDURE FOR SALE OR LEASE OF PROPERTY AT CONOMO POINT

Motion made by A. Raymond Randall, Jr., duly seconded, that the Town vote to amend its General Bylaws by adding a new section to Chapter II to be known as "Section 2-13.13. Procedure for Sale or Lease of Property at Conomo Point" as printed in Article 2 of the Annual Town Meeting Warrant, but replacing the word "occupants" with the word "leaseholders" in section 2(e).

Motion made by Edward Neal, duly seconded, that this article be indefinitely postponed.

Vote to indefinitely postpone the article – Fails.

Vote on main motion carries.

[Note to reader: This article was revisited during this Town Meeting. Please read further for details.]

ARTICLE 3: AUTHORITY TO CONOMO POINT COMMISSIONERS TO NEGOTIATE LEASES

Motion made by Jeffrey Jones, duly seconded, that the Town vote to authorize the Board of Selectmen, serving in their capacity as Conomo Point Commissioners, to lease all or any portions of its property at Conomo Point for such number of years, not to exceed five (5), as are acceptable to the Board of Selectmen and to authorize the Board of Selectmen to set the amount of rent for any such leases upon such terms and conditions and for such consideration as deemed to be in the best interests of the Town by the Board of Selectmen, in accordance with the Bylaw approved under Article 2 of this Annual Town Meeting, if applicable.

Motion carries.

[Note to reader: This article was revisited during this Town Meeting. Please read further for details.]

ARTICLE 4: MEMBERSHIP OF THE CONOMO POINT PLANNING COMMITTEE

Motion made by A. Raymond Randall, Jr., duly seconded, to open the floor for nominations for the vacancy on the Conomo Point Planning Committee.

Motion made by Michael Dyer to nominate Clifford Ageloff; Ageloff accepts.

Motion made by Mark Lynch to nominate A. Raymond Randall, Jr.; Randall accepts.

A voice vote is taken and A. Raymond Randall is appointed.

[Note to reader: Articles 5 and 6 were moved to before Articles 1-4]

Motion made by Jeffrey Soulard, duly seconded, that Articles 7-19 be postponed until after Articles 20 and 21 have been disposed of.

Voted unanimously.

Motion made by A. Raymond Randall, duly seconded, that Article 1 be reconsidered.

Reconsideration fails.

ARTICLE 7: FUNDING FOR PROFESSIONAL APPRAISAL SERVICES FOR CONOMO POINT LAND

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to transfer from free cash the sum of \$50,000 for professional appraisal services concerning the future lease and/or sale of Town property at Conomo Point, said services to be contracted by the Board of Selectmen, acting in their capacity as the Conomo Point Commissioners.

Motion carries.

ARTICLE 8: CONOMO POINT LEGAL SERVICES

Motion made by Jeffrey Jones, duly seconded, that the Town raise and appropriate the sum of \$100,000 for legal services regarding any aspect of the Town's property at Conomo Point, with a \$2,849 portion of said appropriation to be made contingent upon a vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called.

Motion carries.

ARTICLE 9: FISCAL YEAR 2012 WAGE AND SALARY SCALE

Motion made by Mark Osburn, duly seconded, that the Town vote to approve the Wage and Salary scale for fiscal year 2012 in accordance with the recommendations of the Personnel Board Report.

Motion carries.

ARTICLE 10: COMPENSATION OF ELECTED OFFICERS

Motion made by Mark Osburn duly seconded, that the Town 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 2012 in accordance with the recommendations of the Personnel Board Report.

Voted unanimously.

ARTICLE 11: FINANCE COMMITTEE REPORT

Motion by Jeffrey Soulard, duly seconded, that the Town vote to appropriate the sum of \$5,699,645 and to a) raise by taxation the sum of \$944,191 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$4,400 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$9,700 to the Cemetery Budget; d) transfer from the Cemetery Perpetual Care Fund the sum of \$300 to the Cemetery Budget; e) transfer from the Wetlands Protection Fund the sum of \$3,500 to the Conservation Commission Budget; f) transfer from free cash the sum of \$216,589 to the Health Insurance Budget, g) transfer from the Ambulance Fund the sum of \$67,850 to the Ambulance Budget; h) to raise and appropriate by taxation the sum of \$4,453,115 to be allocated between the salaries and expenses of the Town according to the remaining budget items as indicated in the Finance Committee Report, with a \$77,612 portion of said appropriation (as noted on the handout entitled "Town of Essex, Article 11 Operating Budget w/Contingency column, May 3, 2011, Fiscal Year 2012 General Fund") to be made contingent upon a vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called.

Motion carries.

ARTICLE 12: SEWER ENTERPRISE FUND

Motion made by Paul Rullo, duly seconded, that Article 12 be indefinitely postponed.

Voted unanimously.

ARTICLE 13: SEWER ENTERPRISE FUND BUDGET

Motion by Paul Rullo, duly seconded, that the Town vote to appropriate the sum of \$1,896,801 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$927,589 from sewer betterments and the sum of \$360,728 to be raised by taxation; and b) funds to be allocated between the salaries

and expenses of the Wastewater Department – \$578,484 from departmental receipts and the sum of \$30,000 from a surplus in the “Fund Balance Reserved for Debt Service”; all as indicated in the Finance Committee Report.
Voted unanimously.

ARTICLE 14: WATER ENTERPRISE FUND

Motion by Paul Rullo, duly seconded, that Article 14 be indefinitely postponed.

Voted unanimously.

ARTICLE 15: WATER ENTERPRISE FUND BUDGET

Motion by Paul Rullo, duly seconded, that the Town vote to appropriate the sum of \$704,519 for the Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$13,927 from water betterments and the sum of \$48,475 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$642,117 from departmental receipts; all as indicated in the Finance Committee Report.

Voted unanimously.

ARTICLE 16: YOUTH ENTERPRISE FUND

Motion by A. Raymond Randall, Jr., duly seconded, that the Town transfer from Youth Enterprise Free Cash the sum of \$34,312 and to transfer from General Fund Free Cash the sum of \$3,410.90 for the purpose of funding the Youth Enterprise Fund for the remainder of fiscal year 2011.

Voted unanimously.

ARTICLE 17: CEASING THE YOUTH ENTERPRISE FUND

Motion by A. Raymond Randall, Jr., duly seconded, that the Town vote to revoke its acceptance of the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws as it relates to the Youth Enterprise Fund, ceasing the Youth Enterprise Fund effective July 1, 2011.

Voted unanimously.

ARTICLE 18: MANCHESTER-ESSEX REGIONAL SCHOOL DISTRICT BUDGET

Motion by Greg Carroll, duly seconded, that the Town vote to raise and appropriate the sum of \$6,286,067 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, section 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 eleven, with a \$109,338 portion of said appropriation to be made contingent upon a vote at a Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called.

Voted unanimously.

ARTICLE 19: NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT BUDGET

Motion by George Harvey, duly seconded, that the Town vote to raise and appropriate the sum of \$84,860 to pay the Town’s share of the costs of the North Shore Regional Vocational School District for the fiscal year commencing July 1, 2011.

Voted unanimously.

[Note to reader: Articles 20 and 21 were discussed prior to Article 7.]

necessary to effectuate the purposes of this vote, with said sum to be made contingent upon a vote at a Town election to approve a capital outlay expenditure exclusion in accordance with the provisions of Proposition 2 ½, so called.

Voted unanimously.

ARTICLE 29: MODULAR POLICE AREA

Motion by Jeffrey Soulard, duly seconded, that the Town vote to raise and appropriate \$45,000 for the purpose of purchasing, preparing, and furnishing a portable modular unit to be located on Town property for the Police Department with said sum to be made contingent upon a vote at a Town election to approve a capital outlay expenditure exclusion in accordance with the provisions of Proposition 2 ½, so called.

Voted unanimously.

ARTICLE 30: DPW DUMP TRUCK WITH SNOW PLOW

Motion by Paul Rullo, duly seconded, that the Town vote to authorize a lease for a term of more than three years with an option to purchase a dump truck equipped with a snowplow, and to authorize the Board of Selectmen to enter into a lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town in order to replace one of the existing Town dump trucks; and to authorize the Board of Public Works to dispose of the vehicle replaced by the new dump truck by sale or trade and to take other action as necessary to effectuate the purposes of this vote.

Motion carries.

ARTICLE 31: NEW COPY MACHINE FOR TOWN HALL

Motion by Jeffrey Jones, duly seconded, that the Town vote to raise and appropriate \$7,000 for the purchase of a new copying machine for the Town Hall, with said sum to be made contingent upon a vote at a Town election to approve a capital outlay expenditure exclusion in accordance with the provisions of Proposition 2 ½, so called.

Motion carries.

ARTICLE 32: MAIN STREET PARKING LOT LEASE

Motion by Jeffrey Jones, duly seconded, that Article 32 be indefinitely postponed.

Voted unanimously.

ARTICLE 33: UNPAID BILLS

Motion by Jeffrey Soulard, duly seconded, that Article 33 be indefinitely postponed.

Motion carries unanimously.

ARTICLE 34: REPAYMENT FOR COMMUNITY SEPTIC MANAGEMENT PROGRAM LOANS

Motion by Jeffrey Jones, duly seconded, that the Town vote to transfer from the Town Septic Betterment Fund \$26,301 for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2012 in accordance with the terms of repayment for Community Septic Management Program loan funds.

Voted unanimously.

ARTICLE 35: TOWN STABILIZATION FUND

Motion by Jeffrey Soulard, duly seconded, that Article 35 be indefinitely postponed.

Voted unanimously.

ARTICLE 36: REVOLVING FUND FOR DOG OFFICER

Motion by Lisa O'Donnell, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Dog Officer for the purpose of compensating the Dog

Officer for the care of impounded dogs and for reimbursing the Dog Officer for all associated expenses. Payments from dog owners seeking to claim impounded dogs shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Selectmen up to a maximum of \$10,000.

Voted unanimously.

ARTICLE 37: YOUTH TRIATHLON REVOLVING FUND

Motion by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize 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 \$12,000.

Voted unanimously.

ARTICLE 38: BOARD OF HEALTH REVOLVING FUND

Motion by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize 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 39: REVOLVING FUND FOR BOARD OF HEALTH NURSE

Motion by David Driscoll, duly seconded, that the Town vote pursuant to Massachusetts General Laws 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.

Motion made and duly seconded to dissolve the Annual Town Meeting.

Voted unanimously.

A true copy.

Attest: _____
Christina J. Wright, Town Clerk