

*Minutes of the  
Special Fall Town Meeting  
of the  
Town of Essex*

The November 14, 2016 Special Fall Town Meeting of The Town of Essex held at the Essex Elementary School Cafetorium was called to order at 7:35pm by Moderator Rolf P. Madsen. A quorum of 91 voters was present at the time. The Moderator then called for the attendance to recite the Pledge of Allegiance.

The following people were appointed as tellers: Tricia Soulard, Stacie Capotosto, Christopher Wolf, Suzanne Lynch, Dawn Burnham and Laura Doyle.

*There were no objections to the tellers appointed.*

The Moderator then presented the Volunteer and Employee of the Year awards. The 2016 recipients are:

*Volunteers of the Year:*

Lee H. Lower  
Harold C. Addison  
James E. Witham

*Employee of the Year*

Pamela J. Witham

ARTICLE 1: GENERAL BYLAW CHANGE – CONOMO POINT PLANNING COMMITTEE  
MEMBERSHIP NUMBERS

Motion made by John Bediz, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Section 2-20 Conomo Point Planning Committee by reducing the number of members from twelve (12) to seven (7); provided that the members serving on the Committee at the time of passage of this amendment shall continue to serve until the conclusion of the May 1, 2017 Annual Town Meeting, or their sooner resignation or removal, at which time their appointments shall expire and a new slate of members may be appointed at said meeting.

*Voted by the Majority.*

ARTICLE 2: FREE CASH TRANSFER FOR CONOMO POINT MANAGEMENT

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$50,000 for the management of property at Conomo Point including but not limited to renovation, demolition, and contents management of structures and maintenance and outfitting of all outdoor areas.

*Voted by the Majority.*

ARTICLE 3: ADDITIONAL FUNDING FOR PHASE III OF TOWN HALL RENOVATIONS

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from the Sale of Real Estate Fund the sum of \$175,000 to be added to an existing appropriation made via Article 14 of the May 4, 2015 Annual Town Meeting to make further renovations to the Town Hall and Library building at 30 Martin Street including but not limited to full exterior renovation, addition of an elevator, addition of a fire suppression system, and any improvements required by the Americans with Disabilities Act; and also including costs of design, project management and construction oversight/administration, temporary relocation, furnished temporary office space, temporary office utilities, insurance, and all other costs incidental or related to the project; and further to authorize the Board of Selectmen to enter into all

agreements and execute on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article.

*Voted Unanimously.*

**ARTICLE 4: FUNDING THE PURCHASE OF FURNISHINGS & FIXTURES FOR TOWN HALL**  
Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from Free Cash the sum of \$63,000 to be added to an existing appropriation made via Article 25 of the May 2, 2016 Annual Town Meeting to purchase furnishings and fixtures for the Town Hall/Library at 30 Martin Street.

*Voted Unanimously.*

**ARTICLE 5: EASEMENT FOR UPGRADING ELECTRICAL SERVICE ON CENTENNIAL GROVE ROAD**

Motion made by David Doane, duly seconded, that the Town vote to authorize the Board of Selectmen to convey an easement to National Grid, or its nominee or assignee, upon certain property, hereinafter described, for the purpose of anchoring electric transmission poles, including, but not limited to, push braces and leads, said easement shown on the easement sketch entitled "Centennial Grove Rd Essex, MA" dated August 24, 2016, on file with the Town Clerk, said property being those premises located on Centennial Grove Road, being Assessors Map 143, Lot 36 and Assessors Map 146, Lot 20, and described in a deed recorded with the Essex South District Registry of Deeds in Book 6132, Page 100, on such terms and conditions and for such consideration, including nominal consideration, as the Board of Selectmen shall deem appropriate.

*Voted Unanimously.*

**ARTICLE 6: REPAIRS TO FOLSOM PAVILION AT CENTENNIAL GROVE**

Motion made by Lisa J. O'Donnell, duly seconded, that Article 6 be indefinitely postponed.

*Voted Unanimously.*

**ARTICLE 7: ZONING BYLAW AMENDMENT - UPDATE DEFINITION OF 'SIGN' TO BE CONSISTENT THROUGHOUT CHAPTER**

Motion made by Westley Burnham, duly seconded, that the Town vote to amend the Essex Zoning Bylaw as set forth in Article 7 of the Warrant.

*Voted Unanimously.*

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**Text of Article 7 as it appears in warrant:**

**ARTICLE 7**

To see if the Town will vote to amend the Essex Zoning Bylaw by deleting the existing definition of "sign" in Section 6-2.2, Definitions, and inserting in its place the following new definition:

**SIGN** Any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes.

; or to take any other action relating thereto

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ARTICLE 8: ZONING BYLAW AMENDMENT – PARKING SPACES PER DWELLING UNIT

Motion made by Westley Burnham, duly seconded, that the Town vote to amend the Essex Zoning Bylaw as set forth in Article 8 of the Warrant.

*Declared 2/3rds Vote.*

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**Text of Article 8 as it appears in warrant:**

To see if the Town will vote to amend the Essex Zoning Bylaw by deleting the existing requirements for RESIDENTIAL STRUCTURES located in Section 6-6.1.1, Table of Parking Requirements, and inserting in its place the following new requirement:

Two parking spaces for each dwelling unit

; or to take any other action relating thereto.

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ARTICLE 9: ZONING BYLAW AMENDMENT – MINIMUM STANDARDS FOR ALL DRIVEWAYS

Motion made by Westley Burnham, duly seconded, that the Town vote to amend the Essex Zoning Bylaw as set forth in Article 9 of the Warrant.

Discussion ensued.

Motion made by Gilbert E. Guerin, duly seconded, to put the word “new” ahead of the word driveways where there are changes to the current regulations.

*Amendment carries.*

Discussion ensued on the main, now amended article.

*Main article as amended passes with declared 2/3rds vote.*

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**Text of Article 9 as it appears in warrant:**

To see if the Town will vote to amend the Essex Zoning Bylaw by deleting the existing Section 6-6.3, Driveways, paragraph c., and inserting in its place the following new Section 6-6.3, Driveways, paragraph c.:

c. Minimum driveway standards for driveways.

1. Driveway access to the dwelling or other building site shall be indicated on the plans submitted to the building inspector at the time of building permit application.
2. Such a driveway shall provide access for vehicles including moving vans, ambulance, fire and police vehicles and shall have:
  - A. Width of at least 12 feet, but shall be cleared to a width of at least 14 feet, applicable to the portion used by more than one lot.
  - B. Maximum grade of 10 percent.

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- C. Adequate clearing at the intersection of the public way to provide a minimum of 30 foot sight lines.
- D. Shall be cleared to maintain 14 feet vertical clearance.

; or to take any other action relating thereto.

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**ARTICLE 10: ZONING BYLAW AMENDMENT TO WATER RESOURCE PROTECTION OVERLAY DISTRICT, USE REGULATIONS**

Motion made by Kimberly Drake, duly seconded, that the Town vote to amend the Essex Zoning Bylaw by deleting Section 6-10.3.3.a.13., Water Resource Protection Overlay District, Use Regulations, and inserting in its place the following new Section 6-10.3.3.a.13., Water Resource Protection Overlay District, Use Regulations:

- 13. Land use which renders impervious more than 15 percent or 2,500 sq. ft. of a lot, except as allowed by Section 6-10.3.3.b.7.

Discussion ensued.

Motion made by Kimberly Drake, duly seconded, to indefinitely postpone this article.  
*Voted Unanimously.*

**ARTICLE 11: ZONING BYLAW AMENDMENT TO WATER RESOURCE PROTECTION OVERLAY DISTRICT**

Motion made by Westley Burnham, duly seconded, to indefinitely postpone this article.

*Voted Unanimously.*

**ARTICLE 12: ZONING BYLAW AMENDMENT – FIX SCRIVENER’S ERRORS**

Motion made by Westley Burnham, duly seconded, that the Town vote to amend the Essex Zoning Bylaw as set forth in Article 12 of the Warrant.

*Voted Unanimously.*

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**Text of Article 12 as it appears in warrant:**

**ARTICLE 12**

To see if the Town will vote to amend the Essex Zoning Bylaw to correct the following scrivener errors:

1. Amend the title of the Essex Zoning Bylaw by deleting the title and inserting in its place “Chapter VI, ZONING, The power of the Town to adopt acts concerning zoning as contained in M.G.L. 40A et seq.”;
2. Amend the definition of “Use, Change of” by deleting the word “entitled” and inserting in its place “titled”;
3. Amend the definition of “Structure” by deleting “(780 CMR Section 110.3 Exemptions)”;

4. Amend Section 6-10.2.1.a. by deleting “(currently 780 CMR)”; and
5. Amending Section 6-5.11.b. by deleting the number “3” and inserting in its place the letter “c”  
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**ARTICLE 13: PURCHASE AND EQUIP A POLICE CRUISER**

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to transfer from Free Cash the sum of \$34,000 to purchase and equip a police cruiser and to authorize the Board of Selectmen to dispose of the cruiser being replaced by the purchase by sale or trade.

*Voted Unanimously.*

**ARTICLE 14: FUNDING THE TOWN’S OTHER POST-EMPLOYMENT BENEFITS**

Motion made by Mark McKenna, duly seconded, that the Town vote to transfer from Free Cash the sum of \$125,000 to fund the Town’s Other Post-Employment Benefits (OPEB) Trust Fund.

*Voted Unanimously.*

**ARTICLE 15: PURCHASE AUTOMATIC ELECTRONIC DEFIBRILLATOR DEVICES**

Motion made by Daniel Doucette, duly seconded, that the Town vote to transfer from Free Cash the sum of \$6,500 to purchase automatic electronic defibrillator devices for Town buildings.

*Voted Unanimously.*

**ARTICLE 16: FUNDING TO UPDATE THE TOWN’S HAZARD MITIGATION PLAN**

Motion made by David Doane, duly seconded, that the Town vote to transfer from Free Cash the sum of \$4,500 to be used to update the Town’s Hazard Mitigation Plan, which amount shall be a match to a grant received or to be received for such purposes.

*Voted Unanimously.*

**ARTICLE 17: CREATION OF PEG ACCESS AND CABLE RELATED FUND**

Motion made by Mark McKenna, duly seconded, that the Town vote to accept the provisions of Section 53F <sup>3</sup>/<sub>4</sub> of Chapter 44 of the General Laws, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017.

*Voted Unanimously.*

**ARTICLE 18: REDIRECT LEFTOVER FUNDS FOR PHYSICAL BUILDING SECURITY  
FOR POLICE & FIRE HEADQUARTERS**

Motion made by Susan Gould-Coviello, duly seconded, that the Town vote to transfer the sum of \$14,312, representing the balance of an appropriation made pursuant to Article 34 of the May 6 and 7, 2013 Annual Town Meeting to design, construct, equip and furnish a safe vestibule within the Essex Police and Fire Headquarters, to a new special appropriation – the updating of any aspect of physical building security at the Police and Fire Headquarters at 24 Martin Street.

*Voted by the Majority.*

ARTICLE 19: FUND ENGINEER FOR POLICE & FIRE HEADQUARTERS SITING  
BETWEEN 24 AND 30 MARTIN STREET

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from Free Cash the sum of \$12,500 to retain the services of an engineer to study potential changes to the location and/or footprint size of the existing Police and Fire Headquarters and/or to the layout of Shepard Memorial Drive and/or to the layout of Memorial Park.

*Voted Unanimously.*

ARTICLE 20: BYLAW AMENDMENT – PERSONNEL BOARD

Motion made by David Doane, duly seconded, that the Town vote to amend the Town of Essex Bylaws, Section 3-3 Personnel Board, as set forth in Article 20 of the Warrant.

*Motion Carries.*

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**Text of Article 20 as it appears in warrant:**

To see if the Town will vote to amend the Town of Essex Bylaws, Section 3-3 Personnel Board, by deleting the text of Section 3-3.1 in its entirety and replacing it with the following:

3-3.1 *BOARD OF SELECTMEN TO SERVE AS.* The duly elected Selectmen of the Town, by virtue of their election as Selectmen, shall constitute the members of the Personnel Board, and their terms of membership on said Personnel Board shall be conterminous with their respective terms on the Board of Selectmen.

; or take any other action relating thereto.

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ARTICLE 21: REPLENISH WATER ENTERPRISE FUND LINE ITEMS

Motion made by Michael Galli, duly seconded, that the Town vote to transfer from Free Cash the sum of \$35,000 to be added to the Water Enterprise Fund Chemicals and Electricity line items for fiscal year 2017.

*Voted Unanimously.*

ARTICLE 22: CONTINUED PRE-FUNDING FOR FUTURE CAPITAL IMPROVEMENTS

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from Free Cash three sums of \$15,000 to be added to each of the following funds: the building capital improvements fund, the recreational capital improvements fund, and the purchase of vehicles and major equipment that qualify as capital purchases fund; for a total appropriation of \$45,000.

*Voted Unanimously.*

ARTICLE 23: REPLENISH FINANCE COMMITTEE RESERVE FUND

Motion made by Mark McKenna, duly seconded, that the Town vote to transfer from Free Cash the sum of \$70,000 to replenish the Finance Committee's Reserve Fund for fiscal year 2017.

*Voted Unanimously.*

ARTICLE 24: APPROPRIATION TO TOWN'S STABILIZATION FUND

Motion made by Mark McKenna, duly seconded, that the Town vote to transfer from Free Cash the sum of \$40,000 to be added to the Town's Stabilization Fund.

*Voted Unanimously.*

ARTICLE 25: UNPAID BILLS FROM PAST FISCAL YEARS

Motion made by Mark McKenna, duly seconded, that the Town vote to transfer from Free Cash the sum of \$7,038 to pay unpaid bills from past fiscal years.

*Voted Unanimously.*

Motion made and duly seconded to dissolve the meeting at 9:16 p.m.

*Voted Unanimously.*

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A True Copy.

Attest: \_\_\_\_\_  
Christina J. St.Pierre, Town Clerk