

**Minutes of the 199th
Annual Town Meeting of the Town of Essex**

May 7, 2018

The 199th Annual Town Meeting of the Town of Essex was called to order at 7:37 pm by the Moderator Rolf P. Madsen. A quorum of over 530 voters was present at the time the meeting was called to order; subsequent arrivals brought the total attendance to 570.

The following people were appointed as tellers: Carla Christenson, Wendy Fossa, Robert Fitzgibbon, Suzanne Lynch, Teri Mansfield, Jim O'Donnell, and Sue Parady.

There were no objections to the tellers appointed.

The Moderator then called for the attendance to recite the Pledge of Allegiance.

A moment of silence was observed in memorium for those town officials who have passed since the last Town Meeting: Gloria Story, Dorothea Presutti, and Phyllis Addison.

Selectman Lisa O'Donnell presented Moderator Rolf Madsen, who is retiring, with a Plaque commemorating his many years of service in elected and appointed positions.

Motion made and duly seconded to waive the reading of the warrant.

There were no objections to waiving the reading of the warrant.

The 2018 Local Election shall be held on Monday, May 14, 2018.

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:

- One Assessor for three years.
- One Moderator for one year.
- One Selectman for three years.
- One Board of Health member for three years.
- One Board of Health member to fill a vacancy for one year.
- Two Constables for one year.
- One School Committee member for three years.
- One Board of Library Trustee for three years.
- Two Planning Board members for five years.
- One Housing Authority member for five years.

AND, to bring in their votes on the following question:

Shall the Town of Essex be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to construct a new fire station including planning, engineering, design, equipping, and furnishing costs, to include the costs of hiring a Project Manager and a Project Designer, and including all construction and/or renovation costs, including the costs of landscaping, site work and paving, moving, demolition and disposal of any existing structures and materials, assessment, containment and/or removal of any hazardous materials, and any and all other costs incidental or related to the project?

_____ Yes _____ No

AND, to do this by vote on one ballot. The polls will be open on Monday, May 14, 2018 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Memorial Fire Station, 24 Martin Street, Essex.

ARTICLE 1: APPOINT A SURVEYOR OF BARK AND LUMBER

Motion made by Lisa J. O'Donnell, duly seconded, that the Town authorize the Board of Selectmen to appoint a Surveyor of Bark and Lumber.

Approved Unanimously

ARTICLE 2: REPORTS OF TOWN OFFICIALS BOARDS AND COMMITTEES

Motion made by Andrews C. Spinney, duly seconded, that the Town receive the Reports of the Town Officials, Boards, and Committees contained in the Annual Town Report.

Approved Unanimously

Motion made from the floor by Betsy Madsen, duly seconded, to consider Article 15 before Article 14.

Failed by the Majority

ARTICLE 3: FISCAL YEAR 2019 WAGE AND SALARY SCALE

Motion made by David Doane, duly seconded, that the Town vote to approve the Wage and Salary scale for fiscal year 2019 in accordance with the recommendations of the Personnel Board Report.

Approved by the Majority

ARTICLE 4: FISCAL YEAR 2019 ELECTED OFFICERS SALARY AND COMPENSATION

Motion made by David Doane, 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 2019 in accordance with the recommendations of the Personnel Board Report.

Approved Unanimously

ARTICLE 5: FISCAL YEAR 2019 PAYMENTS TO MASSACHUSETTS WATER ABATEMENT TRUST

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from the Town Septic Betterment Fund the sum of \$26,194 for the purpose of making necessary payments to the

Massachusetts Water Pollution Abatement Trust during fiscal year 2019 in accordance with the terms of repayment for Community Septic Management Program loan funds.

Approved Unanimously

ARTICLE 6: FINANCE COMMITTEE REPORT

Motion made by Michelle Dyer, duly seconded, that the Town vote to appropriate the sum of \$6,860,944 as follows: a) raise by taxation the sum of \$773,775 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$6,600 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$8,861 to the Cemetery Budget; d) transfer from the Cemetery Perpetual Care Fund the sum of \$6,600 to the Cemetery Budget; e) transfer from the Wetlands Protection Fund the sum of \$4,000 to the Conservation Commission Budget; f) transfer from the Town Technology Fund the sum of \$12,000 to the Town Technology Budget; g) transfer from the Ambulance Fund the sum of \$50,000 to the Ambulance Budget; h) transfer from Free Cash the sum of \$200,000 to the Health Insurance Budget; and i) to raise by taxation the sum of \$5,799,108 to be allocated between the salaries and expenses of the Town according to the remaining budget items as indicated in the Finance Committee Report; and to authorize the Finance Committee to permit budget line item transfers within a department from salary lines to salary lines and from expense lines to expense lines.

Approved by the Majority

ARTICLE 7: SEWER ENTERPRISE FUND BUDGET FISCAL YEAR 2018

Motion made by Trescott Dewitt, duly seconded, that the town vote to transfer from Sewer Enterprise Free Cash the sum of \$20,000 for the purpose of funding the City of Gloucester Contract Sewer Usage line item in the Sewer Enterprise Fund for the remainder of fiscal year 2018.

Approved Unanimously

ARTICLE 8: SEWER ENTERPRISE FUND BUDGET FISCAL YEAR 2019

Motion made by Trescott Dewitt, duly seconded, that the Town vote to appropriate the sum of \$2,074,351 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$900,730 from sewer betterments and the sum of \$350,284 to be raised by taxation; and b) funds to be allocated between the salaries and expenses of the Sewer Department – \$796,337 from departmental receipts and the sum of \$27,000 from Sewer Enterprise Free Cash; all as indicated in the Finance Committee Report; and to authorize the Finance Committee to permit budget line item transfers within the Sewer Department from salary lines to salary lines and from expense lines to expense lines.

Approved Unanimously

ARTICLE 9: WATER ENTERPRISE FUND BUDGET FISCAL YEAR 2018

Motion made by Trescott Dewitt, duly seconded, that Article 9 be indefinitely postponed.

Approved Unanimously

ARTICLE 10: WATER ENTERPRISE FUND BUDGET FISCAL YEAR 2019

Motion made by Trescott Dewitt, duly seconded, that the Town vote to appropriate the sum of \$768,058 for the Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$12,999 from water betterments and the sum of \$33,580 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$721,479 from departmental receipts; all as indicated in the Finance Committee Report; and to

authorize the Finance Committee to permit budget line item transfers within the Water Department from salary lines to salary lines and from expense lines to expense lines.

Approved Unanimously

ARTICLE 11: FUND CEMETERY MAPS AND COMPUTER

Motion made by Trescott Dewitt, duly seconded, that the Town vote to transfer from the Cemetery Lot Care Fund the sum of \$14,000 for the purpose of creating new maps for the Town's cemetery properties, for the purpose of purchasing a new computer and related equipment for the Cemetery Department and for purchasing and installing new computer software for the Cemetery Department, and all costs incidental and related thereto.

Approved Unanimously

ARTICLE 12: ASSESSMENT FOR MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT BUDGET

Motion made by Ann Cameron, duly seconded, that the Town vote to raise and appropriate the sum of \$7,836,479 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 eighteen.

Approved by the Majority

ARTICLE 13: ASSESSMENT FOR THE ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL BUDGET

Motion made by Lisa O'Donnell, duly seconded, that the Town vote to raise and appropriate the sum of \$323,548 to pay the Town's share of the operating and capital costs of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2018.

Approved Unanimously

ARTICLE 14: ACQUISITION – 55 MAIN STREET

Motion # 1 made by Andrew C. Spinney, duly seconded, that the Town vote to authorize the Board of Selectmen to acquire by purchase, for general municipal purposes, which purposes may include a fire station, the fee simple or other interest in certain real property, and any buildings and improvements thereon and any related assets, located at 55 Main Street, being shown as Assessors' Map 128, Lot 166, and as described in the deed recorded in the Essex South Registry of Deeds in Book 15016, Page 125; and to transfer from the Sale of Real Estate Fund the sum of \$2,400,000 for such acquisition; and further to authorize the Selectmen to grant or accept any temporary or permanent easements across or upon said property and/or any abutting property; and further, to authorize the Selectmen to execute any and all instruments necessary to effectuate the purposes of this vote.

Motion #2 made by Paul Pennoyer, duly seconded, to conduct the vote on Article 14 by Secret Ballot.

*Motion #2 approved by standing vote of over 20% of voters present declared by the Moderator
Motion #1 failed by secret ballot requiring 2/3 majority: 338 Yes 197 No*

Article 15 was taken out of order and voted after Article 28, upon conclusion and declaration of Article 14 secret ballot count.

ARTICLE 15: APPROPRIATION – 55 MAIN STREET FIRE STATION

Motion made by Lisa O'Donnell, duly seconded, that Article 15 be indefinitely postponed.

Approved Unanimously

ARTICLE 16: PURCHASE POLICE CRUISER

Motion made by David Doane, duly seconded, that the Town vote to transfer from the Vehicles & Major Equipment Stabilization Fund the sum of \$40,000 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.

Approved by 2/3 Majority declared by the Moderator

ARTICLE 17: NATIONAL GRID STREET LIGHT ACQUISITION

Motion made by Andrew C. Spinney, duly seconded, that the Town vote to transfer from Free Cash the sum of \$7,500 to add to the amount appropriated under Article 27 of the 2017 Annual Town Meeting for the acquisition from National Grid all of the municipal street lighting facilities and equipment, municipal flood lighting and area lighting facilities and equipment, consisting of luminaires, lamps, ballasts, photocells, dedicated poles where applicable, foundations, conduits, dedicated manholes where applicable, and other underground equipment, where applicable, that are not part of the electric distribution system, and the rights appurtenant thereto, owned by National Grid and located in the Town of Essex; and further for the maintenance, repair and emergency management of such lighting facilities and all costs incidental and related thereto.

Approved by the Majority

ARTICLE 18: CREATE STABILIZATION FUND FOR STREET LIGHT MAINTENANCE

Motion made by Andrew C. Spinney, duly seconded, that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the purpose of maintenance and emergency management of all of the municipal street lighting facilities and equipment, municipal flood lighting and area lighting facilities and equipment, consisting of luminaires, lamps, ballasts, photocells, dedicated poles where applicable, foundations, conduits, dedicated manholes where applicable, and other underground equipment, where applicable, that are not part of the electric distribution system, and to transfer from Free Cash the sum of \$3,000 to add to said stabilization fund.

Approved by 2/3 Majority declared by the Moderator

ARTICLE 19: AMEND FLOOD PLAIN OVERLAY DISTRICT BYLAW – SEC. 6-10.2.1

Motion made by Westley Burnham, duly seconded, that the Town vote to amend Section 6-10.2.1 of the Town's Flood Plain Overlay District bylaw as shown in Article 19 of the warrant.

Approved by 2/3 Majority declared by the Moderator

Text of Article 19 as shown in the Town Meeting Warrant:

ARTICLE 19

To see if the Town will vote to amend Section 6-10.2.1 of the Town's Flood Plain Overlay District bylaw, by deleting the existing third unnumbered paragraph, which presently reads as follows:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25009C0427F, dated July 3, 2012; and 25009C0289G, 25009C0291G, 25009C0292G, 25009C0293G, 25009C0294G, 25009C0311G, 25009C0313G, 25009C0431G, 25009C0432G, and 25009C0451G, dated July 16, 2014. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

And by replacing it with the following:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25009C0427F, dated July 3, 2012; 25009C0289G, 25009C0431G, 25009C0432G, and 25009C0451G, dated July 16, 2014; 25009C0291G, 25009C0293G, 25009C0294G, and 25009C0313G dated July 16, 2014 and revised by Letter of Map Revision dated April 10, 2017; and 25009C0292G and 25009C0311G, dated July 16, 2014 and revised by Letters of Map Revision dated April 10, 2017 and December 27, 2017. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 16, 2014 and revised by Letter of Map Revision dated April 10, 2017. The FIRM and FIS report are incorporated herein by reference and are on file with the Board of Selectmen and Building Inspector.

; or take any other action relating thereto.

ARTICLE 20: DEVELOP MUNICIPAL WATER SYSTEMS FACILITIES PLAN

Motion made by Paul Rullo, duly seconded, that the Town vote to transfer from Free Cash the sum of \$50,000 to retain the services of a consultant to develop a municipal water system facilities plan, including assistance with application for future loan funding.

Approved Unanimously

ARTICLE 21: SEWER DEPT. COMPUTER AND ALARM UPGRADES

Motion made Paul Rullo, duly seconded, that the Town vote to transfer from Sewer Enterprise Free Cash the sum of \$22,300 to purchase and install computer hardware and/or software and/or sewer system alarm upgrades and anything incidental and related thereto, for the Sewer Department.

Approved Unanimously

ARTICLE 22: PURCHASE UTILITY TRUCK FOR WATER DEPT.

Motion made by Paul Rullo, duly seconded, that the Town vote to transfer from Water Enterprise Free Cash the sum of \$47,126 to purchase and equip a new utility truck for the Water Department.

Approved Unanimously

ARTICLE 23: COMMUNITY PRESERVATION ACT FUNDING

Motion made Richard Ross, duly seconded, that the Town appropriate or reserve from Fiscal Year 2019 Community Preservation Fund estimated annual revenues, or other available funds, all as specified on the Community Preservation Act Town Meeting Handout, the amounts recommended by the Community Preservation Committee for Open Space Reserve, Historic Resources Reserve, Community Housing Reserve, Budgeted Reserve, administrative expenses, and specific projects.

Approved Unanimously

Text of Community Preservation Act Town Meeting Handout:

COMMUNITY PRESERVATION ACT TOWN MEETING HANDOUT

RESERVES

To transfer from Community Preservation Fund FY2019 Estimated Annual Revenues and reserve the following sums:

Open Space – FY2019	\$ 18,165
Historic Resources – FY2019	\$ 18,165
Community Housing – FY2019	\$ 18,165
Budgeted Reserve – FY2019	<u>\$118,071</u>

Total – FY2019 \$172,566

APPROPRIATIONS:

To appropriate from Community Preservation Fund FY2019 Estimated Annual Revenues as follows:

Administrative Expenses – FY2019 \$9,082

And transfer from the Community Preservation Fund in the amounts and for the purposes set forth below, as follows:

Specific Projects

<u>Department/Organization</u>	<u>Purpose</u>	<u>Funding Source</u>	<u>Amount</u>
Housing Authority	Exterior Painting	Community Housing Reserve	\$20,000
		Unreserved Fund Balance	<u>\$19,764</u>
			\$39,764
Historical Society	Town-owned School House		
	• Refurbish Alcove	Historic Resources Reserve	\$ 2,075
	• Post/Sill Replacement	Historic Resources Reserve	\$11,750
	• Rebuild Front Door	Community Preservation Reserve	\$12,500
	• Heating Replacement	Community Preservation Reserve	<u>\$ 9,500</u>
			\$35,825
		GRAND TOTAL	\$75,589

ARTICLE 24: BICENTENNIAL CELEBRATION FUND

Motion made by Dawn Burnham, duly seconded, that the Town vote to transfer from Free Cash the sum of \$15,000 to be added to the Essex Bicentennial Celebration Fund.

Approved Unanimously

ARTICLE 25: SNOW AND ICE BUDGET FY18

Motion made by Benjamin Buttrick, duly seconded, hat the Town vote to transfer from Free Cash the sum of \$15,000 to be added to the following budget lines in the Snow and Ice Budget for the remainder of fiscal year 2018: Snow Removal Overtime - \$3,000, Snow Removal Contractors - \$4,000, and Snow Removal Expenses - \$8,000.

Approved Unanimously

ARTICLE 26: FINANCE COMMITTEE RESERVE FUND

Motion made by Richard Ross, duly seconded, that the Town vote to transfer from Free Cash the sum of \$66,600 to be used to replenish the Finance Committee’s Reserve Fund for the remainder of fiscal year 2018.

Approved Unanimously

ARTICLE 27

Motion made by Michelle Dyer, duly seconded, that Article 27 be indefinitely postponed.

Approved Unanimously

ARTICLE 28

Motion made by Michelle Dyer, duly seconded, that the Town vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½ as most recently amended, to establish the spending limits set forth in Article 28 of the warrant for the revolving funds listed in Town of Essex General Bylaws, Chapter II, Section 2-26, entitled, “Revolving Funds”, which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, may increase the limit for that fiscal year only.

Approved Unanimously

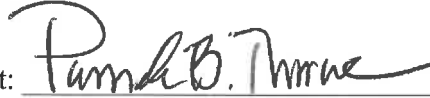
Text of Spending Limits set forth in Article 28 as shown in the Town Meeting Warrant:

Revolving Fund	Spending Limit
Animal Control Officer	\$10,000
Board of Health – Youth Triathlon	\$12,000
Board of Health – Health, Safety and Emergency	\$10,000
Board of Health – Public Health Nurse	\$12,000

Motion made by the Moderator at 10:06 pm, duly seconded, to dissolve the meeting.

Approved Unanimously

A true copy:

Attest: 
Pamela B. Thorne, Town Clerk