

2011
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In 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, to meet in said Essex at the Essex Elementary School on Monday, November 14, 2011 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to amend Section 2-7A of the Town of Essex Bylaws by adding a category for Sheet Metal Permits and establishing the amount of fees that may be charged therefor; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to Item 751 Short Term Interest in Article 11 of the May 2, 2011 Annual Town Meeting, or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 13 of the May 2, 2011 Annual Town Meeting which, in part, read: "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;" by a) increasing the amount from sewer betterments by \$67,038 to a new total of \$ 994,627 and b) decreasing the amount from taxation by \$67,038 to a new total of \$293,690; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for unpaid bills from past fiscal years; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund unemployment payments; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Finance Committee's Reserve Fund; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, real property for the relocation of the Town offices from the present Town Hall at 30 Martin Street and to authorize the Board of Selectmen to enter into all such agreements necessary in connection with such purpose, subject to terms and conditions as may be established by the Board of Selectmen; and further, to raise and appropriate, transfer from available funds, or borrow a sum of money sufficient for such acquisition and for the design, construction, reconstruction, renovation and improvement of such property for use as town offices, including the furnishing and equipping of such offices, moving expenses, site improvements, and all other costs incidental or related to the project; and to determine whether such vote will be contingent upon a vote of the Town to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on any borrowing authorized by the vote; or to take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to:

- (1) authorize the Board of Selectmen to acquire by gift, purchase, or otherwise for open space purposes, including recreational use, pursuant to G.L. c.44B, the Community Preservation Act, the fee or lesser interest in land shown as Assessors Map 36, Lot 99, located at Martin Street Rear, and as may further be described on a sketch plan on file with the Town Clerk, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor, to appropriate from the Community Preservation Fund FY2012 estimated annual revenues, reserves or fund balance, and/or borrow pursuant to G.L. c.44B or any other enabling authority, a sum of money for such purposes; and further, to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; and
- (2) appropriate or reserve from the Community Preservation Fund, including FY 2012 estimated annual revenues, or borrow under the Community Preservation program, a sum or sums of money for other Community Preservation projects or purposes as recommended by the Community Preservation Committee;

or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to authorize the Board of Library Trustees of the T.O.H.P. Burnham Library to apply for, accept, and expend any State grants which may be available for a future Library renovation project; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the funding of a consultant to develop a subdivision plan, to obtain Planning Board approval of said plan, and to conduct any other work incidental or related thereto for the portion of the Town's property at Conomo Point north of Robbins Island Road, reporting to the Board of Selectmen, acting in their capacity as Conomo Point Commissioners; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sum of money 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; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to amend Section 2-13.13 of its General Bylaws, "Procedure for Sale or Lease of Property at Conomo Point", by deleting the words "reserved for future use" from Section 4 of said bylaw and replacing them with the following:

- a. If the Commissioners determine that all or any portion of the Town's property at Conomo Point should be sold to one or more parties, the following procedure shall be employed.
- b. The Commissioners shall identify each segregable portion of the property that they wish to sell along with all essential terms and conditions that will be attached to said sales. Such terms and conditions shall include a requirement that the purchaser will pay at least the fair market value as determined in accordance with this Bylaw.
- c. After essential sale terms and conditions have been established by the Commissioners, the Commissioners shall retain the services of a Massachusetts Certified General Appraiser with an MAI designation from the Appraisal Institute to determine the fair market value for each segregable portion of the property the Commissioners intend to sell.
- d. Upon receipt of the appraisals, the Commissioners shall, by placing an article on a Town Meeting warrant, seek the approval of Town Meeting to sell the identified portion or portions of the property.
- e. Upon receipt of Town Meeting's approval, and satisfaction of all applicable laws concerning the sale of real property, the Commissioners may offer Bridge Lease lessees a reasonable opportunity to accept the terms and conditions established by the Commissioners and purchase the property.
- f. The Commissioners may offer the property for sale to the general public in accordance with an open, fair and competitive disposition process, using sound business practices and principles of fair dealing.
- g. This section shall take effect upon approval by the Massachusetts Attorney General, provided that this section shall not take effect unless and until the Special Legislation which was approved by the voters at the November 15, 2010 Special Town Meeting, is passed by the Massachusetts Legislature to apply to sales of said property.

; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote, pursuant to Town of Essex Bylaws, Chapter II, Section 2-20 to consider appointments to the Conomo Point Planning Committee, including the appointment of new members, or the reappointment or termination of current members of the Committee; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase of a new copy machine for Town Hall; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to set up, serve with all necessary utilities, and equip a modular office space unit for the Police Department and to renovate space within the existing police station for office space and an interview room; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase or to lease for a term of more than three years with an option to purchase a fully-equipped police cruiser, 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 in order to replace one of the existing police cruisers; and to authorize the Board of Selectmen to dispose of the vehicle replaced by the new cruiser by sale or trade and to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replace the Town's Police Department radio repeater unit and a sum of money to replace police, fire, and department of public works radios; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund any labor or expenses associated with major events held in the Town, including but not limited to increased police, fire, and department of public works staffing, disposal of refuse, and necessary contracted services, all at the discretion of the Board of Selectmen; or take any other action relating thereto.

ARTICLE 19

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for maintenance of the Wastewater Department's Supervisory Control and Data Acquisition (SCADA) System; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase and maintenance of new billing software for the Water and Wastewater Departments; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 24th day of October, two thousand eleven.

Jeffrey D. Jones, Chairman

Lisa J. O'Donnell

Susan Gould Coviello

BOARD OF SELECTMEN
TOWN OF ESSEX

Return of the Warrant:

Date: _____

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least fourteen days before the time for holding said meeting.

Constable