

2023

Commonwealth of Massachusetts  
Town of Essex

Warrant for Annual Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

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 Board of Assessors member for three years
- One Moderator for three years
- One Board of Selectmen member for three years
- One Board of Health member for three years
- Two Constables for three years
- One Regional School Committee member for three years
- One Board of Library Trustee for three years
- One Housing Authority member for five years
- Two Planning Board members for one year (unexpired term)
- Two Planning Board members for five years

And to bring to ballot the following question:

Shall the Town of Essex be allowed to assess an additional \$289,165 in real estate and personal property taxes for the purpose of supplementing the Manchester Essex Regional School District assessment for the fiscal year beginning July first, two thousand twenty-three?

Yes \_\_\_\_\_ No \_\_\_\_\_

Shall the Town of Essex be allowed to assess an additional \$56,186 in real estate and personal property taxes for the purpose of supplementing the Essex North Shore Agricultural and Technical School District assessment for the fiscal year beginning July first, two thousand twenty-three?

Yes \_\_\_\_\_ No \_\_\_\_\_

AND, to do this by vote on one ballot. The polls will be open on Monday, May 8, 2023 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Public Safety Facility, 11 John Wise Avenue, Essex.

AND, 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, 12 Story Street, on Monday, May 1, 2023 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 determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

#### ARTICLE 2

To hear and receive the Reports of the Town Officials and Committees, and also to consider and receive any Reports contained in the Annual Town Report; or take any other action relating thereto.

#### ARTICLE 3

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$289,165 for the purpose of supplementing the Manchester Essex Regional School District's fiscal year 2024 assessment, provided that the amount authorized herein, if to be raised and appropriated, shall be contingent upon the vote at the Town election to assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called; or take any other action relating thereto.

#### ARTICLE 4

To see if the Town will vote to approve the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the 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 twenty-three; 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 the sum of \$56,186 for the purpose of supplementing the Essex North Shore Agricultural and Technical School District's fiscal year 2024 assessment, provided that the amount authorized herein, if to be raised and appropriated, shall be contingent upon the vote at the Town election to

assess additional real estate and personal property taxes in accordance with the provisions of Proposition 2 ½, so called; or take any other action relating thereto.

#### ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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, 2023; or take any other action relating thereto.

#### ARTICLE 7

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2024 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and on the Town's website at <https://www.essexma.org>, and is incorporated herein by reference; or take any other action relating thereto.

#### ARTICLE 8

To see if the Town will vote to 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 2024 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and on the Town's website at <https://www.essexma.org>, and is incorporated herein by reference; or take any other action relating thereto.

#### ARTICLE 9

To see if the Town will vote to transfer from the Town Septic Betterment Fund a sum of money for the purpose of making necessary payments to the Massachusetts Clean Water Trust during fiscal year 2024 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

#### ARTICLE 10

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year, 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; 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 the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2023; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Sewer Enterprise Fund for fiscal year 2024, 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; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Water Enterprise Fund for the remainder of fiscal year 2023; 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 purpose of funding the Water Enterprise Fund for fiscal year 2024, 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; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to amend Chapter I of the Town of Essex Bylaws by adding the following Section 1-5, pertaining to the Town Clerk's maintenance of the numbering and formatting of the Town of Essex Bylaws:

1-5 MAINTENANCE OF THE TOWN BYLAWS

The Town Clerk is authorized, only after consultation with the Board of Selectmen for the purposes of clarity, to assign appropriate numbers or letters to bylaw sections, subsections, paragraphs, sub-paragraphs and table of contents, and also to make non-substantive editorial revisions to the bylaws and table of contents for the purpose of ensuring consistent, appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention without Town Meeting Approval.

; or take any other action relating thereto.

## ARTICLE 16

To see if the Town will vote to amend Town of Essex bylaws Section 2-10, providing for a total of seven (7) Conservation Commission members, which currently reads:

The town hereby adopts the provisions of the General Laws, Chapter 40, Section 8C, as amended, and establishes the conservation commission for the purposes and with the rights and duties provided by law, to be composed of seven residents of the town appointed by the selectmen for the terms of three years except that the initial appointments shall be two for one year, two for two years and one for three years, and that there be established a conservation fund as authorized by law.

by reducing the total number of Conservation Commission members to five (5) by replacing the word “seven” with the word “five”; or take any other action relating thereto.

## ARTICLE 17

To see if the Town will vote to amend the Town’s General Bylaws by adding a new section titled “Essex Conservation Bylaw”, to establish criteria and requirements for activities within the wetland resource areas of the Town in a manner that provides a greater degree of environmental protection than is available under state law, as set forth on the document titled “*Essex Conservation Commission, Essex Conservation Bylaw*”, a copy of which is available at the office of the Town Clerk and on the Town’s website at [www.essexma.org](http://www.essexma.org), and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification; or take any other action relating thereto.

## ARTICLE 18

To see if the Town will vote to renumber and revise the Essex Zoning Bylaw of the Town from its original numbering and arrangement, as amended through May 2, 2022, to the numbering, codification, arrangement, sequence, and captions, including updating section references in the text of the bylaw where applicable and as shown, all as set forth on the document titled “*Reorganized Essex Zoning Bylaw*”, a copy of which is available at the office of the Town Clerk and on the Town’s website at [www.essexma.org](http://www.essexma.org); or take any other action relating thereto.

## ARTICLE 19

To see if the Town will vote make the following changes to the Essex Zoning Bylaw, either as revised by Article 18 or as existing:

1. Amend Existing Section 6-15.8.A-2 Regulation of Nonconforming Lots, Structures (New Section 6-3.3.3.8.A.2 – Nonconforming Lots and Structures), to correct a typographical error, as shown, with additions in **bold** and deletions in ~~strike through~~:

### A. Special Permit Changes:

1. Any alteration, extension or addition to an existing residential structure that increases or intensifies an existing nonconformity, but does not create a new nonconformity, may be allowed by the Planning Board by a Special Permit, provided that the Planning Board finds that such alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.
2. For an existing non-residential structure on a **nonconforming** ~~conforming~~ lot, any alteration, extension or addition that complies with the dimensional requirements in Table 1 may be allowed by the Planning Board by a special permit, provided that the Planning Board finds that such alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

and

2. Change the word “principle” to “principal” everywhere it appears in Existing Section 6-2.2 (new Section 6-2.2), Definitions of Principle Officer; Street; Use-Accessory; Yard, Front; Yard, Rear; in the title of Existing Section 6-5.5 (New Section 6-7.1) and in the label for Existing Section 6-5.5 (New Section 6-7.1) in the Table of Contents so that they read “Erection of More than One Principal Structure on a Lot”.

; or take any other action relating thereto.

## ARTICLE 20

To see if the Town will vote to rescind the vote of Article 33 of the Annual Town Meeting of May 4, 2015 by which the Town adopted the “Stretch Energy Code” and to delete Section 2-24 Stretch Energy Code from the Town’s Bylaws.

## ARTICLE 21

To see if the Town will vote pursuant to G.L. c. 64G, §3A to increase local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within the Town from 4% to 6%; or take any other action relating thereto.

## ARTICLE 22

To see if the Town will vote to accept the provisions of Section 3D(a) of Chapter 64G of the General Laws allowing the Town to impose a community impact fee of not more than three percent (3%) of the total amount of rent upon each transfer of occupancy of a professionally managed short-term rental unit, which shall be assessed upon the transfer of 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence, and which surcharge shall be in addition to other state and local excise taxes assessed upon the transfer of short-term rental units; or take any other action relating thereto.

## ARTICLE 23

To see if the Town will vote to accept the provisions of Section 3D(b) of Chapter 64G of the General Laws allowing the Town to impose the community impact fee upon each transfer of occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence, and which impact fee shall be at that same rate as the rate charged for professionally managed short-term rental units and shall be in addition to other state and local excises taxes upon the transfer of short-term rental units; or take any other action relating thereto.

## ARTICLE 24

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract or contracts for solid waste hauling services, recycling collection and/or hauling services, transfer station management services, solid waste disposal services, or anything incidental or related thereto for a term or terms of up to ten years; or take any other action relating thereto.

## ARTICLE 25

To see if the Town will vote to revise the fee for a transfer station sticker from \$250 to some other amount for those under the age of 65, from \$125 to some other amount for those 65 years of age and older, and/or from \$0 to some other amount for a second sticker within a given household; and further, to establish a fee for the purchase of a "small" trash bag (15-gallon) and a fee for the purchase of a "large" trash bag (33-gallon) to be accepted as part of the Town's new pay-as-you-throw solid waste disposal program; said fees to be effective for stickers and bags purchased for the period beginning July 1, 2023; or take any other action relating thereto.

## ARTICLE 26

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, for general municipal purposes, which purposes may include public roads, wetland replication, drainage, slopes, grading, erosion control, and other related uses, all associated with the Apple Street Roadbed Elevation and Culvert Replacement Project,

the fee simple or other interests, such as easements, in certain real property, located at 128, 129, 131, and 135 Apple Street, 1 Andrews Street, and 0 Southern Avenue being shown as Assessors' Map 149, Lots 20, 17, 16, 15, 14, and 21, respectively, and as described in the deeds recorded in the Southern Essex District Registry of Deeds as follows:

128 Apple Street	Map 149, Lot 20	Deed Book 35366, Page 223 Plan Book 189, Plan 87
129 Apple Street	Map 149, Lot 17	Deed Book 38172, Page 305 Plan Book 307, Plan 58 Lot 2
131 Apple Street	Map 149, Lot 16	Deed Book 35177, Page 434 Plan Book 307, Plan 58 Lot 3
135 Apple Street	Map 149, Lot 15	Deed Book 8636, Page 501 Deed Book 8223, Page 201 Plan Book 92, Plan 65
1 Andrews Street	Map 149, Lot 14	Deed Book 31563, Page 65 Plan Book 335, Plan 42 Parcel G
0 Southern Avenue	Map 149, Lot 21	Deed Book 30190, Page 558 Plan Book 335, Plan 42 Parcel F,

said property interests to be acquired shown more particularly on plans entitled "Essex, MA Apple Street Improvements Property Easement Plan," consisting of 6 sheets, said plans on file with the Town Clerk, as said plans may be amended; and to raise and appropriate, transfer from available funds, or borrow a sum of money for such acquisitions; and further, to authorize the Selectmen to petition the Legislature for special legislation that may be required to comply with the requirements of Article 97 of the Amendments to the Massachusetts Constitution or any other applicable law and/or for any other purpose related to the project, and to execute any and all instruments necessary to effectuate the purposes of this vote; or take any other action relating thereto.

#### ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for up to five years for the provision of youth summer camp services, youth and adult enrichment services, or anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 28

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



#### ARTICLE 29

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to retain the services of a consultant or consultants to perform historical property surveys, to perform research data collection for said surveys, and to perform historical planning work; all to inform and advise the Essex Historical Commission; or take any other action relating thereto.

#### ARTICLE 30

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase bullet-proof vests for the Police Department; or take any other action relating thereto.

#### ARTICLE 31

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used as a match to a Federal or State grant for the purchase of new Fire Department radios, to purchase and equip a new tanker truck, and to purchase and equip a new air pack filling station, or anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 32

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$8,500 for the purpose of purchasing two laptop computers and accessories for the Fire Department's Ambulances, or anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 33

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used as a match to a State grant for the improvement of the Centennial Grove or anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 34

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

#### ARTICLE 35

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to improve, maintain, and beautify certain areas under the Town's ownership or control, including the purchase of supplies, any necessary design services, and any necessary site work, or anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 36

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, and/or engineer and/or construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system and anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 37

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, and/or engineer and/or construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal water system and anything incidental or related thereto; or take any other action relating thereto.

#### ARTICLE 38

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to hire duly-licensed private parties to trap green crabs within Essex and dispose of said green crabs and anything incidental and related thereto; said appropriation being in addition to any grant or gift funds that may be received in connection with this activity; or take any other action relating thereto.

#### ARTICLE 39

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2024 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including, acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; acquisition, preservation, rehabilitation, and restoration of historic resources; acquisition, creation, preservation and support of community housing (including a possible appropriation or transfer to the Essex Affordable Housing Trust); and for the rehabilitation and restoration of open space or community housing acquired under the Community Preservation Act; all as may be recommended by the Community Preservation Committee; or take any other action relating thereto.

#### ARTICLE 40

To see if the Town will vote to transfer from available funds a sum of money to be used to defray operational expenses of the various Town departments for the remainder of fiscal year 2023; or take any other action relating thereto.

#### ARTICLE 41

To see if the Town will vote to transfer from available funds a sum of money to be used to replenish the Finance Committee's Reserve Fund for the remainder of fiscal year 2023; or take any other action relating thereto.

ARTICLE 42

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of unpaid bills from past fiscal years; 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, seven days at least before the time for holding said meeting.

Given under our hand this 5<sup>th</sup> day of April, two thousand twenty-three.

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Ruth R. Pereen, Chairman

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Peter D. Phippen

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Guy D. Bradford

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 seven days before the time for holding said meeting.

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Constable