Minutes of the November 15, 2021 Special Town Meeting Of the Town of Essex



The November 15, 2021 Special Town Meeting of the Town of Essex, held at Essex Elementary School, 12 Story Street, was called to order at 7:30 p.m. by Moderator Jeffrey D. Jones. A quorum of 104 voters was present for the meeting.

The following people were appointed as Tellers: Ann Buckley, Mary Heeney, Kathy McKinnon and Elizabeth Nichols.

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 of those town officials who have passed since the last Town Meeting:

Peter Brown Lane

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

Action: Approved Unanimously declared by the Moderator

Senator Bruce Tarr and Ann-Margaret Ferrante presented the following awards:

• Co-Employee of the Year: Kristin Crockett and Tess Leary (Council on Aging)

• Volunteer of the Year: Sally Ann Rich (Board of Health)

• Years of Service Awards: Amanda Davis 20 Years

Eian Woodman (20 Years) Ramie Reader (35 Years)

Ruth Pereen also acknowledged the entire Manchester Essex Regional School District for their efforts and service during the difficult year of COVID restrictions and mandates.

ARTICLE 1: RESIDENT PARKING STICKERS

To see if the Town will vote to amend Chapter V, Article 4, Section 1, subsection p of the Town's general bylaws (issuance of resident parking stickers), as follows, with additions shown in **bold** and deletions shown in **strikethrough**:

p. Within an area designated for resident parking only unless the vehicle bears a valid transfer station sticker or a valid Resident Parking Sticker. Resident parking stickers are available through the Town Clerk's office. The fee for a Resident Parking Sticker shall be \$5.00 per sticker for residents under the age

of 65 and \$1.00 per sticker for residents age 65 or older (at the time of the application). The applicant must show a valid vehicle registration for a vehicle registered in the Town of Essex to be eligible. Please consult with the Town Clerk for alternate proof of residency if the applicant's vehicle registration does not correspond to the applicant's Essex address. The Town Clerk shall charge for and issue resident parking stickers in accordance with regulations promulgated by the Board of Selectmen.

; or take any other action relating thereto.

MOTION: Peter D. Phippen moved that the Town vote to amend Chapter V, Article 4, Section 1, subsection p of the Town's general bylaws (issuance of resident parking stickers) as shown in Article 1 of the Fall Town Meeting warrant

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 2: PLANNING BOARD CONSULTANT

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 to assist the Planning Board and Town Planner with an analysis of the Town's zoning bylaws, and/or with recommendations for changes to the Town's zoning bylaws, and/or with an application or applications for grant funding to augment said analysis or recommendations and anything incidental or related thereto; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town vote to transfer from free cash the sum of \$10,000 to retain the services of a consultant to assist the Planning Board and Town Planner with an analysis of the Town's zoning bylaws, and/or with recommendations for changes to the Town's zoning bylaws, and/or with an application or applications for grant funding to augment said analysis or recommendations, and anything incidental or related thereto.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 3: FEES, BUILDING, ELETRICAL PLUMBING AND GAS

To see if the Town will vote to amend Section 2-7A of the Town's General bylaws (FEES, BUILDING, ELECTRICAL, PLUMBING, AND GAS), as follows, with additions shown in **bold** and deletions shown in **strikethrough**:

ELECTRICAL FEE SCHEDULE

<u>CATEGORY</u> <u>FEE</u>

With building permit: \$3/thousand (based on estimated building permit construction

cost – not estimated electrical cost) \$35 \$50 minimum/no

maximum

Without building permit: All work \$35 \$50

Re-inspection fee: \$35 \$50
Penalty for work without permit: Double fee

BUILDING FEE SCHEDULE

Any construction work including new building, additions, etc.

<u>CATEGORY</u> <u>FEE</u> Permit Application Minimum \$50.00

Cost of Construction \$10.00 per \$1,000 plus minimum fee

Building Demolition Fee \$75.00 \$100.00 per story
Reinspection Fee \$25.00 per reinspection

Stop Work Order Release Fee \$50.00

Sheet Metal Permits (residential) \$ 5.00 per \$1,000 – based on the cost of sheet metal work only \$10.00 per \$1,000 – based on the cost of sheet metal work

only

For the purpose of determining the building permit fee, the "cost of construction" shall be generally be determined by the Inspector of Buildings to be an amount equal to the product of the square footage area of the construction multiplied by seventy five one hundred fifty dollars (\$75.00 \$150.00). Square footage of any second story shall, for the purpose herein, be deemed to be one-half of the actual square footage of such second story. In cases where it is impossible or impractical to determine the "cost of construction" by the above method, then such "cost of construction" shall be as the Inspector of Buildings shall in his discretion determine.

PLUMBING FEE SCHEDULE

CATEGORY FEE

New Construction – Residential \$75.00 \$100.00 plus \$5.00 per fixture

New Construction - Commercial \$100.00 \$150.00 plus \$5.00 per fixture

Renovation/remodeling:

First 3 Fixtures \$40.00 \$75.00

Each additional \$5.00 per fixture

Hot Water Heater Replacement \$25.00 \$50.00

Solar Hot Water Tank \$25.00 \$50.00

Plumbing fixtures and appliances:

For each fixture or appliance \$35.00 \$50.00 plus \$5.00 per fixture/appliance

Piping \$30.00 \$50.00

Swimming pool (In ground),

Cisterns Lawn Sprinklers \$25.00 \$50.00 Septic/Sewer Connection \$25.00 \$50.00

Drainage Pipe/Rain Leaders \$25.00 \$50.00

Reinspection charge \$25.00

GAS FEES SCHEDULE

CATEGORY FEE

Boiler-Central Heat-Residential \$35.00 \$50.00

Boiler-Central Heat -Commercial \$65.00 \$100.00 Gas fired hot water heater \$25.00 \$50.00 L.P. Tank \$35.00 \$50.00

Gas fixtures and appliances \$20.00 \$35.00 (each)

Unit heater \$20.00 \$50.00 plus \$10.00 for each unit after first unit

Re-inspection charge \$25.00

New construction and renovation/remodeling includes without limitation water closets, kitchen sinks, lavatories, bath tubs and shower stalls.

Appliances include dishwashers, disposals, and washing machines.

Fixtures include laundry trays, tankless heaters, slop sinks, floor drains, gas traps, urinals, drinking fountains, area drains, water piping, roof drains and back flow prevention.

Gas appliances include ranges, heaters, ovens, grills and dryers.

Gas fixtures include furnaces, gas generators, laboratory cocks, conversion burners, roof top units, direct vent heaters, pool heaters and test controls.

Building, plumbing, and gas work done without permits is subject to a doubling of the regular permit fee(s) as listed/calculated above in this section.

; or take any other action relating thereto.

The motion was duly seconded.

MOTION: Ruth R. Pereen moved that the Town vote to amend Section 2-7A of the Town's General bylaws (FEES, BUILDING, ELECTRICAL, PLUMBING, AND GAS), as shown in Article 3 of the Fall Town Meeting warrant.

Action: Approved by the Majority declared by the Moderator

ARTICLE 4: MUNICIPAL PERMITTING SOFTWARE

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 installation of municipal permitting software and any fiscal year 2022 costs associated therewith, including but not limited to initial set-up, data migration, annual fees, add-ons and employee compensation for additional clerical hours for training and operation of the new software, and anything incidental or related thereto; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town vote to transfer from free cash the sum of \$23,400 for the purchase and installation of municipal permitting software and any fiscal year 2022 software maintenance costs associated therewith, including but not limited to initial set-up, annual fees, add-ons, and general training and anything incidental or related thereto; and to transfer from free cash the sum of \$6,000 to be added to the "Clerical, part time wages" budget line in the fiscal year 2022 Building Inspector Department operating budget for additional clerical hours for training and operation/administration of the new software.

Action: Approved by the Majority declared by the Moderator

ARTICLE 5: COMMUNITY PRESERVATIONS FUNDS FOR TENNIS COURT

To see if the Town will vote to raise and appropriate, transfer from available funds (including the Community Preservation Fund), or borrow a sum of money for materials to be used to renovate the municipal tennis courts at Memorial Park and anything incidental and related thereto; or take any other action relating thereto.

MOTION: Guy D. Bradford moved that the Town vote to transfer from the Community Preservation Fund Open Space Reserve the sum of \$49,999 for materials to be used to renovate the municipal tennis courts at Memorial Park, and anything incidental or related thereto; said appropriation to be under the care and custody of the Board of Selectmen and the Board of Public Works.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 6: COMMUNITY PRESERVATION FUNDS FOR COGSWELL GRANT BARN

To see if the Town will vote to raise and appropriate, transfer from available funds (including the Community Preservation Fund), or borrow a sum of money to assist with the restoration of the Cogswell's Grant Barn Complex at the Historic New England Cogswell's Grant property on Spring Street and anything incidental and related thereto; or take any other action relating thereto.

MOTION #1: James Witham moved that the Town vote to transfer from the Community Preservation Fund Historic Reserve the sum of \$34,000 to assist with the restoration of the Cogswell's Grant Barn Complex at the Historic New England Cogswell's Grant property on Spring Street, and anything incidental or related thereto; said appropriation to be under the care and custody of the Community Preservation Committee.

The motion was duly seconded.

MOTION #2: Robert Fitzgibbon moved that Article 6 be indefinitely postponed.

The motion was duly seconded.

Action Motion #2: Approved by count of 52 Yes 25 No

ARTICLE 7: COMMUNITY PRESERVATION FUNDS FOR EHA ROOF

To see if the Town will vote to raise and appropriate, transfer from available funds (including the Community Preservation Fund), or borrow a sum of money for the repair or replacement of a roof or roofs at the Essex Housing Authority's Chebacco Terrace property and anything incidental and related thereto; or take any other action relating thereto.

MOTION: James Witham moved that the Town vote to transfer from the Community Preservation Fund Housing Reserve the sum of \$39,060 and from the Unreserved Fund Balance the sum of \$77,627, for a total appropriation of \$116,687 for the repair or replacement of a roof or roofs at the Essex Housing Authority's

Chebacco Terrace property, and anything incidental or related thereto; said appropriation to be under the care and custody of the Essex Housing Authority.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 8: PAVILLION STRUCTURE AT CENTENNIAL GROVE

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 designer to provide design and cost estimation services, bid assistance, and future construction oversight for a new pavilion structure at the Centennial Grove; and/or for materials or materials and labor to construct a new pavilion structure at the Centennial Grove; and anything incidental and related thereto; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town vote to transfer from free cash the sum of \$150,000 for materials and/or labor to construct a new pavilion structure at the Centennial Grove, and anything incidental or related thereto.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 9: POLICE DEPT FY22 OPERATING BUDGET

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 increasing the Police Department operating budget for fiscal year 2022 to account for increases in police wages for training or shift backfill with respect to training mandated during fiscal year 2022 by the Massachusetts Police Reform Law and other necessary training and for additional fiscal year 2022 police staffing costs and any costs necessary to operate the department without substantial use of part-time labor; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town vote to transfer from free cash the sum of \$52,000 for the purpose of increasing the Police Department operating budget for fiscal year 2022 to account for increases in police wages for training or shift backfill with respect to training mandated during fiscal year 2022 by the Massachusetts Police Reform Law and other necessary training and for additional fiscal year 2022 police staffing costs and any costs necessary to operate the department without substantial use of part-time labor. Said transfer shall be distributed into the fiscal year 2022 Police Department Budget as follows: Overtime, Incidental - \$15,330; Part Time Police Salaries - \$21,670; Firearms Training - \$3,000; Inservice Training Expense - \$12,000.

Action: Approved by the Majority declared by the Moderator

ARTICLE 10: POLICE BODY AND VEHICLE CAMERA TRAINING

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to provide training for police body and vehicle camera usage and anything incidental or related

thereto; with said appropriation being in addition to any grant or gift funds that may be received to actually purchase the cameras and related equipment; or take any other action relating thereto.

MOTION: Guy D. Bradford moved that the Town vote to transfer from free cash the sum of \$8,000 to provide training for police body and vehicle camera usage and anything incidental or related thereto; with said appropriation being in addition to any grant or gift funds that may be received to actually purchase the cameras and related equipment.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 11: DPW SIDEWALK SNOW REMOVAL TRACTOR

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase and equip a sidewalk snow removal tractor for use by the Department of Public Works; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town vote to transfer from free cash the sum of \$94,600 to purchase and equip a sidewalk snow removal tractor for use by the Department of Public Works.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 12: CYBER SECURITY FUNDING

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to implement Essex's share of capital purchases and/or software licensing and/or operational support that will facilitate services to be offered by the Town of Danvers with respect to its regional information technology Memorandum of Understanding with Essex and other area communities; and anything incidental and related thereto; or take any other action relating thereto.

MOTION: Peter D. Phippen moved that the Town vote to transfer from the Town Technology Fund the sum of \$3,100 to implement Essex's share of capital purchases and/or software licensing and/or operational support that will facilitate cyber security services to be offered by the Town of Danvers with respect to its regional information technology Memorandum of Understanding with Essex and other area communities, and anything incidental or related thereto.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 13: TRANSFER TO TOWN FUNDS

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums of money to be added to the Town's building capital improvements fund, and/or recreational capital improvements fund, and/or purchase of vehicles and major equipment that qualify as capital purchases fund, and/or Town Hall/Library repair and maintenance fund, and/or Conomo Point Repair, Maintenance,

and Improvement fund, and/or municipal street lighting repair and maintenance fund, and/or Public Safety Building repair and maintenance fund, an/or dredging match fund, and/or Town celebrations fund; or take any other action relating thereto.

MOTION: Benjamin Buttrick moved that the Town vote to transfer from free cash the following sums to be added to the following funds: \$20,000 to the building capital improvements fund, \$20,000 to the recreational capital improvements fund, \$200,000 to the purchase of vehicles and major equipment that qualify as capital purchases fund, \$20,000 to the Town Hall/Library repair and maintenance fund, \$20,000 to the Conomo Point Repair, Maintenance, and Improvement fund, \$3,000 to the municipal street lighting repair and maintenance fund, \$20,000 to the Public Safety Building repair and maintenance fund, \$20,000 to the dredging match fund, and \$20,000 to the Town celebrations fund.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 14: REVOLVING FUND – COUNCIL ON AGING

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½, to amend Section 2-26 of the Town's General Bylaws to establish a new revolving fund for the Council on Aging for the purpose of managing fees and payments associated with Council on Aging-organized classes and trips, as shown below; and to establish a spending limit of \$30,000 for fiscal year 2022, with such spending limit 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; or take any action thereto.

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenditures
Council on Aging – Classes and Trips	Council on Aging	Payments from Council on Aging Program Participants	Compensating Council on Aging vendors for the provision of classes and trips

MOTION: Peter D. Phippen moved that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½, to amend Section 2-26 of the Town's General Bylaws to establish a new revolving fund for the Council on Aging for the purpose of managing fees and payments associated with Council on Aging-organized classes and trips, as shown in Article 14 of the Fall Town Meeting warrant; and to establish a spending limit of \$30,000 for fiscal year 2022, with such spending limit 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.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 15: MERSD BUDGET APPORTIONMENT STABILIZATION FUND

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the offsetting of annual Essex operating budget apportionments from the Manchester-Essex Regional School District in any year when the year-over-year percentage increase in the Town's specific operating apportionment exceeds the overall year-over-year percentage increase in the apportionment-funded portion of the District's operating budget as set forth in 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, and to raise and appropriate or transfer from available funds a sum of money to add to said stabilization fund; or take any other action relating thereto.

MOTION: Guy D. Bradford moved that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the offsetting of annual Essex operating budget apportionments from the Manchester-Essex Regional School District in any year when the year-over-year percentage increase in the Town's specific operating apportionment exceeds the overall year-over-year percentage increase in the apportionment-funded portion of the District's operating budget as set forth in 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, and to transfer from free cash the sum of \$50,000 to add to said stabilization fund.

The motion was duly seconded.

Action: Approved by a 2/3 Majority declared by the Moderator

ARTICLE 16: SEWER ENTERPRISE FUND BUDGET FY 22

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Sewer Maintenance line item in the Sewer Enterprise fund budget for fiscal year 2022; or take any other action relating thereto.

MOTION: Paul Rullo moved that Article 16 be indefinitely postponed.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 17: WATER ENTERPRISE FUND BUDGET FY22

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Water Maintenance line item in the Water Enterprise fund budget for fiscal year 2022; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town vote to transfer from Water Enterprise Free Cash the sum of \$60,000 to replenish the Water Maintenance line item in the Water Enterprise fund budget for fiscal year 2022.

The motion was duly seconded.

Action: Approved by the Majority declared by the Moderator

ARTICLE 18: SEWER SYSTEM FUNDING

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system, including but not limited to replacement of grinder pumps and related equipment, and anything incidental or related thereto; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town vote to transfer from Sewer Enterprise Free Cash the sum of \$50,000 to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system, including but not limited to replacement of grinder pumps and related equipment, and anything incidental or related thereto.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 19: GREEN CRAB TRAPPING FUNDING

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.

MOTION: Peter D. Phippen moved that the Town vote to transfer from free cash the sum of \$10,000 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.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 20: RESERVE FUND FY22

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 for fiscal year 2022; or take any other action relating thereto.

MOTION: Robert Fitzgibbon moved that the Town vote to transfer from free cash the sum of \$15,000 to replenish the Finance Committee's Reserve Fund for fiscal year 2022.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 21: OPEB TRUST FUND

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund; or take any other action relating thereto.

MOTION: Benjamin Buttrick moved that the Town vote to transfer from free cash the sum of \$500,000 to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 22: FY22 OPERATING BUDGET

To see if the Town will vote to amend any aspect of the fiscal year 2022 operating budgets (General Fund, Water Enterprise Fund, Sewer Enterprise Fund), and to raise and appropriate, transfer from available funds, or borrow a sum of money to effectuate any amendments that are made; or take any other action relating thereto.

MOTION: Michael Flynn moved that the Town vote to transfer from free cash the sum of \$11,000 to the "Buildings Repair and Maintenance" line item in the fiscal year 2022 Council on Aging operating budget and to transfer from free cash the sum of \$7,100 to the "Town Planner, Part time" line item in the fiscal year 2022 Selectmen's operating budget.

The motion was duly seconded.

Action: Approved by a Majority declared by the Moderator

ARTICLE 23: FY21 UNPAID BILLS

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 a past fiscal year; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town vote to transfer from free cash the sum of \$17,055 for unpaid bills from fiscal year 2021.

The motion was duly seconded.

Action: Approved Unanimously declared by the Moderator

ion made by the Moderator at 9:33 pm to dissolve the meeting. The motion was duly seconded.
Action: Approved by a Majority declared by the Moderator
A True Copy:
Attest:
Pamela B. Thorne, Town Clerk