

***Minutes of the June 13, 2020  
(Postponed from May 4, 2020 and June 15, 2020)  
Annual Town Meeting  
Of the Town of Essex***



The June 13, 2020 Annual Town Meeting of the Town of Essex, held outside at the Essex Elementary School, 12 Story Street, was called to order at 10:00 a.m. by Moderator Jeffrey D. Jones. A quorum of 177 voters was present for the meeting. Because of the Coronavirus pandemic, the annual town meeting was postponed from May 4, 2020 to June 15, 2020, and the Town Meeting warrant was duly signed and posted for a date of June 15, 2020. The Moderator then declared a Recess and Continuance of the June 15<sup>th</sup> meeting date to a new date of June 13, 2020 so that the meeting could be safely held outside.

The following people were appointed as Tellers: Christina Bruce, Karen Greene, Rebecca Jones and Kathy McKinnon.

***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:

Dana Carter  
George V. Enos  
Joseph A. Ginn III  
Leslie Harris  
David J. Lane

The Moderator thanked the following individuals, who are not seeking re-election this year, for their service to the town:

Andrew Spinney – Board of Selectmen  
Rachel Fitzgibbon – School Committee  
Dexter Doane – Planning Board

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

***Action: Approved Unanimously declared by the Moderator***

Benjamin Buttrick, Chair of the Finance Committee, declared the Committee supports approval of all monetary articles being put before Town Meeting.

**ARTICLE 1: TOWN OFFICERS**

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.

**Motion:** Ruth R. Pereen moved that the Town authorize the Board of Selectmen to appoint a Surveyor of Bark and Lumber. The motion was duly seconded.

**Action:** *Approved Unanimously declared by the Moderator*

**ARTICLE 2: TOWN REPORTS**

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.

**Motion:** Andrew C. Spinney moved that the Town receive the Reports of the Town Officials, Boards, and Committees contained in the Annual Town Report. The motion was duly seconded.

**Action:** *Approved Unanimously declared by the Moderator*

**ARTICLE 3: FY2021 WAGE AND SALARY SCALE**

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2021 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

**Motion:** Peter D. Phippen moved that the Town vote to approve the Wage and Salary scale for fiscal year 2021 in accordance with the recommendations of the Personnel Board Report. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 4: FY2021 ELECTED OFFICERS SALARY AND COMPENSATION**

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 2021 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

**Motion:** Peter D. Phippen moved 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 2021 in accordance with the recommendations of the Personnel Board Report. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 5: FY2021 PAYMENTS TO MA CLEAN WATER TRUST**

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 2021 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

**Motion:** Ruth R. Pereen moved that the Town vote to transfer from the Town Septic Betterment Fund the sum of \$26,027 for the purpose of making necessary payments to the Massachusetts Clean Water Trust during fiscal year 2021 in accordance with the terms of repayment for Community Septic Management Program loan funds. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 6: FINANCE COMMITTEE REPORT – FY2021 APPROPRIATION**

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.

**Motion:** Benjamin Buttrick moved that the Town vote to appropriate the sum of \$8,462,267 as follows: a) raise by taxation the sum of \$2,132,143 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$1,800 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$11,528 to the Cemetery Budget; d) transfer from the Town Technology Fund the sum of \$5,500 to the Town IT Budget, e) transfer from the Ambulance Fund the sum of \$50,000 to the Ambulance Budget; f) transfer from the Street Lighting Fund the sum of \$3,000 to the Street Lighting Maintenance and Repair Budget; and g) to raise by taxation the sum of \$6,258,296 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; and further, to authorize the Board of Selectmen to deny payment of any expenditure, with fair warning to the affected departments, should it be necessary to exercise fiscal constraint in the face of revenue reductions resulting from the ongoing COVID-19 crisis, all in accordance with the Board’s authority under Section 52 of Chapter 41 of the General Laws. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 7: FY2020 SEWER ENTERPRISE FUND**

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 2020; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that Article 7 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 8: FY2021 SEWER ENTERPRISE FUND**

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 2021; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that the Town vote to appropriate the sum of \$2,196,676 for the Sewer Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$910,551 from sewer betterments and the sum of \$328,911 to be raised by taxation; and b) funds to be allocated between the salaries and expenses of the Sewer Department – \$957,214 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 Sewer Department from salary lines to salary lines and from expense lines to expense lines. The motion was duly seconded.

*Action: Approved by the Majority declared by the Moderator*

**ARTICLE 9: FY2020 WATER ENTERPRISE FUND**

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 2020; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that Article 9 be indefinitely postponed. The motion was duly seconded.

*Action: Approved by the Majority declared by the Moderator*

**ARTICLE 10: FY2021 WATER ENTERPRISE FUND**

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 2021; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that the Town vote to appropriate the sum of \$807,145 for the Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$13,186 from water betterments and the sum of \$31,370 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$762,589 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. The motion was duly seconded.

*Action: Approved by the Majority declared by the Moderator*

**ARTICLE 11: FY2021 ASSESSMENT FOR MANCHESTER ESSES REGIONAL SCHOOL DISTRICT**

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; or take any other action relating thereto.

**Motion:** Rachel Fitzgibbon moved that the Town vote to raise and appropriate the sum of \$8,364,966 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 twenty. The motion was duly seconded.

*Action: Approved by the Majority declared by the Moderator*

**ARTICLE 12: FY2021 ASSESSMENT FOR ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT**

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, 2020; or take any other action relating thereto.

**Motion:** Ruth Pereen moved that the Town vote to raise and appropriate the sum of \$237,681 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, 2020. The motion was duly seconded.

*Action: Approved by the Majority declared by the Moderator*

**ARTICLE 13: SENIOR REAL ESTATE TAX EXEMPTION**

To see if the Town will vote, pursuant to the provisions of G.L. c. 59, sec. 5, clause 41C, to decrease the eligibility age from 70 years of age to 65 years of age and increase the real property tax exemption for individuals who meet certain ownership, occupancy, income, and other requirements, to one thousand dollars (\$1,000) and further to increase the asset (whole estate, real and personal) eligibility limit from

\$28,000 to \$40,000 for a single taxpayer and from \$30,000 to \$55,000 if married, and increase the yearly gross receipts eligibility requirement from \$13,000 to \$20,000 for a single taxpayer and from \$15,000 to \$30,000 if married, or take any other action relative thereto.

**Motion:** Ruth R. Pereen, move that the Town vote, pursuant to the provisions of G.L. c. 59, sec. 5, clause 41C, to decrease the eligibility age from 70 years of age to 65 years of age and increase the real property tax exemption for individuals who meet certain ownership, occupancy, income, and other requirements, to one thousand dollars (\$1,000) and further to increase the asset (whole estate, real and personal) eligibility limit from \$28,000 to \$40,000 for a single taxpayer and from \$30,000 to \$55,000 if married, and increase the yearly gross receipts eligibility requirement from \$13,000 to \$20,000 for a single taxpayer and from \$15,000 to \$30,000 if married. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

#### **ARTICLE 14: ESSEX DOWNTOWN ZONING DISTRICT BYLAW**

To see if the Town will vote to amend Chapter 6 by adding new section, 6-15 Essex Downtown Zoning District to the Town of Essex Zoning By-law.

#### **6-15 Essex Downtown Zoning District.**

##### **6-15.1. Purpose:**

The purpose of the Essex Downtown Zoning District is to facilitate reduced dimensional requirements for the area designated and provide as matter of right the ability to have mixed use, Business and Residential, subject to the requirements below, while minimizing disruption to the existing building configurations.

##### **6-15.2. Establishment:**

Essex Downtown Zoning District is a zoning district shown in Section 6-15.8. The Essex Downtown Zoning District is subject to all provisions of Chapter VI of the Essex bylaws except as specifically defined below.

##### **6-15.3. Definitions:**

In addition to the definitions set forth in Section 6-2.2 of the Zoning By-Law, the following definitions shall apply only in the Essex Downtown Zoning District:

1. Mixed-Use – a single structure featuring non-residential on the first floor and one or more residential units on any other floor.
2. Impervious Surface Coverage – The percentage of the lot area covered by impervious surface.

##### **6-15.4. Permitted Principal Uses:**

1. Residential – Single and Two Family
2. Residential – Dwelling Units and Apartments (as a part of mixed-use)
3. Business--

4. Mixed-Use: Two or more permitted principal uses occupying the same land or building, each of which is independent of and unrelated to the other. (As of Right with Site Plan Review/Special Permit)
5. Motel and Hotel (with Special Permit)
6. Industrial – Class B
7. Municipal: Park and Recreational - Municipal uses, including but not limited to, parks, playgrounds, off-street parking facilities and public recreational areas, are permitted (As of Right with Site Plan Review/Special Permit).
8. Storage – Storage buildings or structures are permitted and are restricted to non-commercial storage uses of any type.

## 6-15.5 Table of Dimensional Requirements

Table 1:

<b>Principal Buildings</b>	<b>Residential Single and Two Family</b>	<b>Residential Multi-Family</b>	<b>Business</b>	<b>Motel and Hotel</b>	<b>Industrial, Class A</b>	<b>Industrial, Class B</b>	<b>Mixed-Use</b>
Minimum Lot Area (sq. ft.)	10000 sq ft	10000 sq ft	10000 sq ft	90,000 sq ft	Not permitted	10000 sq ft	10000 sq ft
Minimum Lot Frontage (feet)	75 ft	75 ft	75 ft	200 ft		75 ft	75 ft
Minimum Lot Depth (feet)	100 ft	100 ft	100 ft			100 ft	100 ft
Minimum Front Yard, All Buildings	0-25 ft Note #1	50 ft	0-25 ft Note #1	100 ft		50 ft (>10,000 sq ft)	0-25 ft Note #1
Minimum Lot Width (feet)	75 ft	75 ft	75 ft			75 ft	75 ft
Minimum Side Yard	6 ft Note #2	30 ft	6 ft Note #2	50 ft		30 ft	6 ft Note #2
Minimum Rear Yard	30 ft	30 ft	30 ft	100 ft		30 ft	30 ft
Maximum Building Height feet	35 ft Note #3	35 ft	35 ft Note #3			35 ft Note #3	35 ft Note #3
Maximum Lot	50 % Note #4, 5	50 % Note #4,5	50%	50% Note#4,5		50 % Note #4,5	50% Note #4,5

Coverage; Structures			Note #4,5				
As of Right with Site Plan Review/ Special Permit	As of Right with Site Plan Review	3-4 units As of Right; 5 or more units with Special Permit	As of Right with Site Plan Review	Special Permit		As of Right with Site Plan Review	As of Right with Site Plan Review; 4 or more residential units with Special permit
<b>Accessory Buildings / Structures:</b>							
Residential and Mixed use only							
Prohibited in front yard							
Max number per Lot				2 (Two)			
Max Height				15 feet			
Minimum Side yard				5 feet			
Minimum Rear Yard				5 feet			

**Note #1:**

If the adjacent buildings are setback at a distance other than the minimum front yard requirement of 0-ft, but not more than 25 feet, infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or an average of the two adjacent building setbacks, but in no instance shall any building have a front yard setback of more than 25 feet.

**Note #2**

If a side yard includes a driveway or parking space, the Minimum Side Yard dimension shall be increased from 6 ft. to 14 ft., consistent with 6-6 Off-Street Parking and Loading requirements.

**Note #3**

Maximum Building Height for new Mixed-Use development 40 ft., Approval of greater than 35 ft. subject to Special Permit.

**Note #4**

Lots larger than 60,000 sq. ft. will be required to maintain Maximum Lot Coverage of structures at the current standard of 25%.

**Note #5**

Max. Lot Coverage: Structures and impervious surfaces allowed to 75% of area, Lots larger than 60,000 sq. ft. allowed up to 50% of area.

**6-15-5. Parking Requirements:**

- A. Parking requirements will be subject to the requirements of 6-6, except for Mixed use residential which will require 1 parking spot for each bedroom and 6-6 required parking for the Business use created.

**6-15.6. Permitted Accessory Structures:**

- A. Accessory Buildings or Structures – Accessory Buildings or Structures are permitted as of right, subject to the following limitations:
  - a. a maximum of two Accessory Buildings and/or Structures per lot;
  - b. maximum permitted height of 15 feet.
  - c. minimum side or rear yard setback of 5 feet.
  - d. Allowed on Residential and Mixed-Use lots only
  - e. Prohibited from Front Yard

**6-15.7 Regulation of Nonconforming Lots, Structures:**

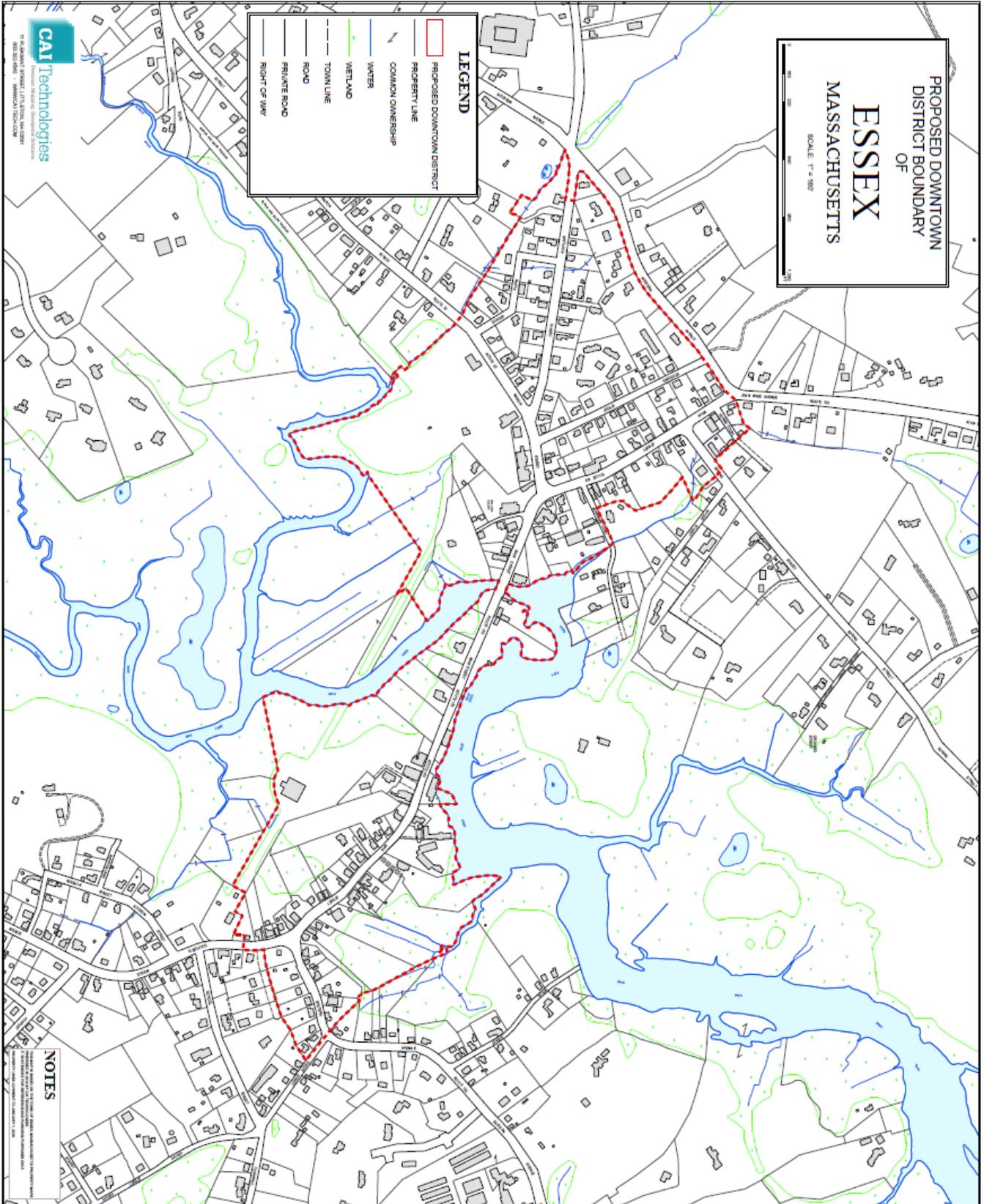
Reconstruction, alterations, extensions and/or additions to such nonconforming lots and structures are subject to the following:

- A. Special Permit Changes:
  - i. Any reconstruction, 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 reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.
  - ii. For an existing non-residential structure on a conforming lot, any reconstruction, 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 reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

B. Variance Changes:

- i. Any reconstruction, alteration, extension or addition to an existing residential structure that creates a new nonconformity shall require a variance from the Board of Appeals.
- ii. Any reconstruction, alteration, extension or addition to an existing non-residential structure on a non-conforming lot, and any such reconstruction, alteration, extension or addition to an existing non-residential structure on a conforming lot that does not comply with the dimensional requirements in Table 1, shall require a variance from the Board of Appeals.

6-15.8 Map of Essex Downtown Zoning District



**Motion #1:** Kim Drake moved that the Town vote to amend Chapter 6 of the Town’s zoning bylaws by adding new section, 6-15 Essex Downtown Zoning District to the Town of Essex Zoning Bylaw as shown in Article 14 of the Annual Town Meeting Warrant. The motion was duly seconded.

**Motion #2:** Mark Renzi moved that Article 14 be postponed. The motion was duly seconded.

**Action Motion #2: *Approved by the Majority declared by the Moderator***

The following vote was taken just before the conclusion of Town Meeting but is included here for ease of reference.

Westley Burnham moved to reconsider the vote on Article 14, Motion #2. The motion was duly seconded.

**Action to Reconsider Article 14, Motion #2: *Did Not Prevail 33 Yes 54 No***

#### **ARTICLE 15: MARIJUANA – COMMERCIAL LICENSING BYLAW**

To see if the Town will vote to add a new section 4-17 to the Town bylaws requiring licensing for all marijuana-related commercial activity in Essex, as follows:

**4-17.1 Marijuana License Required.** No person shall carry on the business operating an Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500, including the cultivation, processing, packaging, delivering, manufacturing, branding, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment annually.

**4-17.2 Host Community Agreement Required.** Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.

**4-17.3 Regulations.** The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

**4-17.4 Applications.** Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

**4-17.5 Hearing.** The Board of Selectmen must act upon the application within 65 days of a public hearing with due written notice provided to the applicant of the time, date and location where such application will be heard.

**4-17.6 Enforcement.** The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order

issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

; or take any other action relating thereto.

**Motion:** Antonella Muniz moved that the Town vote to add a new section 4-17 to the Town bylaws requiring licensing for all marijuana-related commercial activity in Essex, as shown in Article 15 of the Annual Town Meeting Warrant. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 16: MARIJUANA – COMMERCIAL LICENSING LIMITATION BYLAW**

To see if the Town will vote to amend the Bylaw, Section 4-17 MARIJUANA LICENSING to add a limitation on the number of Adult Use Marijuana Retailer Establishments licensed within the Town as follows:

**4-17.7 Limitation on Adult Use Marijuana Retailers.** The number of Adult Use Marijuana Establishments, as defined in G.L. c.94G, §1 and 935 CMR 500.002, licensed to be located in the Town shall be limited as follows:

<b>Type of Marijuana Establishment</b>	<b>Number Permitted</b>
Marijuana Retailer	1*
Marijuana Cultivator	1
Marijuana Product Manufacturer	1
Marijuana Microbusiness	1
Independent Testing Laboratory	1
Marijuana Research Facility	1
Marijuana Transporter	1
Delivery-Only Licensee	1

\* this number is equal twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to MGL c.138 §15 as of March 23, 2020.

; or take any other action relating thereto.

**Motion:** Antonella Muniz moved that the Town vote to amend the Bylaw, Section 4-17 MARIJUANA LICENSING to add a limitation on the number of Adult Use Marijuana Retailer Establishments licensed within the Town, as shown in Article 16 of the Annual Town Meeting Warrant. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

#### **ARTICLE 17: MARIJUANA ESTABLISHMENT – ZONING BYLAW**

To see if the Town will vote to amend the Town’s Zoning By-law by:

Adding the following definition to Chapter VI, section 6-2.2., after the definition of Lot Measurements:

#### **MARIJUANA ESTABLISHMENT**

An adult use Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery-only Licensee, Marijuana Research Facility, or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center, as defined in 935 CMR 500.002: Adult Use of Marijuana.

Amending the following definition in Chapter VI, Section 6-2.2, with deletions shown in ~~striketrough~~ and additions shown in **bold**:

#### **MEDICAL MARIJUANA TREATMENT CENTER OR REGISTERED MARIJUANA DISPENSARY**

~~A not for profit entity registered under 105 CMR 725.~~ **An entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers,** that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers **for medical use.** Unless otherwise specified, Medical Marijuana Treatment Center or Registered Marijuana Dispensary refers to the site(s) of dispensing, cultivation, and preparation of marijuana **for medical use.**

And by amending Chapter VI, section 6-3.4.2.m. as follows with additions shown in **bold** and deletions shown in ~~striketrough~~:

m. Medical Marijuana Treatment Center/Registered Marijuana Dispensary **and Marijuana Establishment,** subject to the following requirements:

1. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary **or Marijuana Establishment** shall be located (a) within 2500 feet of any **of the following existing uses:** school **providing education in grades K-12,** pre-school, **family** day care center, **child care facility,** playground or athletic field or (b) within 1500 **400** feet of any ~~residential dwelling~~ **property on which the principal existing**

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**use is residential. The distances under this Section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Medical Marijuana Treatment Center/Registered Marijuana Dispensary is or will be located. The buffer requirements stated herein shall not apply to qualifying uses which are proposed after a building permit has issued for the Marijuana Establishment or Medical Marijuana Treatment Center/Registered Marijuana Dispensary.**

2. **For purposes of this Bylaw, all Marijuana Establishments and Medical Marijuana Treatment Center/Registered Marijuana Dispensaries shall be designated a “Business” use.**

; or take any other action relating thereto.

**Motion:** Peter D. Phippen moved that the Town vote to amend the Town’s Zoning By-law with respect to the definition, location, and related aspects of marijuana establishments, as shown in Article 17 of the Annual Town Meeting Warrant. The motion was duly seconded.

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

#### **ARTICLE 18: MARIJUANA ESTABLISHMENT – ZONING BYLAW (BY CITIZEN PETITION)**

To see if the Town will vote to amend the Town’s Zoning By-law by:  
Adding the following definition to Chapter VI, section 6-2.2., after the definition of Lot Measurements:

Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business for the non-medical, including recreational, use of marijuana, as set forth in M.G.L. Ch. 94G, and any regulations promulgated thereunder.

And by amending Chapter VI, section 6-3.4.2.m. by adding the words underlined in the following paragraph:

m. Medical Marijuana Treatment Center/Registered Marijuana Dispensary and Marijuana Establishment, subject to the following requirements:

1. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary shall be located (a) within 2500 feet of any school, pre-school, day care center, playground or athletic field or (b) within 1500 feet of any residential dwelling.
2. In addition to the Dimensional Requirements set forth in the Table of Requirements, no portion of a Marijuana Establishment shall be located (a) within 2500 feet of any school, pre- school, day care center, playground or athletic field or (b) within 500 feet of any residential dwelling.

**Motion:** Brian DesRosiers moved to postpone Article 18 indefinitely. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 19: PURCHASE OF ADDITIONAL SEWER CAPACITY – 55 MAIN ST**

To see if the Town will vote to authorize the Village Restaurant at 55 Main Street to purchase additional gallons of sewer capacity in accordance with Section 7-7.5 of the Town of Essex Bylaws; or take any other action relating thereto.

**Motion:** Ruth R. Pereen moved that the Town vote to authorize the Village Restaurant at 55 Main Street to purchase 620 additional gallons of sewer capacity in accordance with Section 7-7.5 of the Town of Essex Bylaws. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 20: PURCHASE OF NEW DPW DUMP TRUCK**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for a fully equipped a dump truck, with snowplow and sander, for use by the Department of Public Works, and to meet this appropriation authorize the Board of Public Works and/or the Board of Selectmen to enter into an agreement to lease/purchase and equip said truck pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years and to raise and appropriate or transfer from available funds the sum of money to make the first payment on said truck; and to authorize the Board of Public Works and/or the Board of Selectmen to dispose of the vehicle replaced by the new dump truck 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.

**Motion:** Guy Bradford moved that Article 20 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 21: PURCHASE AND INSTALL NEW DIGITAL RADIO SYSTEMS FOR POLICE VEHICLES**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase and install new, digital radio systems for police department vehicles; or take any other action relating thereto

**Motion:** Ruth R. Pereen moved that the Town transfer from Free Cash the sum of \$10,000 to purchase and install new, digital radio systems for police department vehicles. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 22: MAIN STREET LIGHTING DESIGN APPROPRIATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design a system of street and/or pedestrian lighting for the downtown Essex portion of Route 133

(Main Street), and to provide consulting and engineering services to assist with the preparation of cost estimates and alternatives, the preparation of bidding and permitting documents and oversight of any project to install said system; provided, however, that any purchase and/or installation of such lighting shall be subject to appropriation; or take any other action relating thereto.

**Motion:** Andrew C. Spinney moved that Article 22 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 23: 24 MARTIN ST FEASIBILITY STUDY FOR NEW SENIOR CENTER**

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 design and engineering professionals to conduct a feasibility study concerning the prospect of re-using the building, and/or foundation, and/or footprint, and/or property that is now occupied by the Essex Police and Fire Departments at 24 Martin Street for a new Senior Center, or some other use; or take any other action relating thereto.

**Motion:** Ruth R. Pereen moved that Article 23 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 24: MUNICIPAL WATER SYSTEM**

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 water system, and anything incidental or related thereto; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that Article 24 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 25: MUNICIPAL SEWER SYSTEM**

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 and anything incidental or related thereto; or take any other action relating thereto.

**Motion:** Trescott Dewitt moved that Article 25 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 26: SENIOR CENTER – INSTALLATION OF NEW FLOORING**

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 new flooring for the Essex Senior Center, including but not limited to the main stairwell, and for removal and disposal of existing flooring material, and any costs related thereto; or take another action relating thereto.

**Motion:** Ruth R. Pereen moved that the Town vote to transfer from Free Cash the sum of \$21,000 for the purchase and installation of new flooring for the Essex Senior Center, including but not limited to the main stairwell, and for removal and disposal of existing flooring material, and any costs related thereto. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 27: PURCHASE OF NEW AMBULANCE**

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, equipped ambulance, and to authorize the Board of Selectmen to dispose of any old ambulance, by sale or trade, and to take any action necessary to effectuate the purpose of this vote; or take any other action relating thereto.

**Motion:** Daniel Doucette moved that the Town vote to transfer from the Ambulance Fund the sum of \$250,000 for the purchase of a new, equipped ambulance, and to authorize the Board of Selectmen to dispose of any old ambulance, by sale or trade, and to take any action necessary to effectuate the purpose of this vote. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 28: CONOMO POINT SEAWALL SYSTEM**

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 program for the design and/or construction of renovations and improvements to the Conomo Point seawall system, or anything incidental or related thereto; or take any other action relating thereto.

**Motion:** Peter D. Phippen moved that the Town vote to transfer from the Conomo Point Improvement Fund the sum of \$22,500 to be used as a match to a State grant program for the design and/or construction of renovations and improvements to the Conomo Point seawall system, or anything incidental or related thereto. The motion was duly seconded.

**Action:** *Approved by the Majority declared by the Moderator*

**ARTICLE 29: NORTHEAST MA MOSQUITO CONTROL AND WETLANDS MANAGEMENT DISTRICT MEMBERSHIP**

To see if the Town will vote to renew its membership and to participate in the Northeast Massachusetts Mosquito Control and Wetlands Management District for a minimum of three years, pursuant to Chapter 258 of the Acts of 1958, as amended by Chapter 410 of the Acts of 1996, G.L. c. 252, ss. 5 and 5A, and other applicable laws, subject to an assessment through a reduction in Cherry Sheet revenue in an amount to be determined annually by the District Commissioners, and to authorize the Board of Selectmen and the Board of Health to enter into all agreements and to execute any and all instruments as may be necessary to affect this vote; or take any other action relating thereto.

**Motion:** Ruth R. Pereen moved that the Town vote to renew its membership and to participate in the Northeast Massachusetts Mosquito Control and Wetlands Management District for a minimum of three years, pursuant to Chapter 258 of the Acts of 1958, as amended by Chapter 410 of the Acts of 1996, G.L. c. 252, ss. 5 and 5A, and other applicable laws, subject to an assessment through a reduction in Cherry Sheet revenue in an amount to be determined annually by the District Commissioners, and to authorize the Board of Selectmen and the Board of Health to enter into all agreements and to execute any and all instruments as may be necessary to affect this vote. The motion was duly seconded.

**Action:** *Failed by Majority declared by the Moderator*

**ARTICLE 30: FY2021 COMMUNITY PRESERVATION FUND PROJECTS**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2021 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; 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.

**Motion:** Kim Drake moved that the Town appropriate or reserve from Fiscal Year 2021 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. The motion was duly seconded.

**COMMUNITY PRESERVATION ACT TOWN MEETING HANDOUT**

**RESERVES**

To transfer from Community Preservation Fund FY2021 Estimated Annual Revenues and reserve the following sums:

Open Space – FY2021	\$ 21,878
Historic Resources – FY2021	\$ 21,878
Community Housing – FY2021	\$ 21,878
Budgeted Reserve – FY2021	\$142,207
Total – FY2021	\$207,841

**APPROPRIATIONS:**

To appropriate from Community Preservation Fund FY2021 Estimated Annual Revenues as follows:

Administrative Expenses – FY2021      \$10,939

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

**Specific Projects**

To appropriate the sum of \$100,000 from the Unreserved Fund Balance, as a grant to the First Congregational Church of Essex, to be used together with other funds from private sources, as part of a \$350,000 project to immediately preserve, restore, rehabilitate and repair the historic bell tower and steeple housing the Essex Paul Revere Bell and further to authorize the Board of Selectmen to enter into a grant agreement with the First Congregational Church of Essex, which shall include a requirement that the Church grant the Town a Historic Preservation Restriction on the bell tower and steeple meeting the requirements of G.L. c. 184, and on such other terms and conditions as the Board deems appropriate; and further to authorize the Board of Selectmen to accept said restriction and the appropriate Town officials to enter into all agreements and take such other action as may be necessary to carry out the purposes of this vote.

<u>Department/Organization</u>	<u>Purpose</u>	<u>Funding Source</u>	<u>Amount</u>
Housing Authority	Exterior Walkway Repairs	Community Housing Budget	\$27,331
Historical Society	Schoolhouse Climate Control System	Unreserved Fund Balance	\$ 9,000
Historical Society	Hearse House Preservation/Repairs	Historic Resources Budget	\$11,600
Board of Selectmen	Paul Revere Bell Tower Preservation (on the terms set forth above)	Unreserved Fund Balance	\$100,000
GRAND TOTAL			\$147,931

***Action: Approved by the Majority declared by the Moderator***

**ARTICLE 31: CREATE STABILIZATION FUND FOR PUBLIC SAFETY FACILITY, 11 JOHN WISE AVE**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the care, maintenance, and renovation of the Town’s public safety facility at 11 John Wise Avenue, 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:** Ruth R. Pereen moved that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the care, maintenance, and renovation of the Town’s public safety facility at 11 John Wise Avenue, and to transfer from Free Cash the sum of \$1,000 to add to said stabilization fund. The motion was duly seconded.

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

**ARTICLE 32: CREATE STABILIZATION FUND FOR FUTURE ESSEX RIVER AND BAY DREDGING**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to serve as a local match to future Essex River and Essex Bay dredging and related initiatives, 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:** Peter D. Phippen moved that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to serve as a local match to future Essex River and Essex Bay dredging and related initiatives, and to transfer from Free Cash the sum of \$1,000 to add to said stabilization fund. The motion was duly seconded.

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

**ARTICLE 33: CREATE STABILIZATION FUND FOR FUTURE TOWN CELEBRATIONS**

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to defray the costs of future celebrations of the Town’s history, culture, and the like. Said celebrations may include, but are not limited to parades, fireworks displays, historical exhibitions, dances, picnics, and gatherings; 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:** Dawn Burnham moved that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund to defray the costs of future celebrations of the Town’s history, culture, and the like. Said celebrations may include, but are not limited to parades, fireworks displays, historical exhibitions, dances, picnics, and gatherings; and to transfer from Free Cash the sum of \$5,000 to add to said stabilization fund. The motion was duly seconded.

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

**ARTICLE 34: ACCEPT M.G.L. C. 32 §20 AND ESTABLISH OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND (OPEB)**

To see if the Town will vote to take the following action to establish an Other Post-Employment Benefits Liability Trust Fund:

1. accept the provisions of G.L. c. 32B, §20, as amended by Chapter 218, Section 15 of the Acts of 2016 (the “Act”), so that the Town may established an Other Post-Employment Benefits

Liability Trust Fund (the “OPEB Fund”), for which the Treasurer serves as Custodian (“Custodian”);

2. designate the Treasurer/Custodian as the Trustee of the OPEB Fund, with all the powers and responsibilities identified under the Act and this vote;
3. authorize the Treasurer/Custodian, as Trustee, to employ investment consultant(s), as well as outside custodial service(s) to hold the monies in the Fund, and to pay for those services from the OPEB Fund;
4. authorize the investment of the OPEB Fund under the prudent investor rule established under G.L. c. 203C;
5. authorize the Treasurer/Custodian, as Trustee, to execute any and all documents necessary to utilize outside custodial service(s) and/or investment consultant(s), including but not limited to trust agreements, participation agreements, investment agreements, and administrative services agreements;
6. designate the Treasurer/Custodian as the “Plan Administrator”, as may be necessary to utilize outside custodial service(s) and authorize the Treasurer/Custodian acting as Plan Administrator to take any other actions permitted or required by law; and
7. raise and appropriate or transfer from available funds a sum of money for the OPEB Fund established pursuant to Massachusetts General Laws, Chapter 32B, Section 20;

or take any other action relating thereto.

**Motion:** Jeffrey Soulard moved that the Town vote to establish an Other Post-Employment Benefits Liability Trust Fund as shown in Article 34 of the Annual Town Meeting Warrant; and, further, to transfer the sum of \$932,572 to this new Other Post-Employment Benefits Liability Trust Fund, said sum representing the entire balance of the Town of Essex OPEB Trust. The motion was duly seconded.

**Action:** *Approved by a Majority declared by the Moderator*

#### **ARTICLE 35: FY2020 TOWN OPERATIONAL EXPENSES**

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 2020; or take any other action relating thereto.

**Motion:** Benjamin Buttrick moved that Article 35 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by a Majority declared by the Moderator*

**ARTICLE 36: FY2020 FINANCE COMMITTEE RESERVE FUND**

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 2020; or take any other action relating thereto.

**Motion:** Benjamin Buttrick moved that Article 37 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by a Majority declared by the Moderator*

**ARTICLE 37: FY2020 UNPAID BILLS**

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.

**Motion:** Benjamin Buttrick moved that Article 37 be indefinitely postponed. The motion was duly seconded.

**Action:** *Approved by a Majority declared by the Moderator*

A motion to reconsider Article 14, Motion #2 was made near the conclusion of the meeting. Please refer to Article 14 for reference.

Motion made by the Moderator at 12:54 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