

***Minutes of the May 2, 2022  
Annual Town Meeting  
Of the Town of Essex***



The May 2, 2022 Annual Town Meeting of the Town of Essex, held at the Essex Elementary School, 12 Story Street, was called to order at 7:30 p.m. by Moderator Jeffrey D. Jones. A quorum of 246 voters was present for the meeting.

The following people were appointed as Tellers: Jim McKinnon, Kathleen McKinnon, Meg Nelson, Jim Sanford, Andrew St. John and Elle Woulfe.

***There were no objections to the Tellers appointed.***

The Moderator then called for the attendants 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:

Effie M. Andrews  
Barry E. Ewing  
Elizabeth Frye

The Moderator thanked the following individuals for their service to the town:

Robert Bradley – Constable  
Beth Cairns – Board of Library Trustees and Essex Housing Authority  
Gregory Cooper – Essex Housing Authority  
Sarah Wolf – Regional School Committee

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

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

The Finance Committee recommended approval of all monetary articles.

**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 by the Majority declared by the Moderator***

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## **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:** Peter D. Phippen 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 by the Majority declared by the Moderator*

## **ARTICLE 3: FY2023 WAGE AND SALARY SCALE**

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2023 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.

**MOTION:** Guy D. Bradford moved that the Town vote to approve the Wage and Salary scale for fiscal year 2023 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: FY2023 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 2023 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.

**MOTION:** Guy D. Bradford 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 2023 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: FY2023 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 2023 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 \$25,456 for the purpose of making necessary payments to the Massachusetts Clean Water Trust during fiscal year 2023 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: POLICE – COLLECTIVE BARGAINING AGREEMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the Essex Police Association, Massachusetts Coalition of Police – Local 270, International Union of Police Associations, AFL-CIO; or take any other action relating thereto.

**MOTION:** Ruth R. Pereen moved that the Town vote to raise and appropriate the sum of \$22,494 to fund the first year of and to implement a collective bargaining agreement between the Town and the Essex Police Association, Massachusetts Coalition of Police – Local 270, International Union of Police Associations, AFL-CIO.

The motion was duly seconded.

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

**ARTICLE 7: FY2023 TOWN BUDGET**

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 \$8,915,100 as follows: a) raise by taxation the sum of \$2,255,292 for debt repayment, principal and interest; b) transfer from the Cemetery Sale of Lots Fund the sum of \$5,200 to the Cemetery Budget; c) transfer from the Cemetery Lot Care Fund the sum of \$7,600 to the Cemetery Budget; d) transfer from the Town Technology Fund the sum of \$9,520 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; g) transfer from Free Cash the sum of \$72,030 to the Health Insurance Budget; and h) to raise by taxation the sum of \$6,512,458 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.

The motion was duly seconded.

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

**ARTICLE 8: FY2022 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 2022; or take any other action relating thereto.

**MOTION:** Timothy O’Leary moved that Article 8 be indefinitely postponed.

The motion was duly seconded.

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

#### **ARTICLE 9: FY2023 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 2023; or take any other action relating thereto.

**MOTION:** Timothy O’Leary moved that the Town vote to appropriate the sum of \$2,187,056 for the Sewer fiscal year 2023 Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$903,495 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 – \$954,650 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 10: FY2022 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 2022; or take any other action relating thereto.

**MOTION:** Timothy O’Leary moved that Article 10 be indefinitely postponed.

The motion was duly seconded.

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

#### **ARTICLE 11: FY2023 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 2023; or take any other action relating thereto.

**MOTION:** Timothy O’Leary moved that the Town vote to appropriate the sum of \$816,535 for the fiscal year 2023 Water Enterprise Fund Budget as follows: a) debt repayment, principal and interest – the sum of \$12,159 from water betterments and the sum of \$10,970 from departmental receipts; and b) funds to be allocated between the salaries and expenses of the Water Department – \$793,406 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 12: FY2023 MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT BUDGET**

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-two; or take any other action relating thereto.

**MOTION#1:** Sarah Wolf moved that the Town vote to raise and appropriate the sum of \$8,911,798 and to transfer from free cash the sum of \$165,873, for a total appropriation of \$9,077,671, 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-two.

The motion was duly seconded.

**MOTION#2:** Pam O’Donnell moved to conduct a secret ballot vote on Article 12 “gross operating and maintenance budget of the Manchester Essex Regional School District.”

The motion was duly seconded.

**Action Motion #2: Approved by over 20% of voters conducted by standing count  
(52 Yes where 49 required)**

**Action Motion #1: Approved by ballot count 185 Yes 51 No**

Ann Cameron moved to reconsider Article 12. The motion was duly seconded.

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

### **ARTICLE 13: FY2023 ESSEX NORTH SHORE AGRICULTURAL AND TECHNICAL SCHOOL DISTRICT BUDGET**

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, 2022; or take any other action relating thereto.

**MOTION:** Alva Ingharro moved that the Town vote to raise and appropriate the sum of \$245,844 and to transfer from free cash the sum of \$12,096, for a total appropriation of \$257,940 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, 2022.

The motion was duly seconded.

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

### **ARTICLE 14: EXTENSION OF TEMPORARY MORATORIUM ON BUSINESS AND INDUSTRIAL CONVERSIONS**

To see if the Town will vote to amend Section 6-16 of the Town’s Zoning Bylaws, Temporary Moratorium on Business and Industrial Conversions, as shown below, with additions in **bold** and deletions in ~~strike through~~, with said amendments being for the purpose of extending the moratorium, which was adopted at the Annual Town Meeting on May 21, 2021, for approximately seven months to January 1, 2024, so that the Town’s land use planning consultant can obtain grant funds necessary to

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complete its work and present its findings and recommendations to Town officials, who may then develop proposed zoning bylaw amendments for consideration by Town Meeting; or take any other action relative thereto.

#### **6-16 TEMPORARY MORATORIUM ON BUSINESS AND INDUSTRIAL CONVERSIONS**

No building permit shall be issued for any work and no use shall be made of land that results in a change in use from residential, open space, or vacant lot to Business, Industrial A, or Industrial B use on any land located in the Town of Essex ~~for a period of two years from the effective date of this bylaw until~~ **January 1, 2024**; provided, however, that this bylaw shall not apply in the newly-created Essex Downtown Zoning District, to any work in connection with adding a home occupation to a new or existing residential use, or to any change in use from an existing business or industrial use to another type of business or industrial use. During the moratorium period, the Planning Board, Board of Selectmen and other Town officials shall review and address the impacts of current, impending and potential business and industrial developments and they shall develop a plan to mitigate future impacts of such developments on the general health, safety, welfare and quality of life of the residents of the Town of Essex, which may include but not be limited to the presentation of suggested bylaw amendments to a future town meeting. The purpose of this bylaw is to temporarily slow the rate of business and industrial development in the Town so that there can be an opportunity to study the impacts of such development and determine how to best address it in the future. The Town of Essex is relatively unique insofar as it does not have traditional zoning districts such as residential, business, agricultural, or industrial and it does not have a use table in its zoning bylaws. While the Town has primarily been a rural residential community, in recent years there has been more interest in bringing business and industrial enterprises to the Town. While Town officials are in favor of growing the Town's business and industrial base, new business and industrial enterprises are not always in harmony with existing residential uses. This has led to an increase in complaints concerning noise, traffic and other impacts from such uses in residential neighborhoods. Given the rate at which such new business and industrial development has been occurring, time is needed to study the issue and determine whether there should be amendments to the Town's zoning bylaws to address these and other issues.

**MOTION:** Lisa O'Donnell moved that the Town vote to amend Section 6-16 of the Town's Zoning Bylaws, Temporary Moratorium on Business and Industrial Conversions, as shown in Article 14 of the Annual Town Meeting Warrant, with said amendments being for the purpose of extending the moratorium, which was adopted at the Annual Town Meeting on May 21, 2021, for approximately seven months to January 1, 2024, so that the Town's land use planning consultant can obtain grant funds necessary to complete its work and present its findings and recommendations to Town officials, who may then develop proposed zoning bylaw amendments for consideration by Town Meeting.

The motion was duly seconded.

**Action:** *Approved by more than 2/3rds Majority declared by the Moderator*

#### **ARTICLE 15: AFFORDABLE HOUSING TRUST FORMATION**

To see if the Town will vote to accept the provisions of Section 55C of Chapter 44 of the General Laws allowing for a Municipal Affordable Housing Trust Fund and to add a new section 2-28 to the Town bylaws that will govern the formation and operation of said Trust, as follows:

##### **2-28 MUNICIPAL AFFORDABLE HOUSING TRUST**

There shall be a Municipal Affordable Housing Trust, the purpose of which shall be to provide for the creation and preservation of affordable housing in the Town of Essex for the benefit of low and moderate income households and for the funding of community housing in accordance with the provisions of M.G.L. Chapter 44B. The Trust shall be governed by a Board of Trustees in accordance with M.G.L. c. 44, Section 55C, as amended from time to time, and the authority granted by Town Meeting.

A. Name of the Trust

The Trust shall be called the "Essex Municipal Affordable Housing Trust," herein referred to as the Trust.

B. Purpose

The purpose of the Trust shall be to provide for the creation and preservation of affordable housing in the Town of Essex for the benefit of low and moderate income households and for the funding of community housing as defined in Chapter 44B.

C. Board of Trustees

There shall be a Board of Trustees (the "board") consisting of seven (7) Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen, one of the Trustees shall be a member of the Planning Board, one of the Trustees shall be a member of the Housing Authority, one of the Trustees shall be a member of the Community Preservation Committee, one of the Trustees shall be a member of the Finance Committee (provided that said member is authorized to serve pursuant to a unanimous vote of the Board of Selectmen and the Finance Committee pursuant to Section 2-4.1 of the Town of Essex Bylaws) or a former member of the Finance Committee, and there shall be two Trustees at large, who, to the extent possible, shall have backgrounds or experience in affordable housing, and specifically those with financial, legal, real estate or development expertise. An at-large member may also be any former member of the Essex Board of Selectmen.

Only persons who are residents of the Town of Essex shall be eligible to hold the office of Trustee and the term of any Trustee who no longer resides in the Town of Essex shall immediately expire. Trustees shall serve for a term of two years, except that three of the initial Trustee appointments shall be for a term of one year. The Board of Selectmen may reappoint Trustees for succeeding terms, and there is no limit on the number of terms that a Trustee can serve.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee are filed with the Town Clerk. Upon the appointment of any Trustee and the filing of such appointment with the Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state, or federal law; failure to attend three consecutive meetings of the board; incapacity to perform the duties of a Trustee; and acts of the Trustee that, in the opinion of the Board of Selectmen, are negligent or detrimental to the Town of Essex or the Trust.

D. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, Mass. General Laws Chapter 30A, Sections 18-25. A quorum at any meeting shall be a majority of the Trustees (or remotely should the laws of the Commonwealth allow).

E. Powers of Trustees

The Board shall have all of the powers and duties set forth in Section 55C as follows:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the Town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;



(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral, with the following limitations;

(12) to make distributions or divisions of principal in kind;

(13) to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

Notwithstanding anything to the contrary herein, Board of Selectmen approval shall be required for the following actions:

- (a) To expend in excess of \$200,000.00, singly or in the aggregate; or
- (b) To borrow money, or to mortgage or pledge Trust assets as collateral in excess of 80% of the Trust's assets.

F. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Essex zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. Funds appropriated by the Town of Essex Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any conditions stipulated in the article's motion for monies appropriated by the Essex Town Meeting.

G. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to a Trust asset. No person dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees.

H. Liability

Neither the Trustees nor any agent or office of the Trust shall have the authority to bind the Town of Essex, except in the manner specifically authorized herein.

I. Public Employer

The Trust is a public employer and the Trustees are public employees for the purposes of General Laws Chapter 258.

- J. Municipal Agency  
The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of General Laws Chapter 268A.
- K. Insurance  
The Trustees shall be provided the same scope and degree of municipal insurance coverage as is provided to other appointed board and commission members within the Town of Essex.
- L. Custodian of Funds  
The Town of Essex Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Costs associated with the independent audit shall be borne by the Trust.
- M. Duration of the Trust  
This Trust shall be of indefinite duration. However, the Trust may be terminated by a vote of the Essex Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Essex and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Essex. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Essex Town Meeting has voted to terminate the Trust, the Board of Selectmen shall approve all financial transactions made on behalf of the Trust.
- N. Titles  
The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.
- O. Compensation of Trustees  
Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Essex. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.
- P. Amendments  
The provisions of this Trust can only be amended by a vote of the Essex Town Meeting.
- Q. Conflicts of Interest  
The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of General Laws Chapter 268A.
- R. Annual Report  
The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Essex Board of Selectmen by February 28 of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

; or take any other action relating thereto.

**MOTION#1:** Ann Cameron moved that the Town vote to accept the provisions of Section 55C of Chapter 44 of the General Laws allowing for a Municipal Affordable Housing Trust Fund and to add a new section 2-28 to the Town bylaws that will govern the formation and operation of said Trust, as shown in Article 15 in the Annual Town Meeting Warrant.

The motion was duly seconded.

**MOTION #2:** Ann Cameron moved that the Town vote to amend Section C of the proposed bylaw so as to allow either current or former members of the Planning Board, Housing Authority and Community Preservation Committee to serve on the Board of Trustees, so that the second sentence of that section reads as follows:

One of the Trustees shall be a member of the Board of Selectmen, one of the Trustees shall be a current or former member of the Planning Board, one of the Trustees shall be a current or former member of the Housing Authority, one of the Trustees shall be a current or former member of the Community Preservation Committee, one of the Trustees shall be a member of the Finance Committee (provided that said member is authorized to serve pursuant to a unanimous vote of the Board of Selectmen and the Finance Committee pursuant to Section 2-4.1 of the Town of Essex Bylaws) or a former member of the Finance Committee, and there shall be two Trustees at large, who, to the extent possible, shall have backgrounds or experience in affordable housing, and specifically those with financial, legal, real estate or development expertise. An at-large member may also be any former member of the Essex Board of Selectmen.

The motion was duly seconded.

**MOTION #3:** Westley Burnham moved that Article 15 be indefinitely postponed.

The motion was duly seconded.

**Action Motion #3: *Failed by Majority declared by the Moderator***  
**Action Motion #2: *Approved by the Majority declared by the Moderator***  
**Action Motion #1: *Approved, as amended, by the Majority declared by the Moderator***

## **ARTICLE 16: ELECTED TERM OF CONSTABLE AND MODERATOR**

To see if the Town will vote to increase the terms of office for Moderator and Constable from one to three years, said increase to take effect on the ballot for the 2023 Annual Town Election; or take any other action relative thereto.

**MOTION:** Peter D. Phippen moved that the Town vote to increase the terms of office for Moderator and Constable from one to three years, said increase to take effect on the ballot for the 2023 Annual Town Election.

The motion was duly seconded.

The current elected Moderator, Jeffrey Jones, recused himself for this article and acting Moderator Mark Lynch conducted the discussion and vote.

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

## **ARTICLE 17: WINTER PARKING BAN**

To see if the Town will vote to amend subsection 1. of Section 1 of Article 4 of the Town's general bylaws, which currently reads:

1. Winter parking ban goes into effect December 1 to April 1. No parking on any street, midnight to dawn with the exception of Pickering Street, (easterly side).

By adding the following **bolded words** as shown below:

1. Winter parking ban goes into effect December 1 to April 1: No parking on any street, midnight to dawn, with the exception of Pickering Street (easterly side), **or any time of the day, in any month of the year on any street if the Chairman of the Board of Selectmen, in consultation with the Emergency Management Director, has declared a State of Emergency as a result of snow or ice.**

; or take any other action relating thereto.

**MOTION:** Guy D. Bradford moved that the Town vote to amend subsection 1. of Section 1 of Article 4 of the Town's general bylaws, as shown in Article 17 of the Annual Town Meeting Warrant. Said subsection will therefore read:

“Winter parking ban goes into effect December 1 to April 1: No parking on any street, midnight to dawn, with the exception of Pickering Street (easterly side), or any time of the day, in any month of the year on any street if the Chairman of the Board of Selectmen, in consultation with the Emergency Management Director, has declared a State of Emergency as a result of snow or ice.”

The motion was duly seconded.

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

## **ARTICLE 18: PLASTICS BYLAW - SECTION 7-9.10 EFFECTIVE DATE**

To see if the Town will vote to amend or suspend via moratorium Chapter 7-9 of the Town bylaws BYLAW REGULATING THE USE OF CERTAIN PLASTICS BY COMMERCIAL ESTABLISHMENTS IN THE TOWN OF ESSEX, in whole or in part; or take any other action relating thereto.

**MOTION:** Peter D. Phippen moved that the Town vote to amend the regulation of plastics bylaw (Section 7-9 of the Town's General Bylaws) by adding the following clause to subsection 7-9.10 “provided, however, that the prohibition on the use of plastic bowls, cups, and lids as set forth in Section 7-9.4 is suspended until January 1, 2023.”

Said subsection will therefore read:

### **7-9.10 EFFECTIVE DATE**

This bylaw shall take effect on January 1, 2021; provided, however, that the prohibition on the use of plastic bowls, cups, and lids as set forth in Section 7-9.4 is suspended until January 1, 2023.

The motion was duly seconded.

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

## **ARTICLE 19: TOWN DUMP REGULATIONS**

To see if the Town will vote to amend the Town of Essex General Bylaws by deleting the words “the Annual” and adding the word “any” in the second sentence in Section 7-2 TOWN DUMP REGULATIONS, as shown below, with additions shown in **bold** and deletions shown in ~~strikethrough~~:

“The power to impose user fees shall be reserved to ~~the Annual~~ **any** Town Meeting.”

; or take any other action relating thereto.

**MOTION:** Paul Rullo moved that the Town vote to amend the Town of Essex General Bylaws by deleting the words “the Annual” and adding the word “any” in the second sentence in Section 7-2 TOWN DUMP REGULATIONS, as shown in Article 19 of the Annual Town Meeting Warrant.

The motion was duly seconded.

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

## **ARTICLE 20: TRANSFER STATION STICKER FEES**

To see if the Town will vote to increase the fee for a transfer station sticker from \$180 to some higher amount for those under the age of 65 and from \$90 to some higher amount for those 65 years of age and older; said fee increase to take place immediately; or take any other action relating thereto

**MOTION:** Paul Rullo moved that Article 20 be indefinitely postponed.

The motion was duly seconded.

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

## **ARTICLE 21: TOWN COMPUTER SERVER**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase, installation, and configuration of a computer server that will replace the server that currently provides primary Windows domain control for the Town’s computer network, and anything incidental or related thereto; 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 for the purchase, installation, and configuration of a computer server that will replace the server that currently provides primary Windows domain control for the Town’s computer network, and anything incidental or related thereto.

The motion was duly seconded.

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

## **ARTICLE 22: DUMP TRUCK**

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, fully-equipped dump truck with snowplow, and anything incidental or related thereto; or take any other action relating thereto.

**MOTION:** Paul Rullo moved that the Town vote to transfer from free cash the sum of \$100,000 to purchase a new, fully-equipped dump truck with snowplow, and anything incidental or related thereto.

The motion was duly seconded.

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

### **ARTICLE 23: WATER AND SEWER METER READING UNIT AND SOFTWARE**

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 a replacement water and sewer meter reading unit and associated water and sewer meter reading software, and anything incidental or related thereto; 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 \$6,500 and from Sewer Enterprise Free Cash the sum of \$6,500, for a total appropriation of \$13,000, to purchase and install a replacement water and sewer meter reading unit and associated water and sewer meter reading software, and anything incidental or related thereto.

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 and engineer repairs, improvements and/or replacements to any aspect of the municipal water system in connection with the upgrade of the Essex Water Filtration Plant, and anything incidental or related thereto; or take any other action relating thereto.

**MOTION:** Paul Rullo moved that the Town vote to transfer from free cash the sum of \$200,000 to design and engineer repairs, improvements and/or replacements to any aspect of the municipal water system in connection with the upgrade of the Essex Water Filtration Plant, and anything incidental or related thereto.

The motion was duly seconded.

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

### **ARTICLE 25: 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 construct, and oversee repairs, improvements and/or replacements to any aspect of the municipal water system in connection with the upgrade of the Essex Water Filtration Plant, and all costs incidental or related thereto, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow such sum and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as amended or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and the Board of Public Works be and are authorized to apply for, accept, and expend any state and/or federal grants and loans or other public or private funds that may be available; that the Board of Selectmen and Town officers are authorized to enter into all agreements and execute any and all instruments and take all related actions necessary or appropriate to effect the foregoing; and although such bonds and notes shall be general obligations of the Town, it is anticipated that the annual debt service required as a result of such bonds or notes be repaid 30% through the property tax levy and 70% through water supply rates and charges paid by users connected to the municipal water system; or take any other action relating thereto.

**MOTION:** Paul Rullo moved that the Town vote to appropriate \$2,600,000 to construct and oversee repairs, improvements and/or replacements to any aspect of the municipal water system in connection

with the upgrade of the Essex Water Filtration Plant, and all costs incidental or related thereto, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow such sum and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as amended or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and the Board of Public Works be and are authorized to apply for, accept, and expend any state and/or federal grants and loans or other public or private funds that may be available; that the Board of Selectmen and Town officers are authorized to enter into all agreements and execute any and all instruments and take all related actions necessary or appropriate to effect the foregoing; and although such bonds and notes shall be general obligations of the Town, it is anticipated that the annual debt service required as a result of such bonds or notes be repaid 30% through the property tax levy and 70% through water supply rates and charges paid by users connected to the municipal water system.

The motion was duly seconded.

**Action: *Approved by Unanimous Vote declared by the Moderator***

#### **ARTICLE 26: MUNICIPL 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, 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.

**MOTION:** Paul Rullo, move that the Town vote to transfer from Sewer Enterprise Free Cash the sum of \$50,000 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.

The motion was duly seconded.

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

#### **ARTICLE 27: CENTENNIAL GROVE COTTAGE ROOF REPLACEMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for materials and/or labor to replace the roof at the Centennial Grove Cottage, its associated garage, and the Grove Concession Stand and anything incidental or related thereto; or take any other action relating thereto.

**MOTION:** Guy D. Bradford moved that the Town vote to transfer from the Recreational Area Stabilization Fund the sum of \$12,000 for materials to replace the roof at the Centennial Grove Cottage, its associated garage, and the Grove Concession Stand and anything incidental or related thereto.

The motion was duly seconded.

**Action: *Approved by Unanimous Vote declared by the Moderator***

#### **ARTICLE 28: FIREFIGHTER AIRPACK REPLACEMENT**

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 grant for the replacement of firefighter air packs and anything incidental or related thereto; or take any other action relating thereto

**MOTION:** Daniel Doucette moved that the Town vote to transfer from free cash the sum of \$14,500 to be used as a match to a grant for the replacement of firefighter air packs and anything incidental or related thereto.

The motion was duly seconded.

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

#### **ARTICLE 29: CLIMATE CHANGE 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 accumulation of local funding necessary for climate change-related projects, 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 for the accumulation of local funding necessary for climate change-related projects, 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 2/3rds Majority declared by the Moderator*

#### **ARTICLE 30: APPLE STREET ROAD BED ELEVATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for a match to a State or Federal grant for the design and/or construction of a roadbed elevation project along a section of Apple Street on the Southern Avenue end that is prone to flooding during coastal storm surge events; or take any other action relating thereto.

**MOTION:** Peter D. Phippen moved that the Town vote to transfer from free cash the sum of \$80,000 for a match to a State or Federal grant for the design and/or construction of a roadbed elevation project, which includes a culvert replacement, along a section of Apple Street on the Southern Avenue end that is prone to flooding during coastal storm surge events, and anything incidental or related thereto.

The motion was duly seconded.

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

#### **ARTICLE 31: GREEN CRAB TRAPPING**

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 \$5,000 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 the Majority declared by the Moderator*



### **ARTICLE 32: FY2023 COMMUNITY PRESERVATION FUND**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2023 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:** Jay Tetzloff moved that the Town appropriate or reserve from Fiscal Year 2023 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, and administrative expenses.

### **COMMUNITY PRESERVATION ACT TOWN MEETING HANDOUT**

#### **RESERVES**

To transfer from Community Preservation Fund FY2023 Estimated Annual Revenues and reserve the following sums:

Open Space – FY2023	\$ 28,307
Historic Resources – FY2023	\$ 28,307
Community Housing – FY2023	\$ 28,307
Budgeted Reserve – FY2023	<u>\$183,997</u>
Total – FY2023	\$268,918

#### **APPROPRIATIONS:**

To appropriate from Community Preservation Fund FY2023 Estimated Annual Revenues as follows:

Administrative Expenses – FY2023      \$14,154

The motion was duly seconded.

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

### **ARTICLE 33: FY2022 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 2022; or take any other action relating thereto.

**MOTION:** Benjamin Buttrick moved that Article 33 be indefinitely postponed.

The motion was duly seconded.

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

### **ARTICLE 34: FY2022 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 2022; or take any other action relating thereto.

**MOTION:** Benjamin Buttrick moved that Article 34 be indefinitely postponed.

The motion was duly seconded.

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

**ARTICLE 35: FY2021 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:** Jeffrey Soulard moved that the Town vote to transfer from free cash the sum of \$34,200 to pay bills from fiscal year 2021.

The motion was duly seconded.

**Action:** *Approved by Unanimous Vote declared by the Moderator*

Motion made by the Moderator at 10:42 pm to dissolve the meeting.

The motion was duly seconded.

**Action:** *Approved by Unanimous Vote declared by the Moderator*

A True Copy:

Attest:

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Pamela B. Thorne, Town Clerk