

***Minutes of the November 14, 2022
Special Fall Town Meeting
Of the Town of Essex***



The November 14, 2022 Special Fall 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 162 voters was present for the meeting.

The following people were appointed as Tellers: Ann Buckley, Ann Cameron, Mary Heeney, Michael McConnell, Meg Nelson, Patricia Rogers.

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:

Mary J. Buckley
Warren J. Grant, Jr.
Joyce A. Perkins
Morley L. Piper
Alfred K. Stanton

The following awards were presented:

- Employee of the Year: Jeffrey Soulard (Town Accountant)
- Volunteer of the Year: Ruth R. Perea (Chair, Board of Selectmen)
- Years of Service Awards: Mary Elinor Dagle (20 Years)
Daniel Ball (25 Years)
Paul Francis (25 Years)
Brendhan Zubricki (25 Years)

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: 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 American Federation of State, County, and Municipal Employees, Local 2905, AFL-CIO; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town transfer from free cash the sum of \$6,500 to fund and implement a collective bargaining agreement between the Town and the American Federation of State, County, and Municipal Employees, Local 2905, AFL-CIO; or take any other action relating thereto.

The motion was duly seconded.

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

ARTICLE 2: TRANSFER STATION STICKER FEES

To see if the Town will vote to increase the existing sticker fees for use of the Town's Transfer Station, for the period between February 1, 2022 (after the existing stickers expire) and June 30, 2022 (the end of fiscal year 2023); or take any other action relative thereto.

MOTION: Paul Rullo moved that the Town vote to increase the existing sticker fees for use of the Town's Transfer Station, for the period between February 1, 2023 (after the existing stickers expire) and June 30, 2023 (the end of fiscal year 2023) to \$250 for a non-senior sticker and \$125 for a senior sticker (age 65 or older).

The motion was duly seconded.

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

ARTICLE 3: FY2023 TRANSFER STATION BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to increase existing fiscal year 2023 appropriations for transfer station budget (Department 430), said appropriation to be distributed amongst only the expense line items in said budget; provided that no portion of said appropriation shall be used to increase the Recycling Coordinator Wages line; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town raise and appropriate the sum of \$60,000 to increase existing fiscal year 2023 appropriations for transfer station budget (Department 430), said appropriation to be distributed amongst only the expense line items in said budget, as shown below:

430 Transfer Station/Recycling Dept.	Voted at ATM	Increase Amount	New Budget
Trash Contract	\$110,000	\$55,000	\$165,000
Maintenance	\$7,500	\$5,000	\$12,500

The motion was duly seconded.

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

ARTICLE 4: TOWN TRANSFER STATION IMPROVEMENTS AND REPAIRS

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to make improvements and repairs to the Town transfer station, including but not limited to: the replacement of the current trash compactor with new equipment; the purchase and installation of new recycling handling equipment; the replacement of perimeter fencing; the repair or replacement of any element of the transfer station building; and/or any other matter relating thereto; or take any other action relating thereto.

MOTION: Paul Rullo moved that the Town vote to transfer from free cash the sum of \$280,000 to make improvements and repairs to the Town transfer station, including but not limited to: the replacement of the current trash compactor with new equipment; the purchase and installation of new recycling handling equipment; the replacement of perimeter fencing; the repair or replacement of any element of the transfer station building; and/or any other matter relating thereto.

The motion was duly seconded.

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

ARTICLE 5: CONVEYANCE OF TOWN-OWNED LOTS

To see if the Town will vote to transfer the following Town-owned lots from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance, and further, to authorize the Board of Selectmen to convey any or all of said lots, and to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said conveyance, on such terms and conditions as the Board of Selectmen deems appropriate;

0 Gregory Island Road, Map 155, Lot 16
0 Gregory Island Road, Map 155, Lot 19
0 Gregory Island Road, Map 155, Lot 21
0 Gregory Island Road, Map 155, Lot 24
0 Caldwell Drive, Map 155, Lot 25
0 Gregory Island, Map 155, Lot 26
0 Gregory Island, Map 155, Lot 29
0 Gregory Island, Map 155, Lot 31
0 Gregory Island, Map 155, Lot 32
0 Gregory Island, Map 155, Lot 41
0 Gregory Island, Map 155, Lot 42
0 Gregory Island, Map 155, Lot 44

or take any other action relating thereto.

MOTION: Ryan Madrigal moved that the Town vote to transfer the Town-owned lots listed in Article 5 of the Town Meeting warrant from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance, and further, to authorize the Board of Selectmen to convey any or all of said lots, and to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said conveyance, on such terms and conditions as the Board of Selectmen deems appropriate.

The motion was duly seconded.

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

ARTICLE 6: STABILIZATION FUND – PLACEMAKING OF TOWN CONTROLLED AREAS

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the establishment, maintenance, and beautification of areas under the Town's ownership or control that contribute to placemaking, such as pocket parks, streetscape improvements, plantings, banners, and the like, 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: Jodi Harris moved that the Town vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the establishment, maintenance, and beautification of areas

under the Town's ownership or control that contribute to placemaking, such as pocket parks, streetscape improvements, plantings, banners, and the like, 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 more than 2/3rds Majority declared by the Moderator*

ARTICLE 7: BEAUTIFICATION OF TOWN-OWNED AREAS

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

MOTION: Shelly Bradbury moved that the Town vote to transfer from free cash the sum of \$20,000 to improve, maintain, and beautify certain areas under the Town's ownership or control, including any necessary design services, or anything incidental thereto.

The motion was duly seconded.

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

ARTICLE 8: STREET LIGHTING ON MAIN STREET

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 State grant and/or State Legislative earmark, and/or private gift funds for the design and construction of decorative street lighting along Main Street in downtown Essex, including the purchase and installation of new street lights and anything incidental or related thereto; or take any other action relating thereto.

MOTION: Martha Mazzarino moved that the Town vote to transfer from free cash the sum of \$100,000 to be used as a match to State grant and/or State Legislative earmark, and/or private gift funds for the design and construction of decorative street lighting along Main Street in downtown Essex, including the purchase and installation of new street lights and anything incidental or related thereto.

The motion was duly seconded.

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

ARTICLE 9: FIRE DEPT VEHICLES AND APPARATUS – DIGITAL RADIOS

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 radios in Essex Fire Department vehicles and apparatus, and anything incidental thereto; or take any other action relating thereto.

MOTION: Ruth R. Pereen moved that the Town vote to transfer from free cash the sum of \$30,000 to purchase and install new, digital radios in Essex Fire Department vehicles and apparatus, and anything incidental thereto.

The motion was duly seconded.

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

ARTICLE 10: HISTORICAL COMMISSION – HISTORICAL PROPERTY SURVEYS

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

MOTION: Nat Crosby moved that the Town vote to transfer from free cash the sum of \$20,000 to retain the services of a consultant or consultants to perform historical property surveys, to perform research data collection for said surveys, and to perform historical planning work; all to inform and advise the Essex Historical Commission.

The motion was duly seconded.

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

ARTICLE 11: PURCHASE OF 30 APPLE STREET PROPERTY

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase the property at 30 Apple Street, Assessors' Map 142, Lot 8, which has been held in Chapter 61A status, giving the Town a right of first refusal on its purchase, and, further, to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said acquisition, on such terms and conditions as the Board of Selectmen deems appropriate; or take any other action relating thereto.

MOTION: Lisa O'Donnell moved that the Town vote to transfer from the Sale of Real Estate Fund the sum of \$1,150,000 to purchase the property at 30 Apple Street, Assessors' Map 142, Lot 8, which has been held in Chapter 61A status, giving the Town a right of first refusal on its purchase, and, further, to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said acquisition, on such terms and conditions as the Board of Selectmen deems appropriate.

The motion was duly seconded.

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

Reconsideration of Article 11

Ruth R. Pereen moved that Article 11 be reconsidered.

The motion was duly seconded.

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

ARTICLE 12: CAPITAL PURCHASES FUNDING

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums of money to be added to the Town's building capital improvements fund; and/or recreational capital improvements fund; and/or purchase of vehicles and major equipment that qualify as capital purchases fund; and/or Town Hall/Library repair and maintenance fund; and/or Conomo Point Repair, Maintenance, and Improvement fund; and/or municipal street lighting repair and maintenance fund; and/or Public Safety Building repair and maintenance fund; and/or dredging match fund; and/or Town celebrations fund; and/or school apportionment fund; and/or climate change fund; or take any other action relating thereto.

MOTION: Benjamin Buttrick, move that the Town vote to transfer from free cash the following sum to be added to the following fund: \$200,000 to the purchase of vehicles and major equipment that qualify as capital purchases fund.

The motion was duly seconded.

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

ARTICLE 13: REVOLVING FUND – BOARD OF HEALTH

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½, to amend Section 2-26 of the Town’s General Bylaws to change the purpose of an existing revolving fund for the Board of Health from “Purchasing supplies and pharmaceuticals for the Public Health Nurse and for Public Health nurse labor” to “Expenses, supplies, and contractual services necessary for the operation of emergency dispensing sites and clinics, including medical and non-medical/ancillary personnel”; and to increase the present spending limit of \$10,000 for fiscal year 2023 to \$50,000, with such spending limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; or take any action thereto.

MOTION: Dr. David Driscoll moved that the Town vote pursuant to Massachusetts General Laws chapter 44, section 53E ½, to amend Section 2-26 of the Town’s General Bylaws to change the purpose of an existing revolving fund for the Board of Health from “Purchasing supplies and pharmaceuticals for the Public Health Nurse and for Public Health nurse labor” to “Expenses, supplies, and contractual services necessary for the operation of emergency dispensing sites and clinics, including medical and non-medical/ancillary personnel”; and to increase the present spending limit of \$10,000 for fiscal year 2023 to \$50,000, with such spending limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same.

The motion was duly seconded.

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

ARTICLE 14: FY2023 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Sewer Maintenance line item in the Sewer Enterprise fund budget for fiscal year 2023; or take any other action relating thereto.

MOTION: Paul Rullo moved that Article 14 be indefinitely postponed.

The motion was duly seconded.

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

ARTICLE 15: FY2023 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Water Maintenance line item in the Water Enterprise fund budget for fiscal year 2023; or take any other action relating thereto.

MOTION: Paul Rullo moved that Article 15 be indefinitely postponed.

The motion was duly seconded.

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

ARTICLE 16: MUNICIPAL SEWER SYSTEM FUNDING

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

MOTION: Paul Rullo moved that the Town vote to transfer from Sewer Enterprise Free Cash the sum of \$150,000 to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system, including but not limited to replacement of grinder pumps and related equipment, and anything incidental or related thereto.

The motion was duly seconded.

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

ARTICLE 17: FY2023 FINANCE COMMITTEE RESERVE FUND

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

MOTION: Christopher Wolf moved that the Town vote to transfer from free cash the sum of \$42,550 to replenish the Finance Committee's Reserve Fund for fiscal year 2023.

The motion was duly seconded.

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

ARTICLE 18: OPEB TRUST FUND

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

MOTION: Jeffrey Soulard moved that the Town vote to transfer from free cash the sum of \$200,000 to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund.

The motion was duly seconded.

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

ARTICLE 19: FY2023 DEPARTMENTAL BUDGET TRANSFERS

To see if the Town will vote to amend any aspect of the fiscal year 2023 operating budgets (General Fund, Water Enterprise Fund, Sewer Enterprise Fund), and to raise and appropriate, transfer from available funds, or borrow a sum of money to effectuate any amendments that are made; or take any other action relating thereto.

MOTION: Nina McKinnon moved that the Town vote to transfer from free cash the following sums, all within the fiscal year 2023 Police Department budget:

\$9,496 to the Part Time Salaries line item
\$9,603 to the Police Officer Salaries line item
\$6,479 to the Educational Stipend line item
\$2,333 to the Night Differential line item

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\$900 to the Firearms Training line item
\$750 to the Police Technology Pay line item
\$975 to the Police Uniforms, Allowance/Vest line item
\$3,900 to the Shift Coverage Overtime line item
\$3,799 to the In-service Training Wages line item;

for a Police Department total of \$38,235;

and further, to transfer from free cash the sum of \$6,100 to the Senior Clerk line item in the Assessors' budget; the grand total of transfers facilitated by this article therefore being \$44,335.

The motion was duly seconded.

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

ARTICLE 20: UNPAID BILLS

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

MOTION: Nina McKinnon moved that the Town vote to transfer from free cash the sum of \$500 for unpaid bills from fiscal year 2022.

The motion was duly seconded.

Action: *Approved Unanimously declared by the Moderator*

Motion made by the Moderator at 8:46 pm to dissolve the meeting.

The motion was duly seconded.

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

A True Copy:

Attest:

Pamela B. Thorne, Town Clerk