

**Selectmen's Minutes  
Senior Center**

**March 28, 2016**

Present: Chairman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Selectman David A. Doane, Health Agent Erin Kirchner, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Lee Bresnahan, Robert Brophy, Helen Brown, Jane Burdick, Westley Burnham, Al Craig, Mike Dyer, Edgar Foudray, Sergeant Paul Francis, Tamson Gardner, Jane Ginn, Michael Ginn, Chris Grant, Frank Hardy, Elizabeth Jaeger, Peter & Lisa Kellerman, Noah Kellerman, Judd Lane, Tina Lane, Gloucester Times Reporter Dimitra Lavrakas, John MacDonald, Karen Moulton, Ed Neal, Linda Osburn, Sandy Patrican, Meredith Paulhus, Julie Scofield, Katie Blair St. John, Andrew St. John, Jim Stavros, Pam Stone, Senator Bruce Tarr, and several others.

The Chairman called the meeting to order at 7:00 p.m. in the upstairs meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$393,025.64.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the March 10, 2016 warrant pursuant to subsection (d) of said Section:

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	2/24/16	884.93	Police
Ernie Nieberle	Nieberle's	2/24/16	559.40	Fire
Ernie Nieberle	Nieberle's	2/24/16	40.00	Council on Aging

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the March 17, 2016 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	2/24/16	326.34	Highway
Ernie Nieberle	Nieberle's	2/24/16	1,500.00	Snow Removal
Ernie Nieberle	Nieberle's	2/24/16	86.50	Wastewater
James McNeilly	McNeilly EMS	3/03/16	18.00	Police
James McNeilly	McNeilly EMS	3/03/16	293.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 7, 2016, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve and sign the MIIA Health Insurance renewal proposal for FY2017, which is projected to increase 4.5%.

A motion was made, seconded, and unanimously voted to approve a request to pass over Essex roads during the North Shore Tour de Cure ride sponsored by the New England American Diabetes Association on Sunday, May 22, 2016.

A motion was made, seconded, and unanimously voted to accept the resignation of Robert Cameron from the Council on Aging and also as the representative to the Cape Ann Transportation Authority.

At 7:05 p.m., a motion was made, seconded, and unanimously voted to open a Public Hearing to consider revising the probationary period for certain job titles listed in the Town of Essex Personnel Rules and Regulations. Mr. Zubricki provided a brief summary of the proposed change to the Regulations, and Sergeant Francis reviewed the reasons for the change. The Chairman asked if anyone else wished to speak in favor of the change and no one did. The Chairman then asked if anyone wished to speak against the change and no one did. A motion was made, seconded, and unanimously voted to close the hearing. A motion was made, seconded, and unanimously voted to approve the requested change to the regulations. Sergeant Francis thanked the Selectmen and left the meeting.

It was announced the Mr. Steven Sloane, of Cambridge Consulting, had cancelled his meeting with the Selectmen tonight regarding a 34-acre Conservation Restriction request for the Febiger property. The Conservation Commission has requested a few changes to the document and the meeting with the Selectmen has been rescheduled for April 11.

A motion was made, seconded, and unanimously voted to approve a request from Chief Silva to transfer \$500 from the Police Gift Account to the War Memorial Restoration Account from proceeds raised at the 2014 Essex Police Department Classic Car Show.

A motion was made, seconded, and unanimously voted to sign an amended Form 43 for a transfer of license and no pledge of license for the property at 234 John Wise Avenue.

A motion was made, seconded, and unanimously voted to sign the new Client Data Access Agreement with Tyler Technologies (the Town's Accounting Software Vendor).

A motion was made, seconded, and unanimously voted to approve the following requests for licenses, permits, and waivers:

Gasoline Storage:

- Holden Essex LLC, 2 Scot's Way
- Energy North, Inc., d/b/a Energy Liquors, 156 Main Street

Gravel Permit:

- Curlew Cove Realty Trust, Judson A. Lane, 53-59 and Rear John Wise Avenue

Shellfish Permits:

Commercial:

- Kenneth Amero
- Robert Amero
- Zack Appeltofft
- Richard Buczko
- Robert Fitzgerald
- Robert Fitzgerald, Jr.
- Michael Ginn
- Scott G. Hamlen
- Russell Hemeon
- Mark Jordan
- Wayne Leveille
- Josephine MacDougall
- Phillip MacDougall
- Steven MacDougall
- Peter C. Marshall
- Bruce Mello
- Fatmir Nanaj
- Robert W. Perrigo
- Glenn Pike
- Scott Reed
- Paul M. Tofuri
- Mark Whitman
- Eugen Xhalia

Commercial and Waiver of Application Deadline:

- James Fitzgerald
- Barry Mears

Non-Resident Recreational:

- Paul Dredge, Arlington, sponsored by Barry Richards
- Tom Dukas, Reading, sponsored by Kristina Huber
- Timothy Lehr, Lynn, sponsored by Jean Appeltofft
- Donald L.H. Oakes, Kennebunk, sponsored by Jean Appeltofft
- William Pascucci, W. Palm Beach, sponsored by Richard Means

Non-Resident Recreational and Waiver of Application Deadline:

- Henry Oettinger, Manchester, sponsored by William Barker

Senior:

- Robert V. Brophy
- James H. Genest

Student:

- Craig Carter

- Matthew Corwin
  - Eric Fossa
  - Matthew G. Lane
  - Tomaz Tofuri
- Student and Waiver of Application Deadline:
- John Walder

A motion was made, seconded, and voted by Chair O'Donnell and Selectman Gould-Coviello to approve the following request for a license renewal. (Selectman Doane abstained.):

Gasoline Storage:

- Kobby River Ventures Inc., d/b/a Perkins Marine, Inc., 82 Main Street

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, April 11<sup>th</sup>, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

Mr. Zubricki announced that the next Department Quarterly Meeting will take place on April 25<sup>th</sup> and the topic for discussion will be the May 2, Annual Town Meeting.

A motion was made, seconded, and unanimously voted to approve the formal agreement for merit compensation for the Town Administrator. Terms of compensation had already been voted at the March 7<sup>th</sup> meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 5<sup>th</sup> through March 25<sup>th</sup>, 2016, regarding the following:

Strategic Planning Committee Meeting: Mr. Zubricki reported on the recent SPC meeting that both he and Chairman O'Donnell had attended. The Committee is working to create timelines and cost estimates for items on the draft strategic plan and will meet again in late April. Mr. Zubricki also reported that there has been discussion about creating an Economic Development Committee

Site Visit and Meeting with Conomo Point Public Waterfront Access Designer: Mr. Zubricki also reported on the recent site visit to Conomo Point with some members of the Conomo Point Planning Committee and Sub-committee and the consultant who is assisting the Town with this project. The purpose of the visit was to assess different areas of northern Conomo Point for public access. The Select Board and the Committee would like to focus on designing and constructing one public access site as the first step towards creating more public access at the Point. The most likely area for initial work is 153 Conomo Point Road.

Senator Tarr joined those present at 7:24 p.m. and was welcomed by the Selectmen. Senator Tarr said that he would like to acknowledge the Town's tremendous accomplishment in achieving the "Green Community" designation with the presentation of a special Citation to the Town. Mr. Zubricki and the Selectmen said that the Town had received the designation as a result of the efforts of Planner Matt Coogan. Senator Tarr presented the Citation to Chair O'Donnell and the

moment was photographed by Gloucester Times Reporter Dimitra Lavrakas. Senator Tarr thanked each of the Selectmen and the Town Administrator and left the meeting.

Concerning Conomo Point Matters, a motion was made, seconded, and unanimously voted to approve a request from Thayer Adams to sublet the premises at 130 Conomo Point Road for the 2016 summer season.

Mr. Zubricki reported that Conomo Point tenant Joseph Romano has applied for a permit to reconstruct a building on leased property at 29 Robbins Island Road (Map 19, Lot 77/New Map 108, Lot 17). The proposed new structure will be placed on pilings and will occupy the footprint of the old structure that was on the site. Following some discussion, Selectman Gould-Coviello read the following statement that was prepared by Town Counsel: I move that the Board approve the request to construct a new dwelling on the Town's property located at 29 Robbins Island Road in accordance with the plans prepared by Mohamad H. Hussein, PE and dated March 2016, with the following conditions:

1. All permitting, design and construction shall be at the lessee's sole cost and expense;
2. The Work shall be done in a good and workmanlike manner by licensed and insured contractors, and shall be in accordance with all applicable federal, state and local laws. It shall be the responsibility of the Lessee to obtain all required licenses, permits, approvals and inspections prior to or contemporaneously with the commencement of the Work and the Board does not hereby promise or guarantee that any such permits, licenses or approvals will be granted.
3. By commencing the work, the lessee, on behalf of himself, and his heirs, successors, and assigns, agrees to RELEASE, WAIVE, DISCHARGE, AND COVENANT NOT TO SUE and to INDEMNIFY, DEFEND AND HOLD HARMLESS the Town and/or its employees, volunteers, officials, boards, agents and representatives from any and all liability, claims, demands, actions and causes of action whatsoever, whether known or unknown, both in law or in equity, which may arise out of or be related to the work.
4. The Lessee agrees that he shall conduct the Work at his own risk and that he shall be solely responsible for any injury or death to persons entering the premises or performing the Work pursuant to this vote, or for loss or damage to vehicles, equipment, structures, or other personal property of any nature whatsoever of the lessee or of anyone claiming by or through him or acting on his behalf.
5. The lease will expire by its term on December 31, 2016, and nothing in this vote shall be construed as a promise of an extension of that lease or an offer to grant a new lease or an alteration of any lease terms;
6. Nothing in this vote is intended to convey or imply any right, title or interest in the Town's property, or any portion thereof.

7. The Town expressly reserves the right to assert ownership of the dwelling at the end of the lease in accordance with the criteria established by the courts.
8. The Lessee shall sign a written acknowledgment of his agreement to these conditions, which acknowledgment shall be countersigned by the Town Administrator on behalf of the Board.

The motion was moved, seconded, and unanimously voted. Mr. Zubricki said that he would advise Mr. Romano of the Selectmen's decision and ask him to sign the agreement.

Mr. Zubricki continued the presentation of the Town Administrator's Report.

Recommendation of Fiscal Year 2017 Wage & Salary Scale: Mr. Zubricki reviewed the proposed FY2017 Wage & Salary Scale and a motion was made, seconded, and unanimously voted to recommend the FY2017 Wage & Salary Scale at the Annual Town Meeting.

Future Options for Management of Centennial Grove: Mr. Zubricki reported that there were no proposals offered for management of Centennial Grove. The Selectmen asked Mr. Zubricki to prepare a chart listing other options for managing the Grove, along with each option's advantages and/or disadvantages, and costs.

Town Hall/Library Project, Third Floor Stairway Change Order: Mr. Zubricki said that the architect is recommending a change order to increase the ceiling height over the second floor. The original design did not anticipate that the building floor was sloped from front to back. A motion was made, seconded, and unanimously voted to approve the change order in the amount of \$7,537.

Town Hall/Library Project, Incorporation of Safe Doors Change Order: Mr. Zubricki reviewed the contractor's estimate to save and install the doors from one old safe and dispose of the remaining carcass and the other old safe. A motion was made, seconded, and voted by Chair O'Donnell and Selectman Gould-Coviello to approve the change order in the amount of \$13,553 for incorporation of the old doors as a wall decoration in the Town Hall lobby and removal of the other safe and remaining carcass. Selectman Doane voted against the motion.

Equipment Contract, Demolition of Structure at 153 Conomo Pt. Rd.: Mr. Zubricki reviewed a proposal and estimate from George Ricker to provide machinery and operators to demolish the structure at 153 Conomo Point Road and place the debris in a dumpster provided by the Town. All other aspects of the demolition project have been or will be accomplished by Town forces. Subsequently, a motion was made and seconded and voted by Chair O'Donnell and Selectman Doane to approve George Ricker's proposal in the amount of \$9,280 to demolish 153 Conomo Point Road. Selectman Gould-Coviello abstained from voting on this motion.

Numerous people joined the Selectmen's meeting at 8:00 p.m. for the Public Hearing regarding a proposed poultry processing facility at 94 John Wise Avenue. A motion was made, seconded, and unanimously voted to open the hearing. Mr. Zubricki said that the Board of Health had been approached by Edgar Foudray and Elizabeth Jaeger with a plan to raise turkeys, chickens, and quail on a portion of the Alprilla Farm owned by the Kellermans on John Wise Avenue. After checking State regulations, Mr. Zubricki found that, based on Town population, approval for the project must be provided by the Board of Selectmen and not the Board of Health. Mr. Zubricki said that Town Counsel had advised a public hearing on the subject, and, as a courtesy, Mr. Zubricki had notified the abutters. Board of Health Agent, Erin Kirchner, then reviewed the State regulations regarding poultry processing. Mr. Foudray and Ms. Jaeger continued the discussion, detailing their plans for operation of the business. Following these comments, several people spoke in favor of the proposal, including Noah Kellerman, Peter Kellerman, Meredith Paulhus, Pam Stone, Katie St. John, Chris Grant, Jane Ginn, Bob Brophy, Al Craig, Julie Scofield, Andrew St. John, Mike Dyer, Frank Hardy, Sandy Patrican, Jane Burdick, and Michael Ginn. Others, including Westley Burnham, Judd Lane, Linda Osburn, and Karen Moulton asked questions, and Ed Neal and Jim Stavros voiced concerns. John MacDonald read a statement against approving the plan. There being no further comments, a motion was made, seconded, and unanimously voted to close the hearing at 9:30 p.m. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve the plan of action. Board of Health Agent Erin Kirchner said that she would draft an approval letter for Chair O'Donnell to sign. The Selectmen thanked everyone for their comments.

All those present, except Tina Lane, the Selectmen, the Town Administrator, and the Selectmen's Assistant left the meeting.

Mr. Zubricki resumed his review of items from his report.

Contract for Determination of Affixation for Structures on Robbins Island: Mr. Zubricki reported that Horsley Witten had proposed to perform the analysis of the structures on Robbins Island for \$5,000. A motion was made, seconded, and unanimously voted to approve and sign the contract with Horsley Witten for \$5,000.

Design Contract for Structural Shoring of Folsom Pavilion: Mr. Zubricki said that John O'Connell has agreed to prepare a stamped, certified plan of the needed repairs to the Folsom Pavilion and to supervise construction as necessary for \$100 per hour which should total between \$2,000 and \$3,000. A motion was made, seconded, and voted by Selectman Gould-Coviello and Selectman Doane to accept the proposal from Mr. O'Connell. Chair O'Donnell abstained from voting on this motion.

FY 2017 Operating Budget, Recommendation of Enterprise Fund Budgets: A motion was made, seconded, and unanimously voted to approve the Sewer Enterprise and the Water Enterprise Fund Budgets.

DEP Quarterly Report: A motion was made, seconded, and unanimously voted to transmit the April 1, 2016 installment of the Quarterly Report.

Beneficial Use Study Regarding Thin Layer Deposition: Mr. Zubricki reported that they are making progress with the Army Corps of Engineers regarding the possible use of Thin Layer Deposition to restore the marsh and deepen the river. The Corps may agree to perform a beneficial use study in the summer after some sediment testing is completed this Spring.

Massachusetts Downtown Initiative Grant, Parking Management Plan: Mr. Zubricki said that Town Planner Matt Coogan has been successful in obtaining a grant for technical assistance in the amount of \$10,000 to help formulate a parking management plan for the Town. A motion was made, seconded, and unanimously voted to approve and sign the contract outside of a meeting when it becomes available.

Coastal Barrier Resources System (CBRS) Land Designation: Mr. Zubricki reported that the Federal Government has requested the Town's permission to increase certain designated boundaries adjacent to Conomo Point that limit coastal development. After some discussion, the Selectmen were in agreement that, in light of the need to explore waterfront access improvements, they are not interested in changing the boundaries at this time.

Development of Master Plan for Memorial Park: Mr. Zubricki reported that the Community Preservation Committee had voted to terminate the funding for designing and renovating a portion of Memorial Park. The Town had voted funding for the project which is controlled by the Department of Public Works. The DPW is still in favor of developing a plan for the monument area of Memorial Park. Town Counsel has opined that the CPC has no authority to terminate funding once it has been voted by the Town, unless a project is deemed completed by the controlling agency. The Selectmen said that they would like to see two plans developed for the monument area of Memorial Park: One that utilizes and develops the area as it is now and one that accommodates the possible future expansion/renovation of the public safety building for Police and Fire.

Approval of Annual Town Meeting and Election Warrant: A motion was made, seconded, and unanimously voted to include all the articles as they appear on the draft of the Warrant, dated March 28, 2016, which draft is attached hereto. A motion was made, seconded, and unanimously voted to close the Warrant. A motion was made, seconded, and unanimously voted to sign the Warrant. A motion was made, seconded, and unanimously voted to transmit the ballot language to the Town Clerk.

Tina Lane left the meeting.

At 10:01 p.m., citing the need to discuss pending litigation concerning the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A; the lease, sale, and value of real property at and near Conomo Point; successor collective bargaining agreement with AFSCME and/or EPBA; and anticipated litigation; the Chairman



entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's litigating, negotiating, and bargaining strategies. She invited the Town Administrator to attend the session and said that the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session.

The Board, their Assistant, and the Town Administrator returned to Open Session at 10:55 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following: None.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Susan Gould-Coviello

2016

Commonwealth of Massachusetts  
Town of Essex

Warrant for Annual Town Meeting and Election

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, of the Annual Town Election to bring to ballot for the following officers:

- One Assessor for three years.
- One Moderator for one year.
- One Selectman for three years.
- One Board of Health member for three years.
- Two Constables for one year.
- One School Committee member for three years.
- One Board of Library Trustee for three years.
- One Planning Board members for five years.
- One Housing Authority member for five years.

AND, to bring in their votes on the following question:

Shall this Town amend its acceptance of sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

This question involves amendment of the Town's acceptance of G.L. c.44B, §§3-7, also known as the Community Preservation Act (the "Act"), by increasing the surcharge imposed on real property from one half of one percent (0.5%) to one and one half percent (1.5 %) of the tax levy on real property, as determined annually by the Board of Assessors.

The Act establishes a dedicated funding source to acquire, create and preserve open space; acquire, create, preserve and rehabilitate land for recreational use; acquire, preserve, rehabilitate and restore historic resources; create, preserve and support community housing; and to rehabilitate and restore open space and community housing that is acquired or created in accordance with the Act. The following exemptions from such surcharge, permitted under Section 3(e) of said

Act, apply: (1) \$100,000 of the value of each taxable parcel of residential real property; and, upon application and a determination of eligibility, (2) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

As approved by the voters at the 2007 Annual Town Election, the surcharge was initially fixed at one half of one percent (0.5%) of the annual property tax assessed on real property. On a motion made under Article 5 of the November 16, 2015 Special Town Meeting, it was voted to increase the surcharge to one and one half percent (1.5 %). If approved, the increased surcharge would be imposed on taxes assessed for fiscal years beginning July 1, 2016.

AND, to do this by vote on one ballot. The polls will be open on Monday, May 9, 2016 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Memorial Fire Station, 24 Martin Street, Essex.

AND, you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School, 12 Story Street, on Monday, May 2, 2016 at 7:30 p.m. and there and then to act on the following Articles, viz:

#### ARTICLE 1

To see if the Town will vote to determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

#### ARTICLE 2

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

#### ARTICLE 3

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2017 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.

#### ARTICLE 4

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 2017 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.

ARTICLE 5

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 Water Pollution Abatement Trust during fiscal year 2017 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize the following revolving funds for fiscal year 2017; or take any other action relating thereto:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses	Spending Limit
Animal Control Officer	Board of Selectmen	Payments from dog owners seeking to claim impounded dogs	Compensating the ACO for the care of impounded dogs and reimbursing the ACO for all associated expenses	\$10,000
Board of Health – Youth Triathlon	Board of Health	Donations, grants and fees collected for the youth triathlon	Purchase of supplies and services for planning and execution of the Annual Youth Triathlon	\$12,000
Board of Health – Health, Safety and Emergency	Board of Health	Donations, grants and fees collected for the purpose of health, safety and/or emergency planning, preparation and education	Purchase of supplies and services for the purpose of health, safety and/or emergency planning, preparation and education	\$10,000

Board of Health – Public Health Nurse	Board of Health	Medicare and other reimbursements relating to contracted labor, pharmaceuticals and other reimbursements relating to the services of the Public Health Nurse	Purchasing supplies and pharmaceuticals for the Public Health Nurse and for Public Health nurse labor	\$12,000
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ARTICLE 7

To see if the Town will vote, pursuant to Town of Essex Bylaws, Chapter II, Section 2-20 to consider appointments to the Conomo Point Planning Committee, including the appointment of new members, or the reappointment or termination of current members of the Committee; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to transfer some or all of the numbered lots depicted on the approved Definitive Subdivision Plan entitled “Central Conomo Point Subdivision, Robbins Island Portion, Essex, MA” which is on file with the Essex Town Clerk, from the Conomo Point Commissioners for purposes of lease to the Board of Selectmen, acting as Conomo Point Commissioners, for general municipal and conveyance purposes, and further, to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to convey any or all of said lots, after said plan has been duly recorded with the Registry of Deeds, and to authorize the Board of Selectmen, acting as Conomo Point Commissioners, to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town to affect said conveyance, subject to terms and conditions as the Board of Selectmen, acting as Conomo Point Commissioners, deem appropriate; or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen, serving in their capacity as Conomo Point Commissioners, to lease all or any portions of its property at Conomo Point for such number of years, not to exceed twenty (20), for such consideration and upon such terms and conditions as the Board of Selectmen, acting as Conomo Point Commissioners, deem to be in the best interests of the Town; or take any other action relating thereto.

ARTICLE 10

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 design consultant to develop final construction plans for waterfront access and related improvements for the Town's property at Conomo Point, north of the Southern Conomo Point Subdivision, including but not limited to the development of design plans for the project, the preparation bid documents, the oversight of the actual construction of such improvements, and all work incidental or related thereto; and for the construction of such waterfront access and related improvements and all costs incidental or related thereto; or take any other action relating thereto.

**ARTICLE 11**

To see if the Town will vote to transfer the following, Town-owned properties from the Board of Selectmen, acting as Conomo Point Commissioners, which properties are currently held for purposes of lease, to the Board of Selectmen, acting as Conomo Point Commissioners, for general municipal purposes:

- 5 Beach Circle, Map 108, Lot 82
- 9 Beach Circle, Map 108, Lot 80
- 4 Conomo Lane, Map 108, Lot 23
- 8 Conomo Lane, Map 108, Lot 24
- 103 Conomo Point Road, Map 108, Lot 85
- 1 Robbins Island Road, Map 108, Lot 20
- 0 Conomo Point, Map 108, Lot 64
- 138 Conomo Point Road, Map 108, Lot 61
- 153 Conomo Point Road, Map 108, Lot 41

; or take any other action relating thereto.

**ARTICLE 12**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a 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.

**ARTICLE 13**

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 Police Benevolent Association of Essex, Massachusetts Coalition of Police, International Union of Police Associations, AFL-CIO; or take any other action relating thereto.

**ARTICLE 14**

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year, and to authorize the Finance Committee to permit budget line item transfers within a department from salary lines to salary lines and from expense lines to expense lines; or take any other action relating thereto.

**ARTICLE 15**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2016; or take any other action relating thereto.

**ARTICLE 16**

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 2017; or take any other action relating thereto.

**ARTICLE 17**

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 2017; or take any other action relating thereto.

**ARTICLE 18**

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 sixteen; or take any other action relating thereto.

**ARTICLE 19**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$147,959, which represents its apportioned share of the Manchester Memorial Elementary School feasibility study, authorized by the Manchester Essex Regional School District (MERSD), for the purpose of paying costs of the Manchester Memorial Elementary School feasibility study, for the school located at 43 Lincoln Street in Manchester-by-the-Sea, Massachusetts, and further described in a deed recorded in Book 3507 pages 137 and 138 in the Essex South Registry of Deeds and depicted on Map 47, lot 6 of the Town of Manchester by the

Sea Assessors' maps, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of MERSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or take any other action relating thereto.

**ARTICLE 20**

To see if the Town will 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, 2016; or take any other action relating thereto.

**ARTICLE 21**

To see if the Town will raise and appropriate or transfer from available funds a sum of money for the payment of payroll tax assessments from the Massachusetts Department of Revenue and the Internal Revenue Service; or take any other action relating thereto.

**ARTICLE 22**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to demolish or secure a structure or structures at the property or properties located at 0 Southern Avenue (Map 136, Lot 114), 5 Southern Avenue (Map 136, Lot 113), 9 Southern Avenue (Map 136, Lot 112), and 11 Southern Avenue (Map 136, Lot 111), and to dispose of any contents therein or thereupon, to purchase and erect a security fence and to do anything incidental or related thereto; or take any other action relating thereto.

**ARTICLE 23**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Essex Bicentennial Celebration Fund; or take any other action relating thereto.

**ARTICLE 24**



To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to retain the services of a designer to develop design plans and cost estimate options for the preservation and/or repair and/or the demolition and replacement of the Folsom Pavilion at the Centennial Grove and to assist with the preparation bid documents, the oversight of actual construction, and all work incidental or related thereto; or take any other action relating thereto.

ARTICLE 25

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase furnishings and fixtures for the Town Hall/Library at 30 Martin Street; or take any other action relating thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase a fully-equipped dump truck for the Department of Public Works and to authorize the Board of Selectmen to dispose of any truck replaced by this purchase, by sale or trade, and to take any other actions necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase a thermal imaging camera for use by the Harbormaster Department; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase a power stretcher for use by the Ambulance Department; or take any other action relating thereto.

ARTICLE 29

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2017 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including, but not limited to, acquisitions of interests in land, all as recommended by the Community Preservation Committee; or take any other action relating thereto.

ARTICLE 30

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sum of money for the Essex Strategic Planning Committee to accomplish public involvement and outreach with respect to the ongoing development and implementation of the Essex Strategic Plan; or take any other action relating thereto.

ARTICLE 31

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 2016; or take any other action relating thereto.

ARTICLE 32

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 2016; or take any other action relating thereto.

ARTICLE 33

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

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, seven days at least before the time for holding said meeting.

Given under our hand this 28<sup>th</sup> day of March, two thousand sixteen.

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Lisa J. O'Donnell, Chairman

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Susan Gould-Coviello

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David Doane

BOARD OF SELECTMEN  
TOWN OF ESSEX

Return of the Warrant:

Date: \_\_\_\_\_

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least seven days before the time for holding said meeting.

\_\_\_\_\_  
Constable