

Selectmen's Minutes
2nd Floor, Town Hall Stage Conference Area, 30 Martin Street
12:00 noon

April 5, 2018

Present: Chairman Lisa J. O'Donnell, Selectman David A. Doane, Selectman Andrew C. Spinney, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Chairman O'Donnell called the meeting to order at 12 noon, in the 2nd Floor Stage Conference Area of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. No one from the public was present to offer any comment.

Those present discussed the proposed addition of an article to the Warrant for the May 7, 2018 Annual Town Meeting concerning the annual authorization/reauthorization of Town revolving funds, pursuant to new guidance from the MA Department of Revenue, and on advice of Town Counsel.

Following the discussion, a motion was made, seconded, and unanimously voted to reopen the Warrant.

A motion was made, seconded, and unanimously voted to include the additional article regarding the revolving funds.

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 notify the Town Clerk that reposting of the Warrant is necessary.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 12:15 p.m.

Documents used during this meeting include the following: Amended Warrant which is attached hereto.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney

2018

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.
- One Board of Health member to fill a vacancy for one year.
- Two Constables for one year.
- One School Committee member for three years.
- One Board of Library Trustee for three years.
- Two Planning Board members for five years.
- One Housing Authority member for five years.

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

Shall the Town of Essex be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to construct a new fire station including planning, engineering, design, equipping, and furnishing costs, to include the costs of hiring a Project Manager and a Project Designer, and including all construction and/or renovation costs, including the costs of landscaping, site work and paving, moving, demolition and disposal of any existing structures and materials, assessment, containment and/or removal of any hazardous materials, and any and all other costs incidental or related to the project?

_____ Yes

_____ No

AND, to do this by vote on one ballot. The polls will be open on Monday, May 14, 2018 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 7, 2018 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 2019 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 2019 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 2019 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 6

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 7

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 2018; or take any other action relating thereto.

ARTICLE 8

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 2019; or take any other action relating thereto.

ARTICLE 9

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 2018; 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 for the purpose of funding the Water Enterprise Fund for fiscal year 2019; or take any other action relating thereto.

ARTICLE 11

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 creating new maps for the Town's cemetery properties, for the purpose of purchasing a new computer and related equipment for the Cemetery Department and for purchasing and installing new computer software for the Cemetery Department, and all costs incidental and related thereto; or take any other action relating thereto.

ARTICLE 12

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 eighteen; or take any other action relating thereto.

ARTICLE 13

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, 2018; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, for general municipal purposes, which purposes may include a fire station, the fee simple or other interest in certain real property, and any buildings and improvements thereon and any related assets, located at 55 Main Street, being shown as Assessors' Map 128, Lot 166, and as described in the deed recorded in the Essex South Registry of Deeds in Book 15016, Page 125; and to transfer from available funds a sum of money for such acquisition; and further to authorize the Selectmen to grant or accept any temporary or permanent easements across or upon said property and/or any abutting property; and further, to authorize the Selectmen to execute any and all instruments necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or any combination thereof, a sum of money for the construction of a new fire station, including all planning, engineering, design, equipping, and furnishing costs, to include the costs of hiring a Project Manager and a Project Designer, and including all construction and/or renovation costs, including the costs of landscaping, site work and paving, moving, demolition and disposal of any existing structures and materials, assessment, containment and/or removal of any hazardous materials, and any and all other costs incidental or related to the project, and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, Section 7, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, as amended, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further, to authorize the Board of Selectmen, and any other appropriate officials of the Town, to apply for and accept any forms of financial assistance that may be available to the Town on account of this project including from the United States Department of Agriculture (USDA) and its Rural Development programs, and in connection therewith to enter into any necessary agreements with the USDA for a loan, and otherwise to contract with the USDA with respect to

any such loan or loans; and further, to authorize the Board of Selectmen to take any action necessary to effectuate the purposes of this Article, including but not limited to entering into all agreements and executing on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote; or to 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 to purchase and equip a police cruiser and to authorize the Board of Selectmen to dispose of the cruiser being replaced by the purchase by sale or trade; 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 to add to the amount appropriated under Article 27 of the 2017 Annual Town Meeting for the acquisition from National Grid all of the municipal street lighting facilities and equipment, municipal flood lighting and area lighting facilities and equipment, consisting of luminaires, lamps, ballasts, photocells, dedicated poles where applicable, foundations, conduits, dedicated manholes where applicable, and other underground equipment, where applicable, that are not part of the electric distribution system, and the rights appurtenant thereto, owned by National Grid and located in the Town of Essex; and further for the maintenance, repair and emergency management of such lighting facilities and all costs incidental and related thereto; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 40, Section 5B, to create a stabilization fund for the purpose of maintenance and emergency management of all of the municipal street lighting facilities and equipment, municipal flood lighting and area lighting facilities and equipment, consisting of luminaires, lamps, ballasts, photocells, dedicated poles where applicable, foundations, conduits, dedicated manholes where applicable, and other underground equipment, where applicable, that are not part of the electric distribution system, 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.

ARTICLE 19

To see if the Town will vote to amend Section 6-10.2.1 of the Town's Flood Plain Overlay District bylaw, by deleting the existing third unnumbered paragraph, which presently reads as follows:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25009C0427F, dated July 3, 2012; and 25009C0289G, 25009C0291G, 25009C0292G, 25009C0293G, 25009C0294G, 25009C0311G, 25009C0313G, 25009C0431G, 25009C0432G, and 25009C0451G, dated July 16, 2014. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

And by replacing it with the following:

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25009C0427F, dated July 3, 2012; 25009C0289G, 25009C0431G, 25009C0432G, and 25009C0451G, dated July 16, 2014; 25009C0291G, 25009C0293G, 25009C0294G, and 25009C0313G dated July 16, 2014 and revised by Letter of Map Revision dated April 10, 2017; and 25009C0292G and 25009C0311G, dated July 16, 2014 and revised by Letters of Map Revision dated April 10, 2017 and December 27, 2017. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 16, 2014 and revised by Letter of Map Revision dated April 10, 2017. The FIRM and FIS report are incorporated herein by reference and are on file with the Board of Selectmen and Building Inspector.

; or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to retain the services of a consultant to develop a municipal water system facilities plan, including assistance with application for future loan funding; or take any other action relating thereto.

ARTICLE 21

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 computer hardware and/or software and/or sewer system

alarm upgrades and anything incidental and related thereto, for the Sewer Department; 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 purchase and equip a new utility truck for the Water Department; or take any other action relating thereto.

ARTICLE 23

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including fiscal year 2019 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 24

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 25

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 2018; or take any other action relating thereto.

ARTICLE 26

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 2018; 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 for the payment of unpaid bills from past fiscal years; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E½ as most recently amended, to establish the annual spending limits set

forth below for the revolving funds listed in Town of Essex General Bylaws, Chapter II, Section 2-26, entitled, "Revolving Funds", which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits 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; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, may increase the limit for that fiscal year only:

Revolving Fund	Spending Limit
Animal Control Officer	\$10,000
Board of Health – Youth Triathlon	\$12,000
Board of Health – Health, Safety and Emergency	\$10,000
Board of Health – Public Health Nurse	\$12,000

; or act in relation 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 5th day of April, two thousand eighteen.

Lisa J. O'Donnell, Chairman

David A. Doane

Andrew C. Spinney

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