

Selectmen's Minutes
T.O.H.P. Burnham Library

March 25, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, and Selectman's Assistant Pamela J. Witham.

Also present: Thayer Adams, Sarah Cushing, Ellen Hull, Paul Tofuri, Attorney Ralph C. Pino, Mr. and Mrs. Ernest Tremblay, and Kelly Roach.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. Thayer Adams came before the Board to discuss the condition of the seawalls and beaches at Conomo Point. Recent storms have washed away sand from the beaches and undermined some of the retaining walls at Clammers Beach and Front Beach. She felt that there are several places where it is unsafe for cars to park or people to walk. She said that the boat rack is in pieces and there is straw and debris everywhere. Mr. Zubricki said that he had already asked the Department of Public Works Superintendent Paul Goodwin to look into the matter and provide an estimate, if possible, of the needed repairs. Selectman O'Donnell, who is an engineer, said she would like to accompany Mr. Goodwin when he makes his inspection.

Attorney Ralph C. Pino and his client Ernest S. Tremblay came before the Selectmen at 7:01 p.m. with Mrs. Tremblay and Kelly Roach, to participate in the Public Hearing regarding a request for a transfer of license from Lewis' Oyster House of Essex to Diamond 4 Cookhouse, d/b/a Castle Kreek Cookhouse & Bar, and to also request a change of manager from John A. Broderick to Kelly A. Roach, at 234 John Wise Avenue. The Chairman entertained a motion to open the hearing, and the motion was moved, seconded, and unanimously voted. Chairman Jones asked Attorney Pino to begin the hearing with a summary of Mr. Tremblay's plans for the old Lewis' restaurant. David Cutter purchased the restaurant last year from John Broderick and will be leasing the restaurant to Mr. Tremblay. Mr. Tremblay currently operates the Salisbury and Peabody Sylvan Street Grilles, as well as the Bradford Tavern in Rowley. His wife and her daughter, Kelly Roach, will be managing the restaurant in Essex, which is planned to reopen after Mother's Day. The Chairman asked if anyone else would like to comment on the proposed transfer and new manager. No one did. A motion was made, seconded, and unanimously voted to close the hearing. After a discussion, a motion was made, seconded, and unanimously voted to approve Mr. Tremblay's request for a transfer of license and a new manager for the property at 234 John Wise Avenue. Attorney Pino and the Tremblays thanked the Selectmen and left the meeting.

Paul Tofuri introduced himself to the Selectmen and requested a waiver of the application filing deadline for a commercial clamming permit. A motion was made, seconded, and unanimously voted to waive the filing deadline for Mr. Tofuri and to approve his completed application form outside of a Selectmen's meeting contingent upon payment of the permit fee and review of the application by the Town Clerk to ensure all minimum requirements for licensure have been met. Mr. Tofuri thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 9th, 2013 through March 22nd, 2013 regarding the following:

Pilot Program for Cyber Insurance: The Selectmen discussed MIIA's (the Town's insurance carrier) request to use the Town in a test/survey they are conducting regarding the security level of computer networks in towns. A MIIA consultant would attempt to access the Town's computer network. The Town would then receive a confidential report following the test, assessing the strengths and weaknesses that the consultant discovered in the Town's network. A motion was made, seconded, and unanimously voted to approve MIIA's request to use Essex as one of the towns to be used in their security test.

Town Hall Health and Safety Improvements: Mr. Zubricki reported that there are still a couple of items remaining to be determined regarding the cost estimation and design for the Town Hall improvements. He said that the Town's consultant will be present at the next Selectmen's meeting on April 8, 2013 to review the finished proposal. It was agreed that Mr. Zubricki should try to schedule the presentation by Meyer and Meyer for 8:00 p.m., and the Town Building Committee and the Town Treasurer will be invited to attend the presentation. Selectman O'Donnell, who is also the Chair of the TBC, said that she would schedule a meeting of the TBC for Monday, April 1, 2013, to update the Committee on recent developments before the presentation. The Town Treasurer is interested in the cost estimates and the construction schedule that will be proposed by Meyer and Meyer, since she will be making arrangements to borrow the money and have it available when needed. Once the final scope and plans are approved, the project will be posted for bidding.

Potential Changes to Retiree Health Insurance Plan Design: Mr. Zubricki said that he has advised the Town's Insurance Advisory Committee of the suggested changes to the retiree health insurance plan recommended by the Town's insurance carrier and suggested to its members that the Committee meet in the near future to discuss these changes. The Selectmen agreed that they were in favor of Mr. Zubricki continuing to work with the Committee on the changes that were reviewed at the last Selectmen's meeting and agreed that he should work with MIIA on the proper notification of all of the Town's retirees.

DEP Quarterly Report: The Selectmen reviewed the DEP Quarterly Report for the quarter ending March 31, 2013. A motion was made, seconded, and unanimously voted to approve and distribute the report.

Central Conomo Point Zoning District Bylaw: Mr. Zubricki said that the Planning Board had voiced no recommendations to the proposed zoning district bylaw for central Conomo Point at the public forum that was held last Wednesday. Because there were no recommendations, Mr. Zubricki has inserted the article as presented at the hearing into the current draft of the Annual Town Meeting Warrant.

At 7:37 p.m., citing the need to discuss collective bargaining Issues with AFSCME and the EPBA, the Chairman entertained a motion to move to Executive Session. The Chairman said that

discussing these matters in Open Session would be detrimental to the Town's negotiating and bargaining strategies. He invited the Town Administrator to attend the Executive Session and said that the Board would be returning to Open Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved upstairs to the Town Administrator's office for the Executive Session.

The Board returned to Open Session in the Library at 7:46 p.m. Ellen Hull had previously left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$619,749.11.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 11th, 2013, Open Meeting and the March 11th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve the recommendation from Police Chief Peter Silva to appoint Robert Hemeon to the position of Part-Time Police Officer. The Selectmen signed the appointment card.

The Selectmen discussed forming an ad hoc committee to consider space and budgetary needs of the Essex Police Department and the Essex Fire Department. The Committee would begin by reviewing the recommendations from Reinhardt Associates, the consultant hired by the Town to execute a feasibility study for a Town public safety building. The Committee will be directed to study regionalization and department composition, and the Committee will also consider comparable facilities in other Massachusetts towns that are similar in size to Essex. The Committee will also formulate an RFP to solicit a professional consultant to work with Committee to complete the study. The Selectmen asked Mr. Zubricki to draft a suggested Committee charge for review at the next meeting. Selectman O'Donnell, as Chair of the Town Building Committee, said that she would hold a meeting of the TBC to inform them of the new committee and to solicit a candidate for membership in the FD-PD Study Committee. The Selectmen also thought that a representative from the Finance Committee should be a member of the new Committee.

The Selectmen considered approval of an extension of the Town of Ipswich water system under public roads in Essex to serve the old Lewis's restaurant property. A motion was made, seconded, and unanimously voted to approve the extension, provided that any and all necessary State and local permits are obtained in advance of construction.

Town Accountant Roxanne Tieri and Finance Committee Chair Jeff Soulard, along with Finance Committee members Richard Ross, Jim Horrocks, and Mark McKenna, joined the Selectmen to discuss the status of the proposed FY2014 budget. Chairman Soulard said that they are very close to having a balanced budget. He said that the school and the DPW have done a great job balancing their budget requests for FY2014. Those present discussed the *monetary articles* that will be on the Annual Town Meeting Warrant. Following the discussion, the Selectmen thanked

the Finance Committee and the Town Accountant for their comments and the FinCom members and Ms. Tieri left the meeting.

Mr. Zubricki reviewed a communication from the Chairman of the Shellfish Advisory Commission recommending that the Selectmen keep the fee for an annual commercial shellfishing permit at \$300 but include a requirement that every person that applies for a permit must place and manage a net for the reseeding project. The Selectmen were not in favor of the recommendation and said that they would like to meet with the Advisory Commission in the near future, when the Commission has increased its membership, to have a discussion about management of the Town's shellfishing resource, including re-visiting each of the Shellfish Constable's recent suggestions.

Fiscal Year 2014 Wage & Salary Scale, Cost of Living Increase: Mr. Zubricki reviewed the proposed ***Wage & Salary Scale for FY2014 (also known as the Personnel Board Report)***. The Selectmen, acting in their capacity as the Personnel Board, made and seconded a motion to recommend the FY2014 Wage and Salary Scale for approval at the Annual Town Meeting to include a 1.5% cost of living increase for non-union, non-contract employees, all merit pay previously approved, and the final figure recommended by the Finance Committee for the Fire Chief's stipend. The motion was unanimously voted.

Mr. Zubricki reviewed the latest draft of the proposed warrant for the May 2013 Annual Town Meeting. The Selectmen advised Mr. Zubricki about their desired design of a handout for the Annual Town Meeting that would provide information and a map of Conomo Point. The Board would like to utilize the series of 5 maps that were produced by Horsley Witten for a recent public hearing and was not in favor of any other map options. The Selectmen also reviewed two different samples of a proposed handout providing information about the ***changes to the Town's dog bylaws***. They decided to choose the sample with strikeouts illustrating the changes to the current dog bylaws as the handout for the meeting. Selectman O'Donnell reported that she has been working on the design and content for an informational mailer regarding Conomo Point that would be sent to Essex residents prior to the Annual Town Meeting. Chairman Jones said that he would be responsible for the portion of the mailer with the color printing and Mr. Zubricki said he would obtain estimates for postage and for printing the non-color parts of the mailer.

The Selectmen briefly reviewed each of the articles in the Annual Town Meeting Warrant, including the petition articles. The Selectmen considered a request from a number of Essex residents to voluntarily include certain language on the ballot for the annual Town election. After some discussion, the Selectmen chose not include the language.

Subsequently, a motion was made, seconded, and unanimously voted to include the articles as they appear on the draft of the warrant, dated March 25, 2013, which is attached hereto. A motion was made, seconded, and unanimously voted to close the warrant. And finally, a motion was made, seconded, and unanimously voted to sign the warrant. The Annual Town Meeting will be held in the gymnasium at the Essex Elementary School starting on Monday, May 6, 2013 at 7:30 p.m.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, April 8th, 2013, at 7:00 p.m. in the Library on Martin Street.

The Eastern Essex District Department of Veterans' Services Board of Directors will hold a meeting on Thursday, April 11, 2013, at 7:00 p.m.

The Selectmen reviewed a request from Thayer Adams, acting President of the Conomo Point Association, for a license to attach ramps and floats to the stone pier and to the Farnsworth pier at Conomo Point from April 15 to October 15, 2013. A motion was made, seconded, and unanimously voted to approve her request, contingent upon receipt of an insurance certificate naming the Town as an additional insured. The Selectmen signed the license for this year, which will not be released until the insurance requirement has been met.

The Selectmen discussed with Thayer Adams and Sarah Cushing various options for waterfront management at Conomo Point, now that the Town will be working towards facilitating public access there.

Mr. Zubricki requested that the discussion of potential revisions to deeds for the following properties be temporarily tabled, since an additional month's extension will be necessary:

- 98 Conomo Point Road, Map 19, Lot 56
- 12 Town Farm Road, Map 19, Lot 40
- 6 Sumac Drive, Map 19, Lot 16

The Selectmen agreed to Mr. Zubricki's request.

Mr. Zubricki reviewed the current status of the following properties:

14 Robbins Island Road, Map 19, Lot 63, Joanne Averay: Mrs. Averay is still working on defining her financial situation following her husband's recent death. She needs to have this in place to obtain financing from a bank to purchase this property. She expects that the situation will be resolved during the month of April.

98 Conomo Point Road, Map 19, Lot 56, Daniel Mayer, 6 Sumac Drive, Map 19, Lot 16, Daniel Mayer, and 12 Town Farm Road, Map 19, Lot 40, Daniel Mayer: Mr. Mayer is actively working to obtain financing and anticipates approval during the month of April.

20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell: Ms. Tirrell's financing has been held up pending completion of the installation of a septic system at this property. Now that spring is approaching, it is anticipated that the system can be completed and that financing will go forward soon.

Following Mr. Zubricki's review of the above properties, a motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for each of these properties.

Mr. Zubricki also reviewed the current status of:

92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann: Mr. Zubricki said that he has been contacted by several interested parties regarding purchase of the lease rights to this property. He said that Mrs. Herrmann is actively marketing the property rights for sale and a buyer may be found soon.

11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein: Mr. Zubricki said that he has been in communication with Mrs. Lichtenstein. He confirmed that she is also still looking for someone to purchase her leased rights to this property and hopes that the warm weather will bring more interest.

19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli: Mr. Zubricki reported that Mrs. McRae has informed him that she has a buyer for the lease rights to this property and he is currently trying to obtain financing.

A motion was made, seconded, and unanimously voted to sign the agreements to extend the bridge lease and purchase and sale agreement signing deadline for these three properties.

Thayer Adams and Sarah Cushing left the meeting.

Mr. Zubricki reported that Sefton Earl has submitted a request to withdraw his application for a commercial clamming permit.

A motion was made, seconded, and unanimously voted to send a letter to Steven Hemeon, requesting his presence at a hearing relative to his residency and to grant him permission to continue use of his 2012 clamming permit until the situation regarding his application for a 2013 clamming permit is resolved.

A motion was made, seconded, and unanimously voted to send a letter to Todd Vickery, requesting his presence at a hearing relative to his residency regarding his application for a 2013 clamming permit.

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

Renewal of Common Victualler's License:

- Blue Marlin, Inc., d/b/a Marlin Market, Lisa Norris, Manager at 63 Eastern Avenue

Renewal of Permit for Keeping, Storage, and Sale of Gasoline:

- Holden Essex LLC, Charles E. Holden at 2 Scot's Way
- Edwin C. Perkins, Perkins Marine, Inc. at 82 Main Street
- Chanty Inc., d/b/a Richdale, Peter Panagoplos at 156 Main Street

Commercial Clamming Permit:

- Kenneth Amero
- Robert Amero
- Julian Balili
- Keith Carter
- Sheila Carter
- Daniel Doane
- Scott Dunsmore
- Robert Fitzgerald, Jr.
- Robert Fitzgerald, Sr.
- Michael T. Lane
- Wayne Leveille
- John R. MacDonald
- Steven MacDougall
- Bruce Mello
- George E. Mullin
- Herbert S. Nunes
- Michael D. Pascucci
- Robert Perrigo
- Scott Reed
- Mark Whitman
- Keith Woodman
- Eugen Xhalia

Senior Clamming Permit:

- James Genest
- Dennis Henderson
- Richard Pascucci
- Blake W. Story

Student Clamming Permit:

- Craig C. Carter
- Kevin Carter
- Kevin Tofuri
- Tomaz Tofuri
- Erik Walder

Non-Resident Recreational Clamming Permit and Waiver of Filing Deadline:

- Paul Dredge of Arlington, MA sponsored by Barry Richards of Martin Street

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:15 p.m.

Documents used during this meeting include the following:

List of Monetary Articles

Wage & Salary Scale for FY2014

Handouts Illustrating Changes to the Town's Dog Bylaws

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell

2013

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:

Assessor for three years
Moderator for one year
Selectman for three years
Board of Health member for three years
Two Constables for one year
School Committee member for three years
Board of Library Trustee for three years
Two Planning Board Members for five years
Planning Board Member to fill a vacancy for four years
Housing Authority Member for five years
Housing Authority Member to fill a vacancy for one year

AND, to do this by vote on one ballot. The polls will be open on Monday, May 13, 2013 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 6, 2013 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 2014 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 2014 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 2014 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 reauthorize a revolving fund for the Animal Control Officer for the purpose of compensating the Animal Control Officer for the care of impounded dogs and for reimbursing the Animal Control Officer for all associated expenses. Payments from dog owners seeking to claim impounded dogs shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Selectmen up to a maximum of \$10,000; or take any action thereto.

ARTICLE 7

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health for the purpose of the planning and execution of an annual youth triathlon or other exercise program. Donations, grants and fees

collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$12,000; or take any action thereto.

ARTICLE 8

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health Department for the purpose of health, safety, and/or emergency planning, preparation and education. Donations, grants and fees collected for said purpose shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000; or take any action thereto.

ARTICLE 9

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize a revolving fund for the Board of Health for the purpose of purchasing supplies, contracted labor, and pharmaceuticals as needed by the Public Health Nurse and for the payment of Public Health Nurse wages. Medicare and other reimbursements relating to said programs and donations for the purpose of purchasing supplies and pharmaceuticals and for Public Health Nurse labor shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$12,000; or take any action thereto.

ARTICLE 10

To see if the Town will vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", by inserting a new section, to be numbered as Section 6-12, as follows; or take any other action relating thereto.

6-12 Central Conomo Point Zoning District.

6-12.1. Purpose: The purpose of the Central Conomo Point Zoning District ("CCPZD") is to facilitate the subdivision of the central portion of the previously developed area north of Robbins Island Road while minimizing disruption to the existing historical building configuration.

6-12.2. Establishment: The CCPZD is a zoning district shown on the Town's Zoning Map (see Exhibit 1) that includes a portion of land north of Robbins Island Road located along Robbins Island Road and Beach Circle. The CCPZD is subject to all provisions of Chapter VI of the Essex bylaws except as specifically defined below.

6-12.3. Definitions: In addition to the definitions set forth in Section 6-2.2 of the Zoning By-Law, the following definitions shall apply only in the CCPZD:

Seasonal Cottage – A detached principal structure with a residential dwelling unit, other than a mobile home, of 1½ stories or fewer, to be used for seasonal occupancy only between April 15 and October 15 of any given year.

Floor Area, Gross – The area of all floors located within the principal structure enclosed within exterior walls, including the thickness of the walls. Unfinished or finished storage areas, attics, or basements more than 50% above the ground within the principal structure, shall be included as floor area.

Floor Area Ratio (FAR) – The ratio of the Gross Floor Area of all principal structures on a lot divided by the lot area.
(Example: 2,500 SF Gross Floor Area / 5,000 SF lot area = FAR .5)

Lot Area – The area(s) of a lot above the mean high water elevation.

Lot Building Coverage – The percentage of the lot area covered by the area of all principal and accessory buildings or structures with roofs. (Example: 1,000 SF roof area / 5,000 SF lot area = 20% Lot Building Coverage)

Impervious Surface Coverage – The percentage of the lot area covered by impervious surface. (Example: 1,000 SF impervious surface / 5,000 SF lot area = 20% Impervious Surface Coverage)

Right-of-Way Width - The minimum right of way width for a new or established street within the CCPZD shall be at least 25 feet.

6-12.4. Permitted Principal Uses:

A. Seasonal Cottages – Seasonal Cottages are permitted as of right, but use and occupancy shall be limited to seasonal use only between April 15 and October 15 of any given year.

B. Storage – Storage buildings or structures are permitted as a principal use provided they: 1) meet the dimensional regulations listed in Table 1 at Section 6-12.6(E); and 2) are restricted to non-commercial storage uses of any type.

C. Municipal Park and Recreational - Municipal uses, including but not limited to, parks, playgrounds, off-street parking facilities and public recreational areas, are permitted as of right as a principal use.

6-12.5. Permitted Accessory Structures and Uses:

A. Accessory Buildings or Structures – Accessory Buildings or Structures are permitted as of right, subject to the following limitations:

- a maximum of two Accessory Buildings and/or Structures per lot;
- total gross floor area of all Accessory Buildings and/or Structures on each lot shall not be greater than 576 SF;
- maximum permitted height of 15 feet.
- minimum side or rear yard setback of 5 feet.

B. Home Occupations – Home Occupations are permitted as of right, subject to the following additional limitations:

- No more than one employee who does not reside in the building or structure;
- No more than one commercial vehicle shall be parked on the property;
- No external display or sale of goods or services shall be permitted.

6-12.6. Dimensional and Density Regulations:

A. General Requirement: Except as provided under Section 6-12.5.A., all lots, new construction and reconstruction of or additions, alterations or extensions to any principal or accessory buildings or structures shall comply with the dimensional regulations listed in Table 1 at Section 6-12.6(E).

B. Exceptions: This Section contemplates that new lots will be created through a subdivision to accommodate the principal and accessory buildings or structures in the CCPZD existing at the time of adoption of this Section. The following exceptions to the dimensional regulations in Table 1 at Section 6-12.6(E) shall apply within the CCPZD:

1. Lots - New lots approximating the currently shown lease areas may be created for the following areas to accommodate the existing buildings, structures and parking areas:

Robbins Island Road:

Assessor's Map 19, Lot 68B, provided that, if it becomes owned in common with Map 19, Lot 68A, such combined lot shall have a minimum lot area of 2,500 square feet and a minimum frontage of 25 feet. Map 19, Lot 68B shall not, by itself, be a buildable lot.

Assessor's Map 19, Lot 77, provided such lot shall have a minimum lot area of 4,000 square feet and a minimum frontage of 40 feet.

Conomo Point Road:

Assessor's Map 19, Lot 97, provided such lot shall have a minimum lot area of 4,500 square feet and a minimum frontage of 40 feet.

2. Structures and Parking Areas - New lots complying with the lot area and frontage requirements in Table 1 at Section 6-12.6(E), and the lots for which exceptions from such requirements are provided in Section 6-12.6(B)(1), may be created within the areas of the CCPZD to accommodate the existing buildings, structures and parking areas, even if the new lot lines render the existing buildings, structures or parking areas nonconforming.

C. Regulation of Nonconforming Lots, Structures, and Parking Areas: The lots for which exceptions are made in Section 6-12.6(B)(1), and the existing structures and parking areas that do not comply with the dimensional requirements listed in Section 6-12.6(E), Table 1,

are hereby deemed to be lawful nonconforming lots and lawfully existing nonconforming structures and parking areas. Future reconstruction, alterations, extensions and/or additions to such nonconforming lots and structures are subject to the following:

1. As-of-Right Changes:

(a) Any reconstruction, alteration, extension or addition to an existing residential structure that does not either (i) create a new nonconformity, or (ii) increase or intensify any existing nonconformity, shall be permitted as-of-right.

(b) On a nonconforming lot (i.e., a lot subject to Section 6-12.6(B)(1)), any reconstruction, alteration, extension or addition to an existing residential structure that extends beyond the existing footprint, or that results in an increase in gross floor area or height, even if the Table 1 dimensional requirements are met, shall be deemed to increase or intensify the existing nonconformity of the lot, and shall not be permitted as-of-right.

2. Special Permit Changes:

(a) Any reconstruction, alteration, extension or addition to an existing residential structure that increases or intensifies an existing nonconformity, but does not create a new nonconformity, may be allowed by the Planning Board by a special permit, provided that the Planning Board finds that such reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

(b) For an existing non-residential structure on a conforming lot, any reconstruction, alteration, extension or addition that complies with the dimensional requirements in Table 1 may be allowed by the Planning Board by a special permit, provided that the Planning Board finds that such reconstruction, alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

3. Variance Changes:

(a) Any reconstruction, alteration, extension or addition to an existing residential structure that creates a new nonconformity shall require a variance from the Board of Appeals.

(b) Any reconstruction, alteration, extension or addition to an existing non-residential structure on a non-conforming lot, and any such reconstruction, alteration, extension or addition to an existing non-residential structure on a

conforming lot that does not comply with the dimensional requirements in Table 1, shall require a variance from the Board of Appeals.

D. Merger: Within the CCPZD, adjoining lots that are held in common ownership shall retain their status as separate lots, and shall not be deemed to have merged into a single lot for purposes of zoning solely on the basis of such common ownership.

E. Table of Dimensional Regulations:

Table 1 – Dimensional Regulations – Permitted As-of-Right for all Principal Uses:

Dimensional Controls		
1	Minimum Lot Area (square feet)	5,000
2	Minimum Frontage (feet)	40
3	Minimum Front Yard Setback (feet)	5
4	Minimum Side Yard Setback (feet)	5
5	Minimum Rear Yard Setback (feet)	10
6	Maximum Height (feet)	15
7	Maximum Floor Area Ratio (%)	30%
8	Maximum Lot Building Coverage (%)	25%
9	Maximum Impervious Surface Coverage (%)	30%
10	Maximum Number of Stories	1.5

EXHIBIT 1 – ZONING MAP DISTRICT FOR CENTRAL CONOMO POINT



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 management of property at Conomo Point including but not limited to renovation, demolition, and contents management of structures and maintenance of all outdoor areas; 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 sum of money to retain the services of a design consultant to develop final construction plans for waterfront access improvements at northern Conomo Point and for the management of the actual construction of such improvements; 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 sum of money to construct waterfront access improvements at northern Conomo Point; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for property appraisals at Conomo Point; or take any other action relating thereto.

ARTICLE 15

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 Conomo Point Legal Budget for fiscal year 2013; or take any other action relating thereto.

ARTICLE 16

Article for Directing the Sale of Specified Properties at Conomo Point

To see if the Town will vote that when any existing leases expire for the following lots listed below, as shown on the Town of Essex Assessors' Maps, that said lots shall be transferred from the Conomo Point Commissioners for purposes of lease to the Board of Selectmen for the purpose of conveyance, and further, to direct the Board of Selectmen to convey all of said lots, after said plan has been duly recorded with the Registry of Deeds, 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 affect said conveyance, subject to terms and conditions as the Board of Selectmen deem appropriate; or take any other action relating thereto.

Map 24, Lot 1	Map 24, Lot 2	Map 24, Lot 3	Map 24, Lot 4
Map 24, Lot 5	Map 24, Lot 6	Map 24, Lot 7	Map 24, Lot 8
Map 24, Lot 9	Map 24, Lot 10	Map 24, Lot 11	Map 24, Lot 12
Map 24, Lot 21	Map 24, Lot 22	Map 24, Lot 23	Map 24, Lot 24
Map 24, Lot 25	Map 19, Lot 81	Map 19, Lot 82	Map 19, Lot 83
Map 19, Lot 84	Map 19, Lot 85	Map 19, Lot 86	Map 19, Lot 88
Map 19, Lot 89	Map 19, Lot 91	Map 19, Lot 92	Map 19, Lot 93
Map 19, Lot 65	Map 19, Lot 66	Map 19, Lot 67	Map 19, Lot 68
Map 19, Lot 69	Map 19, Lot 70	Map 19, Lot 71	Map 19, Lot 72
Map 19, Lot 73	Map 19, Lot 74	Map 19, Lot 74 A	Map 19, Lot 75
Map 19, Lot 76	Map 19, Lot 77	Map 19, Lot 78	Map 19, Lot 79
Map 19, Lot 95	Map 19, Lot 96	Map 19, Lot 97	Map 19, Lot 98
Map 19, Lot 99	Map 19, Lot 100	Map 19, Lot 101	Map 19, Lot 102

ARTICLE 17

Article for the Creation of a Park at Northern Conomo Point

To see if the Town will vote that when any existing leases expire for the following lots listed below, as shown on the Town of Essex Assessor's Maps, that said lots shall be retained for a public park.

Map 24, Lot 13	Map 24, Lot 14	Map 24, Lot 15 A	Map 24, Lot 15 B
Map 24, Lot 16	Map 24, Lot 17	Map 24, Lot 18	Map 24, Lot 18 A
Map 24, Lot 19	Map 24, Lot 20	Map 24, Lot 26	Map 24, Lot 27
Map 24, Lot 28	Map 24, Lot 29	Map 24, Lot 30	Map 24, Lot 31
Map 24, Lot 32	Map 24, Lot 33	Map 24, Lot 34	Map 24, Lot 35
Map 24, Lot 36	Map 24, Lot 37	Map 24, Lot 38	Map 24, Lot 39
Map 24, Lot 40	Map 24, Lot 41	Map 24, Lot 42	Map 24, Lot 43
Map 24, Lot 44	Map 24, Lot 45		

ARTICLE 18

To see if the town will vote to place the following question on the ballot at the next regular town election after May 13, 2013:

Do you support setting aside all town-owned land on the headland at Northern Conomo Point, not including any portions of Robbins Island and Beach Circle that a Master Plan for Conomo Point approved by an Annual Town Meeting may indicate could be sold, for a public park and setting aside 70% of the proceeds from the sales of Conomo Point lots that were completed on or before June 30, 2013, and 100% of the proceeds from all

additional sales that take place after June 30, 2013, and all revenues from Northern Conomo Point, such as short-term rents, user fees or concessions, for the development and maintenance of this park?

ARTICLE 19

To see if the Town will vote to amend the Essex Town Bylaws, Section 2-13 Conomo Point Commissioners:

Delete Section 2-13.8 in its entirety.

Delete in its entirety Section 2-13.13 Section 3: Long-term Leases

In Section 2-13.13 Section 4: Sales, add a new subsection h. as follows:

Provided however, that the Commissioners may not sell any town-owned property in the Northern Conomo Point section of Conomo Point encompassing all town-owned land north of and including Robbins Island Road and Beach Circle, until an Annual Town Meeting approves both 1) a Master Plan for Northern Conomo Point and 2) a Financial Plan for Conomo Point that a) lays out the proposed uses of the proceeds from all land sales at Conomo Point that have already taken place and are anticipated to take place in the future as part of the implementation of the approved Master Plan for Northern Conomo Point, b) proposes a method for segregating revenues from Conomo Point, including but not limited to all lease rents from Northern Conomo Point lots, user fees, and concession receipts, and c) proposes a method and timeline for funding the capital improvements needed to implement the Master Plan for Northern Conomo Point.

ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$3,800.00 to pay half the cost of the 2013 lifeguard staff at Conomo Point so as to maintain a seven-day per week waterfront safety monitoring for swimmers, the Essex Bay Sailing Club students, swimming lessons, safe boating and waterfront emergencies.

ARTICLE 21

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 22

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 23

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; 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 for the purpose of funding the Sewer Enterprise Fund for the remainder of fiscal year 2013; 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 for the purpose of funding the Sewer Enterprise Fund for fiscal year 2014; 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 for the purchase and installation of a grinding device to be installed at sewer lift station four in order to upgrade the performance of the station; 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 purpose of funding the Water Enterprise Fund for fiscal year 2014; 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 for the purchase drive-by meter reading units for the water distribution system; or take any other action relating thereto.

ARTICLE 29

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

ARTICLE 30

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 cost of the North Shore Regional Vocational School District for the fiscal year commencing July 1, 2013; or take any other action relating thereto.

ARTICLE 31

To see if the Town will vote to authorize the Board of Selectmen to acquire and accept on behalf of the Town by gift, purchase, or eminent domain, a permanent easement or easements upon private property or properties that abut the Essex causeway (on Main Street, Route 133) for the purposes of accessing, constructing, and maintaining a proposed boardwalk project in that vicinity and for the purposes of public passage and re-passage over the same, said easement(s) shown on a plan or plans on file with the Town Clerk; upon such terms and conditions as are acceptable to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 32

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for an engineering consultant to review the present status of the encroachment of structures into the Federal Channel of the Essex River and to work with Town officials and other stakeholders to eliminate encroachments, draft plans for realignment of the Federal Channel, draft plans for reconfiguration of the Federal Channel, and take any other actions to provide all other precursors necessary to apply to the Army Corps of Engineers, the Federal Legislature, or any other entity for Federal dredging assistance against an encroachment-free backdrop, and to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as be necessary to affect this vote; or take any other action relating thereto.

ARTICLE 33

To see if the Town will vote to amend the Town of Essex Animal Control Bylaw by deleting the current bylaw, in its entirety, and by replacing it with the following, to be known as Chapter 4-16; or take any other action relating thereto.

4-16 ANIMAL CONTROL BYLAW

4-16.1 *PURPOSE.* The purpose of this bylaw is control of animals to prevent injury to property, persons and animals.

4-16.2 *ADMINISTRATION.*

- a. The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.
- b. For purposes of this bylaw and Massachusetts General Laws, Chapter 140, section 157, the Board of Selectmen shall be the Hearing Authority.

4-16.3 *CONTROL OF ANIMALS.* No person owning, harboring or having the custody or control of a dog shall permit such dog to enter or remain upon the following property at the time indicated:

- a. *PUBLIC SCHOOL GROUNDS.* No dog shall be allowed upon public school grounds between the hours of 7:30 a.m. and 4:30 p.m., local time, Monday through Friday, during the school year and any special sessions thereof. Dogs shall not be allowed on any school department property while schools in Essex are in session.
- b. *BEACHES.* No dog shall be allowed upon any public beach in Essex during June, July, and August in each year.
- c. *CEMETERY GROUNDS.* No dog shall be allowed upon any cemetery grounds in Essex, at all times of the year.
- d. *PUBLIC PARKS.* No dog shall be allowed in any public park in Essex, at all times of year, except at the Centennial Grove. Supervised dogs on a leash or under the direct control of their owner (not unsupervised dogs) shall be allowed at the Centennial Grove except during June, July, and August in each year, during which months dogs shall not be allowed at the Centennial Grove.

4-16.3A *ROAMING AT LARGE.*

- a. No person shall permit a dog owned or kept by them to cause a nuisance to people or other animals or a threat to public safety while roaming at large.
- b. Dogs that are, in the judgment of the Animal Control Officer, causing a nuisance to people or other animals or a threat to public safety while roaming at large may be caught and confined by the Animal Control Officer or any police officer of the Town of Essex. A dog so confined may be held for not more than seven days. If the owner or keeper of the dog claims it and pays the sum of \$40 for each day that the dog has been held, the dog shall be returned to its owner or keeper. Any dog not claimed by the owner or keeper within said seven day period may be subject to euthanization or adoption as set forth in Massachusetts General Laws, Chapter 140, sections 151A and 167, as may be amended from time-to-time.

4-16.3B *NUISANCE AND DANGEROUS DOGS*

a. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Essex Police Department, the Board of Selectmen, or the Town Administrator, that any dog owned or kept within the Town of Essex is a Nuisance Dog or Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, sections 136A and 157, as may be amended from time to time.

b. The Animal Control Officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time to time.

c. Any person aggrieved by an order of the Animal Control Officer may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of the issuance of the Animal Control Officer's order. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.

d. Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the dog is a Nuisance Dog or Dangerous Dog. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time to time. The determination of the Board of Selectmen after a hearing shall be final.

e. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157.

4-16.4 *DOGS IN SEASON*. Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

4-16.5 *DOG TAGS*. All dogs shall wear a collar or similar device with the current dog tags (license) attached.

4-16.6 *LICENSING*.

a. All dogs 6 months or over must be licensed, individually or via a kennel license, and tagged. The registering, numbering, and licensing of dogs, if kept in the Town of Essex, shall be conducted in the office of the Town Clerk.

b. The annual License Period shall run from April 1st to March 31st of each calendar year.

c. The annual fees to be charged by the Town of Essex for the issuance of licenses for dogs shall be:

Males and Females	\$24.00
Neutered Males and spayed Females*	\$15.00
*(a certificate of neutering or spaying will be required)	

d. Kennels – the owner or keeper of a pack or collection of more than 4 dogs, 3 months old or older, on a single premises, shall obtain one of the below types of kennel licenses, as defined in MGL Ch. 140 S. 136A, and pay the required annual fee.

	<u>5 dogs or less</u>	<u>6 to 10 dogs</u>	<u>11 or more dogs</u>
Commercial Boarding or Training Kennel:	\$100	\$200	\$300
Commercial Breeder Kennel:	\$100	\$200	\$300
Domestic Charitable Corporation Kennel:	No fee if incorporated exclusively for purposes outlined in MGL Ch. 140 S. 137A (c).		
Personal Kennel:	\$ 75	\$150	\$200
Veterinary Kennels:	\$100	\$200	\$300

A Kennel License shall be in lieu of licensing dogs individually.

No Kennel License shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer.

An owner or keeper of a pack or collection of 4 dogs or less, 3 months or older, on a single premises, may obtain a kennel license in lieu of licensing the dogs individually.

No Commercial Board or Training Kennel, Commercial Breeder Kennel, or Veterinary Kennel Licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.

e. Further, the Town Clerk will charge a late fee of Fifteen Dollars to obtain an individual or Kennel License after July 1st of any calendar year. All money received from issuance of dog licenses by the Town of Essex, or recovered as fines or penalties by said Town under provisions of Chapter 140 relating to dogs, shall be paid into the Treasury of the town and thereafter shall not be paid over by the Town Treasurer to Essex County.

4-16.7 LICENSING OF DANGEROUS DOGS.

a. The Animal Control Officer shall notify the Town Clerk of all dogs that have been designated as Dangerous Dogs in accordance with Section 3B of this Bylaw and/or Massachusetts General Laws, Chapter 140, section 157.

b. The Owner or keeper of any dog(s) designated as Dangerous Dogs in accordance with Section 3B of this Bylaw and/or Massachusetts General Laws, Chapter 140, section 157 which have not been ordered euthanized shall relicense said dog(s) as "Dangerous" within thirty days of such determination. A unique licensing number shall be assigned to a Dangerous Dog by the Town Clerk. That number shall be noted on the town licensing files.

c. The owner or keeper of a Dangerous Dog shall notify within 12 hours the Animal Control Officer if said dog is unconfined, has attacked, another dog or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Animal Control Officer with the name, address and telephone number of the new owner of the Dangerous Dog.

4-16.8 *ENFORCEMENT AND PENALTIES.*

a. Allowing Dog to Cause a Nuisance to People or Other Animals or a Threat to Public Safety While Roaming at Large (Violation of Section 3A)

1. In addition the remedy of impoundment as set forth therein, Section 3A of this Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.40, §21, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.40, §21, the maximum penalty shall be \$300.00 and each day a violation exists shall constitute a separate violation.

2. When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	Written Warning
Second violation:	\$ 100.00
Third and subsequent violations within 12-month period of first violation:	\$ 300.00

3. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

b. Violation of Order to Restrain Nuisance or Dangerous Dog (Violation of Section 3B)

1. In addition to the remedies set forth therein, Section 3B of this Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.140, §157A as may be amended from time-to-time, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.140, §157A, an owner or keeper of a dog who fails to comply with an order of the selectmen or district court shall be punished, for a first offense, by a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.
2. When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	Written Warning
Second violation:	\$ 100.00
Third and subsequent violations within 12-month period of first violation:	\$ 300.00

3. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12

months after a first offense shall constitute a new and separate violation.

The Animal Control Officer or any Town of Essex police officer shall seize and impound any dog found outside of its enclosure in violation of this Bylaw or any order issued by the Animal Control Officer, the Board of Selectmen or the Court.

c. Other

The Essex Board of Selectmen may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Selectmen shall not preclude enforcement through any other lawful means.

ARTICLE 34

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, construct, equip, and furnish a safe vestibule within the Essex Fire and Police Headquarters; or take any other action relating thereto.

ARTICLE 35

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including FY2014 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 36

To see if the Town will vote to accept G.L. c. 64L, § 2(a) to impose a local meals excise; or take any other action relating thereto.

ARTICLE 37

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

ARTICLE 38

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used to defray operational expenses of the various Town departments for the remainder of fiscal year 2013; or take any other action relating thereto.

ARTICLE 39

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be used to replenish the Finance Committee's Reserve Fund for the remainder of fiscal year 2013; or take any other action relating thereto.

ARTICLE 40

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 41

We, the citizens of Essex, Massachusetts, respectfully urge the Congress of the United States to pass an Amendment to the Constitution that would affirm that corporations are not entitled to the constitutional rights of human beings, and that both Congress and State governments may place limits on both political contributions and spending, from any source.

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 25th day of March, two thousand thirteen.

Jeffrey D. Jones, Chairman

Lisa J. O'Donnell

Susan Gould-Coviello

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 fourteen days before the time for holding said meeting.

Constable