

**Selectmen's Minutes  
Town Hall Stage Conference Area**

**October 16, 2017**

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.

Also Present: Westley Burnham, Annie Cameron, Hayes Demeule, Kim Drake, Dr. Driscoll, Michelle Dyer, Rob Fitzgibbon, Bob Griffin, Erin Kirchner, Tina Lane, Ali Papps, Christina St. Pierre, Amy Robinson, Richard Ross, and Joan Woodward.

The Chairman called the meeting to order at 6:00 p.m., 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 \$381,807.95.

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 October 5, 2017, 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	09/24/17	\$ 46.00	Police Dept
Ernie Nieberle	Nieberle	09/24/17	\$ 151.00	Fire Dept
Ernie Nieberle	Nieberle	09/24/17	\$ 235.60	Council on Aging

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 25<sup>th</sup>, 2017, Open Meeting and for the Selectmen's October 4<sup>th</sup>, 2017, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to ratify the use of the Town Events Fund for the Cape Ann Plein Air event.

Joan Woodward, Amy Robinson, and their engineer, Bob Griffin, joined the Selectmen to discuss their plans for a septic system on the yearly leased property at 168 Conomo Point Road. The group would like to have the lease extended from a year-to-year lease to a lease term that matches the term of their lease for the property where the residence is located. They said that they are reluctant to spend such a large amount of money for a new septic system on land that they may only be able to lease a year at a time or not at all. Mr. Zubricki read from the Board of Selectmen's minutes from a year ago when the group had first asked to have the lease changed. At that time, the Board had agreed to a much more limited lease amendment that still kept the property on an annual lease. After some discussion, it was agreed that the Board and Mr. Zubricki would discuss the matter again with Town Counsel. Amy Robinson will meet again with the Selectmen on October 30<sup>th</sup>, at which time the Selectmen will review the request with the help of Town Counsel and make a decision on whether or not to extend the lease. Amy Robinson, Joan Woodward, and Bob Griffin left the meeting.

A motion was made, seconded, and unanimously voted to approve a *request from Periwinkles* to close October 1, 2017 and reopen at the end of November for cleaning and repairs.

A motion was made, seconded, and unanimously voted to send *certified letters to the Democratic Committee and to the Republican Committee* seeking recommendations of persons to fill a vacancy on the Board of Registrars. The Chairman signed the letters.

A motion was made, seconded, and unanimously voted to fill out the Absentee Ballot for the Metropolitan Planning Organization, voting for each of the persons on the ballot, all of which are uncontested. The Chairman signed the ballot.

After a review, a motion was made, seconded, and unanimously voted to approve the Retiree Health Care renewal rates for calendar year 2018.

The Chairman read a letter from Paul Pennoyer advocating the use of electronic voting devices at town meetings. Mr. Zubricki said that he, Chairman O'Donnell, and the Town Clerk had met with the Town Moderator this morning. The Town Moderator is not in favor of using these devices at town meeting and it is Town Counsel's opinion that the decision is up to the Town Moderator.

A motion was made, seconded, and unanimously voted to sign a contract with Patriot Properties for fiscal year 2018 property assessment assistance.

The Chairman said that a resident had asked if the Board would begin a conversation with Manchester regarding initiating an agreement between the two towns to share coastal access, boat ramps, parking areas, and beaches. After some discussion, those present agreed that they are not in favor of pursuing the matter.

Mr. Zubricki reviewed his draft of a Noise Control Bylaw Survey and collected the Board's comments. Mr. Zubricki will update the survey and it will be handed out at the Fall Town Meeting on November 13, 2017.

The Board again considered whether or not to continue to allow the digging of clams on Sundays. Selectman Doane had spoken with the State Board of Ethics regarding a possible conflict of interest on this matter. The State Board was of the opinion that there was no conflict and that Selectman Doane could participate in the discussion. The Board was in agreement and Mr. Zubricki will amend the Shellfish Regulations to state that no shellfish digging will be allowed on Sundays, commencing on January 1, 2018 through June 30, 2018. The Board will review the draft for possible approval at their next meeting on October 30, 2017.

Regarding Conomo Point matters, a motion was made, seconded, and unanimously voted to accept a check for a memorial bench to be placed at the northern Conomo Point waterfront park in memory of Kent Bowker. And, a second motion was made, seconded, and unanimously voted to accept a check for a memorial bench to be placed at the northern Conomo Point waterfront park in memory of Robert Lee Smith.

Mr. Zubricki reviewed town maps regarding a lessee's suggestion of a possible tax map discrepancy with respect to a leased parcel at 113 Conomo Point Road, Map 108, Lot 75. The lessee had not submitted any documentation and Mr. Zubricki said that he would contact the lessee again and request additional information.

At 7:00 p.m., Board of Health Chair Dr. Driscoll, BOH member Ali Papps, and BOH Agent Erin Kirchner joined the Selectmen to discuss a candidate to fill the vacancy on the Board of Health. Dr. Driscoll said that he would like to recommend Fares Mouchantaf, a fellow colleague, who has recently moved to Essex and is interested in serving on the Board of Health. Those present were in agreement. A motion was made and seconded to appoint Fares Mouchantaf to fill the vacancy on the Board of Health left by the *resignation of Ruth Price*. There followed a unanimous Roll Call Vote by Dr. Driscoll, Ali Papps, Chairman O'Donnell, Selectman Doane, and Selectman Spinney. Dr. Driscoll, Ali Papps, and Erin Kirchner thanked the Selectmen and left the meeting.

The Selectmen reviewed a Lease Addendum for the property at 111 Conomo Point Road, Map 108, Lot 76, regarding the addition of a tight tank on the property, and a motion was made, seconded, and unanimously voted to approve and sign the Lease Addendum.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for permits and licenses:

One-Day Auction Permit:

- Frank C. Kaminski Inc., for use on Saturday, October 21, 2017, between the hours of 9:00 a.m. and 6:00 p.m. within the confines of 41 John Wise Avenue.

One-Day Entertainment License Ratification:

- Essex Historical Society & Shipbuilding Museum, Harold Burnham, for use on Saturday, September 23, 2017, between the hours of 11:00 a.m. and 7:00 p.m., within the confines of the Waterline Center at 66 Main Street.

One-Day Entertainment License:

- Christine Woodman, Ales over ALS, for use on Saturday, October 21, 2017, between the hours of 1:00 and 11:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum at 66 Main Street.

One-Day Wine and Malt License:

- Christine Woodman, Ales over ALS, for use on Saturday, October 21, 2017, between the hours of 1:00 and 11:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum at 66 Main Street.

The Selectmen were reminded that they have been invited to the Korean Ambassador for Peace Ceremony at the Ipswich High School Performing Arts Center on Friday, October 20, 2017, at 4:00 p.m. Selectman Spinney will attend.

The Selectmen have been invited to the Open Door Autumn Breakfast on Thursday, October 26, 2017 at Cruiseport in Gloucester, starting at 7:30 a.m. Selectmen Doane and Spinney will attend.

The next regular Board of Selectmen's meeting will take place on Monday, October 30, 2017, at 6:00 p.m. in the Town Hall Stage Conference Area on the second floor at 30 Martin Street.

The Selectmen are posted to attend a Finance Committee meeting to be held on Thursday, November 2, 2017, starting at 7:00 p.m. in the Essex Elementary School.

The Fall Town Meeting will be held on Monday, November 13, 2017, starting at 7:30 p.m. in the Essex Elementary School.

An Age & Dementia Friendly Community Forum will be held on Thursday, November 16, 2017, starting at 2:00 p.m. in the third floor auditorium at the Town Hall, Martin Street. Chairman O'Donnell will attend.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 23<sup>rd</sup> through October 13<sup>th</sup>, 2017, regarding the following:

Town Building Committee Meeting Summary: Mr. Zubricki reported on the recent meeting of the Town Building Committee. The group had discussed the progress of the renderings for a proposed public safety building with the consulting architect. It is hoped the renderings will be available for the first of several public forums, sometime in January. Approval of the proposed project may be placed on the warrant for the Annual 2018 Town Meeting.

Possible Request for Proposals to Purchase Property for Fire/Police Building: The Selectmen were in agreement that Mr. Zubricki should start working on site selection minimum criteria to purchase property for a new Fire/Police Building. Criteria for choosing a site may include limiting the location of the site to within a mile of the present Fire Station, and having adequate frontage and area. This possibility is being explored alongside the options covered by the rendering project and may result in a future request for proposals.

Vote Timing Options Concerning Manchester Memorial School Project: Finance Committee members Richard Ross and Rob Fitzgibbon, along with School Committee member Annie Cameron joined the Selectmen to discuss the proposed timing of the Memorial School Project Town Meeting vote. After a short discussion, all were in agreement and a motion was made, seconded, and unanimously voted to endorse a Town Meeting vote on the project at the Fall 2018 Meeting in both towns next November. The referendum vote, which will also be necessary, will take place at the November 6, 2018 State election. Annie Cameron thanked the Selectmen and she and Rob Fitzgibbon and Richard Ross left the meeting.

Strategic Planning Committee Meeting Summary: Mr. Zubricki had attended a recent meeting of the SPC, but a quorum had not been present and they will have to reschedule the meeting. The Committee is seeking names of interested persons to fill a newly created 7-member Economic Development Committee.

Demonstration of Alternate Website Editing Platform: Mr. Zubricki reported that he had recently attended a demonstration of a new website editing platform from the Town's present website vendor and that it is offering an improved website experience. Mr. Zubricki said that he would like the Selectmen to consider asking the Town to vote on the one-time site update and training fee (\$5,000) at the Annual May Town Meeting.

Consider Nominations for Employee and Volunteer of the Year: Mr. Zubricki reported that only one nomination for Employee of the Year had been received and that was received after the published deadline. The Selectmen were in agreement that it would be unfair to consider the nomination since it was received after the deadline. Mr. Zubricki said that two people had been nominated for Volunteer of the Year, and after reviewing the letters, a motion was made to approve both nominations. Mr. Zubricki will order these awards for presentation at the Fall Town Meeting, as well as, the awards commemorating certain employees' achievement of benchmark terms of service. (Awards are given at 5-year intervals, starting with the 20<sup>th</sup> year.)

Conversion of Street Lights to LED and Crosswalk Illumination: Mr. Zubricki reviewed the Town's investigation to date regarding various options to convert the street lights to LED lights. The Board asked Mr. Zubricki to investigate another option that he recently found with a private company that seemed promising.

Chairman O'Donnell also noted that conduits and spaces had been left when the causeway was redone that were intended to be used for either new street lights or bollard lighting for the walkway. She will review whether any of those locations might be used to help better light certain crosswalks.

Planning Board Chair and Co-Chair Westley Burnham and Kim Drake, Assistant Animal Control Officer Hayes Demeule, and Town Clerk Christina St. Pierre joined the Selectmen to

discuss proposed articles on the Fall Town Meeting Warrant regarding dogs. Those present discussed at length the various methods of controlling and regulating the establishment of dog kennels in town. Suggestions included capping the number of licenses issued, capping the number of dogs in the kennel, and various acreage and septic limitations. Both Westley Burnham and Kim Drake preferred not to create special zoning requirements. Finally, it was agreed that Mr. Zubricki would ask Town Counsel to suggest some appropriate options. The Town Clerk, the Assistant ACO, and the Planning Board members left the meeting.

Town/School Budget Group Meetings and Joint Budget Meeting of Essex and School District Personnel/Officials: Mr. Zubricki reported that the budget meeting for October 18 had been cancelled and a new date scheduled for November 2<sup>nd</sup>. And, the Selectmen were also reminded that there will be a Manchester Essex Regional School operating budget review meeting at the Manchester Essex Regional High School on November 29, 2017, starting at 7:00 p.m. In addition, there will be a Manchester Essex Regional School capital budget review meeting at the Manchester Essex Regional High School on December 19, 2017, starting at 7:00 p.m.

Final Version of Revised Alcoholic Beverage Licensing Regulations: Mr. Zubricki reviewed the final changes that Town Counsel had suggested for the Town's Alcoholic Beverage Licensing Regulations, and a motion was made, seconded, and unanimously voted to adopt the regulations as revised. The Licensing Clerk will circulate the revised regulations to all license holders.

Continued Review of Town of Essex Harbor Regulations: Mr. Zubricki reviewed the changes suggested by Town Counsel. The Selectmen were in favor of the changes. The new regulations will be released after the Fall Town Meeting, depending on whether or not Article 12 is passed. The Board will revisit this topic with the Harbormaster.

Renewal of Pedestrian License, Village Restaurant: Mr. Zubricki informed the Selectmen that the Pedestrian License between the Town and the Village Restaurant is up for renewal. An updated lease has been provided to the owners of the restaurant, but as yet they have not returned a signed copy. Consequently, a motion was made, seconded, and unanimously voted to sign the license outside of a meeting when it is received.

A motion was made, seconded, and unanimously voted to accept the *resignation of Peter Madsen* from the Community Preservation Committee. Conservation Commission Chair Michael Burke is the Conservation Commission's representative to the CPC. Additionally, he is on the Strategic Planning Committee and has offered to also act as the SPC's representative to the CPC. The Selectmen were in favor of the proposal and a motion was made, seconded, and unanimously voted to approve the appointment. Mr. Zubricki will ask those who had responded to a recent survey whether any of them would like to serve on the CPC.

Concerning the Fall Town Meeting, Mr. Zubricki briefly reviewed the articles in the warrant. Subsequently, a motion was made, seconded, and unanimously voted to add articles to the warrant for the November 13, 2017 Fall Town Meeting per the 10/16/17 draft warrant (which is attached hereto); a motion was made, seconded, and unanimously voted to close the warrant; a motion was made, seconded, and unanimously voted to approve the warrant; and, a motion was made, seconded, and unanimously voted to sign the warrant.

At 9:07 p.m., citing the need to discuss the purchase, exchange, lease or value of real property relative to a possible future site for public safety facility; collective bargaining with respect to the AFSCME contract; pending litigation concerning the case of the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C; and, pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096; 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 bargaining, negotiating, and litigating strategies and invited the Town Administrator to attend the Executive Session. She said that the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded; and, following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. Tina Lane left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:30 p.m.

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

Documents used during this meeting include the following:

*Request from Periwinkles*

*Certified letters to the Democratic Committee and to the Republican Committee*

*Resignation of Ruth Price*

*Resignation of Peter Madsen*

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

Attested by: \_\_\_\_\_  
Andrew C. Spinney

2017  
Commonwealth of Massachusetts  
Town of Essex  
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In 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, to meet in said Essex at the Essex Elementary School on Monday, November 13, 2017 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 amend Section 2-1.1a of the Town bylaws, which presently reads:

2-1.1a FALL TOWN MEETING. A fall town meeting shall be held in November, exactly two Mondays preceding Thanksgiving, and shall begin not earlier than 7:30 p.m.

by deleting the existing text and replacing it with the following:

2-1.1a FALL TOWN MEETING. A fall town meeting shall be held in November, exactly two Mondays preceding Thanksgiving, unless that Monday is the day that Veterans' Day is observed by the Commonwealth of Massachusetts in a particular year, in which case the date of the Fall Town Meeting shall be chosen by the Board of Selectmen. The Fall Town Meeting shall begin not earlier than 7:30 p.m.

; or take any other action relating thereto.

ARTICLE 2

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 management of structures and maintenance and outfitting of all outdoor areas; or take any other action relating thereto.

ARTICLE 3

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:

9 Beach Circle, Map 108, Lot 80  
1 Robbins Island Road, Map 108, Lot 20

; or take any other action relating thereto.

#### ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to allow police officers retiring from the Town of Essex to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

### **AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF ESSEX.**

Be it enacted, etc., as follows:

SECTION 1. Subject to the approval of the Board of Selectmen, the Chief of Police may appoint to serve at his pleasure, as he deems necessary, retired Town of Essex police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers must have been regular full time Town of Essex police officers who voluntarily retired from the town and not elsewhere based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers must, prior to their appointment, pass a medical examination by a physician chosen by the town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officers, and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Essex.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Police Chief, subject to removal by the Police Chief at any time with a 14-day written notice.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the town of Essex, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing requirements, regarding uniforms and equipment. Compliance with all requirements will be at no cost to the town of Essex. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer under this act shall entitle any individual appointed as such to assignment to any detail. Special police officers shall

be paid the detail rate applicable to regular full-time officers but shall not be entitled to any other town benefits.

SECTION 9. Retired Essex police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

; or take any other action relating thereto.

#### ARTICLE 5

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 6-14, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, which would temporarily prohibit the use of land for commercial recreational marijuana establishments so that the Planning Board has sufficient time to study the issue and determine what, if any, zoning bylaw should be adopted, as set forth below

#### **6-14 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

##### 6-14.1 *PURPOSE*

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential

impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

6-14.2 *DEFINITION*

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana- related business.”

6-14.3 *TEMPORARY MORATORIUM*

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to amend the Town's Zoning Bylaws to correct certain typographical errors as follows:

1. In Section 6-5.5 change the reference to “Section 6-5.14” to “Section 6-6.3”, so that the last sentence of that section reads “Any driveway must conform to the requirements of Section 6-6.3 and shall not be within 10 feet of a side or rear lot line, nor pass within 20 feet of a residential structure that such driveway does not serve.”
2. In Section 6-5.8, change the reference to “subsection 6-3.6” in subsection d to “Section 6-2.2 Definitions”, so that subsection d reads “Junk yards, as defined in Section 6-2.2 Definitions shall not be permitted in the town.”

3. In Section 6.5-10, change the reference to "subsection 6-6.1" to "Section 6-3.2", so that the section reads "Where dimensional or other requirements for a use of a lot are influenced by the land use on adjoining lots, any adjoining lot not occupied by a use specified in subsection 6-3.2 of this chapter shall assume the character of the lot being influenced for purposes of determining the aforementioned requirements."
4. In Section 6-3.5, change the title of the subsection following subsection 6-3.5.2 from "6-3.4.4 Criteria" to "6-3.5.3 Criteria"; and
5. In Section 6-5.11 change the reference to "paragraph c" in subsection b to "paragraph d", so that subsection b reads "There shall be no change in the outside appearance of the building or premises, except as provided by paragraph d below, or other visible conduct of such home occupation other than one sign as permitted accessory use."

; or take any other action relating thereto.

#### ARTICLE 7

To see if the Town will vote to appropriate from the special revenue fund known as the PEG Access and Cable Related Fund a sum of money for the design and construction of a Municipal Fiber Optic Network, or anything incidental or related thereto; 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 to increase the Custodian Wages budget line item in the Town Property budget, as voted under Article 10 at the May 1, 2017 Annual Town Meeting, from \$20,254 to \$32,254; 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 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 10

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

#### ARTICLE 11

To see if the Town will vote to amend Section 2-26 Revolving Funds of the Town bylaws as follows (deletions shown in cross out):

**2-26 Revolving Funds**

There are hereby established in the Town of Essex pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
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
Board of Health – Youth Triathlon	Board of Health	<del>Donations, grants</del> and fees collected for the youth triathlon	Purchase of supplies and services for planning and execution of the Annual Youth Triathlon
Board of Health – Health, Safety and Emergency	Board of Health	<del>Donations, grants</del> 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
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

Expenditures from each revolving fund shall be subject to the limitations established by Town Meeting, and to any additional limitations as otherwise set forth in General Laws Chapter 44, §53E½; or take any other action relating thereto.

#### ARTICLE 12

To see if the Town will vote to amend the General Bylaws by adding a new Article 4-17 relative to enforcement of bylaws through non-criminal disposition, as set forth below:

#### **4-17 NONCRIMINAL DISPOSITION**

4-17.1 *ENFORCEMENT BY NONCRIMINAL DISPOSITION.* Any bylaw of the Town of Town of Essex, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be \$300.

4-17.2 *DEFINITION.* "Enforcing person" as used in this bylaw, shall mean: any Town of Essex police officer with respect to any offense; as well as the Building Inspector and his designee, the members of the Conservation Commission and its designee, the members of the Board of Health, its Health Agent or other designee, the Animal Control Officer, the Harbormaster, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

; or take any other action relating thereto.

#### ARTICLE 13

To see if the Town will vote to establish a new Section 3C to Chapter 4-16 of the Town's general bylaws dealing with dog waste, as set forth below:

#### 4-16.3C. Removal and Disposal of Dog Waste

It shall be the duty of each person owning or having the care, custody, or control of any dog to remove and properly dispose of, in a sanitary manner, any feces left by such dog upon any sidewalk, street, thoroughfare, beach, or wetland, in or upon any public property, or in or

upon the property of persons other than the owner or persons having the care, custody, or control of such dog. Anyone having the care, custody, or control of a dog in a public place where dogs are allowed shall have in their possession a device or equipment to pick up and remove dog feces. Individuals with disabilities aided by service dogs and law enforcement, emergency or rescue officials with dogs carrying out official duties are exempt from this section.

; or take any other action relating thereto.

#### ARTICLE 14

To see if the Town will vote to amend sections of the General Bylaws relating to kennels, by imposing a limit on the maximum number of dogs that may be kept on a single premises at any one time, and/or by imposing conditions or restrictions on the operation of kennels so as to prevent nuisance conditions, or take any other action relating thereto.

#### ARTICLE 15

To see if the Town will vote to amend Section 4-16.8 Enforcement and Penalties [of the Town's Animal Control Bylaw] by deleting said section in its entirety and replacing it with the following:

##### 4-16.8 *ENFORCEMENT AND PENALTIES*

The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.

In addition to the remedies set forth in this Bylaw and in GL c. 140, §§136A to 174E, inclusive, including but not limited to GL c. 140, §157A, or any other applicable provision of law, this Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this by-law shall be subject to the following penalties:

First Offense:	Written Warning
Second Offense:	\$100 fine
Third and subsequent Offense:	\$300 fine

Subsequent offenses shall be determined as offenses occurring within twelve months of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Animal Control Officer or any Town of Essex police officer may 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 a court.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

; 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 including, without limitation, funds under the Community Preservation Act, to replace the footings for the two historic lamp posts in front of Town Hall, including any necessary electrical work or work appurtenant thereto, and to restore and preserve the decorative artwork on the historic safe doors that are mounted in the lobby of Town Hall; 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 be added to the Sewer Enterprise Fund Maintenance line item for fiscal year 2018, as voted under Article 11 of the May 1, 2017 Annual Town Meeting; or take any other action relating thereto.

**ARTICLE 18**

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 Department of Public Works' Storm Water Compliance budget line item for fiscal year 2018, as voted under Article 10 of the May 1, 2017 Annual Town Meeting; 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 a sum or sums of money to be added to the Police Department's Sick Leave Buyback, Inservice Training Expense, Uniform Allowance, and Part-Time Police Salaries budget line items for fiscal year 2018, as voted under Article 10 of the May 1, 2017 Annual Town Meeting; or take any other action relating thereto.

**ARTICLE 20**

To see if the town will vote to establish a new Stabilization Fund known as the Town Hall/Library Repair and Maintenance Fund and to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to said Fund; or take any other action relating.

ARTICLE 21

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums of money to be added to the Town's building capital improvements fund, and/or recreational capital improvements fund, and/or purchase of vehicles and major equipment that qualify as capital purchases fund; 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 replenish the Finance Committee's Reserve Fund for fiscal year 2018; 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 Town's Stabilization 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 pay 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, fourteen days at least before the time for holding said meeting.

Given under our hand this 16<sup>th</sup> day of October, two thousand seventeen.

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Lisa J. O'Donnell, Chairman

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David A. Doane

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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 fourteen days before the time for holding said meeting.

\_\_\_\_\_  
Constable