

Commonwealth of Massachusetts,
County of Essex, ss
to Any Constable in the Town of Marblehead
Greeting:

You are hereby required and directed in the name of the Commonwealth of Massachusetts to warn and give notice to the inhabitants of Marblehead, qualified to vote in elections and in town affairs, to meet at the Marblehead Veterans Middle School Auditorium, Duncan Sleigh Square, 217 Pleasant Street, Marblehead, MA, on Monday, the seventh day of May next A. D. 2012 (it being the first Monday in May) at 7:45 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

Article 1 Articles in Numerical Order

To see if the Town will vote to adopt an order requiring articles in the Warrant to be taken up in their numerical order, as requested by the Board of Selectmen.

Article 2 Reports of Town Officers and Committees

To receive the report of the Town Accountant, the reports of the Town Officers, and special Committees and act thereon.

Article 3 Assume Liability

To see if the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, for all damages that may be incurred by work to be performed by the Massachusetts Highway Department for the improvement, development, maintenance and protection of tidal and non tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth, or take any other action relative thereto, as sponsored by the Board of Selectmen.

Article 4 Accept Trust Property

To see if the Town will vote to accept certain trust property, gifts or grants to be administered by the Town or modify the terms thereof, or take any other action relative thereto, as sponsored by Town Counsel.

Article 5 Lease Town Property

To see if the Town will vote to authorize the appropriate Town Officers to let or lease such land, buildings or structures owned by the Town on such terms as they may determine, or take any other action relative thereto, as sponsored by the Board of Selectmen.

Article 6 Fiscal 2012 School Budget Additional Appropriation

To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund additional expenses of the fiscal 2012 school budget, said sum to be added to article 25, item 101, schools, as voted at Town Meeting in May 2011, or take any action relative thereto.

Sponsored by the School Committee.

Article 7 Police Department Audio/Visual Monitoring System

To see if the Town will install audio and visual monitoring systems in the Police Department for the accuracy and safety of the police and the public. These systems to consist of two to four cameras, to be placed in the foyer and in the "booking area". These cameras to be of auto and visual quality to be maintained by an outside company. Tapes should be kept for at least 120 days and be available to the public upon request for a nominal fee. If systems are not working, the maintenance company must be notified within 30 minutes. Systems to run on motion sensor to remain active for 20 seconds after lack of motion. Systems should not exceed \$9,500 with a nominal yearly maintenance fee to be paid for out of the Police Department's budget. Sponsored by Wilfred G. Gallien and others.

Article 8 Surveillance Camera Data

To see if the Town will adopt the following Bylaw:

WHEREAS the United States Constitution and the Massachusetts Declaration of Rights provide for a right to privacy that is threatened by an increasingly sophisticated and intrusive government surveillance of the People; and

WHEREAS we desire to live in a free and open society, not under the watchful eye of authorities spying on citizens in public spaces, as is characteristic of repressive societies; and

WHEREAS the Town of Marblehead has implemented a surveillance camera program absent a full public discussion and town democratic participation; and

WHEREAS these cameras may operate constantly and record activities in public locations in Marblehead, including public schools and polling locations, producing digital images and other data that can be stored without limit and shared with private concerns and law enforcement authorities elsewhere, including to the state police, and to the federal government, including to the Department of Homeland Security and the National Security Agency; and

WHEREAS the National Security has engaged in extensive data mining on private citizens and has created databases containing vast amounts of information, as has the Commonwealth Fusion Center, and the federal government has promoted police camera surveillance systems, such as a recent grant to the Marblehead School District, as part of a massive infrastructure being created for government surveillance of our activities; and

WHEREAS the creation of the infrastructure for government surveillance of the daily activities of the People, using, among other things, networked police cameras and government databases, poses a threat to our liberty substantially different from and greater than that from privately owned cameras in places of business; and

WHEREAS such police camera systems used for general surveillance purposes in Britain and other parts of the United States have been studied sufficiently to conclude that such government camera systems are not effective at preventing crime; and

WHEREAS the digital images captured by the cameras will generally be available to anyone who request copies under the Commonwealth's public records law and can be distributed further without any restrictions; and

WHEREAS no significant benefit has been demonstrated that would outweigh the intrusion on personal freedom and privacy.

NOW THEREFORE BE IT RESOLVED;

- Any and all data gathered from any town owned or operated surveillance cameras, including those on the grounds of Marblehead public schools, shall be deleted 10 days after it is collected; and
- The sharing of any and all data gathered from any town owned or operated surveillance cameras including those on the grounds of Marblehead public schools, shall require the written

authorization of the Chief of Police. Copies of the written authorizations, including information showing with which entities the data has been shared and the reasons for the data sharing, shall be retained indefinitely as a matter of public record; and

- The Chief of Police must provide written notice to the Marblehead Board of Selectmen each time the sharing of surveillance camera data with any entity is authorized; and
- The Town of Marblehead must provide highly visibly public notice in each location where a public surveillance camera is in operation. This notice shall inform the public that their movements in the area are being monitored, and if that data is recorded, the notice shall inform the public that their movements are being recorded.

Sponsored by Emil Ronchi and others.

Article 9 Unpaid Accounts

To see if the Town will vote to appropriate or transfer from available funds a sum of money to provide for the payment of any unpaid accounts brought forward from previous years, or take any other action relative thereto. Sponsored by the Finance Director.

Article 10 Revolving Funds

To see if the Town will vote to authorize various revolving funds as required by M.G.L. c 44 s.53E ½, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 11 Walls and Fences

To see if the Town will vote to raise and appropriate a sum of money for the construction and reconstruction of walls and fences for the protection of highways and property, including engineering services in connection therewith; to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefor; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 12 Purchase of Equipment of Several Departments

To see if the Town will raise and appropriate any sums of money for the purchase of equipment for the several departments of the Town; to authorize the Board of Selectmen to trade old equipment as part of the purchase price; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Finance Committee.

Article 13 Capital Improvements for Public Buildings

To see if the Town will vote to raise and appropriate a sum of money for remodeling, reconstructing and making extraordinary repairs to existing Town buildings and the purchase of necessary equipment including computer hardware and software to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 14 Surface Drainage Construction

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of storm sewers for surface drainage purposes, including engineering and legal services in connection therewith, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners and the Board of Selectmen.

Article 15 Water Department Construction

To see if the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 16 Sewer Department Construction

To see if the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewerage disposal, pump stations, original pumping equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants, surveys, including revenue studies and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 17 Water and Sewer Commission Claims

To see if the Town will vote to authorize the Water and Sewer Commission and the Board of Selectmen acting jointly to compromise any claims for damages or suits pending against the Town of Marblehead on account of acts which may have occurred during the construction of the water, sewer and storm water system or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 18 Storm Drainage Construction

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of sewers for surface drainage purposes, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefor, to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 19 Collective Bargaining (IUE/CWE –Local 1776)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with Local 1776 of the IUE/CWE, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 20 Collective Bargaining (Fire)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with the International Association of Firefighters AFL/CIO CLC Local 2043, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 21 Collective Bargaining (Police)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with Town of Marblehead Police Officers Union, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 22 Proposed Reclassification and Pay Schedule (Administrative)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to strike out the pay schedule as it relates to Administrative personnel, substitute in place thereof the following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 23 Pay Schedule and Reclassification (Traffic Supervisors)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Traffic Supervisors Pay Schedule; to waive the pay schedule as it relates to Traffic Supervisor personnel, substitute in place thereof the following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 24 Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing

certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; strike out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 25 Compensation - Town Officers

To see if the Town will vote to revise the compensation of the Town Clerk as the Town by vote may determine and to transfer from available funds and/or appropriate a sum of money to make said revision effective or take any other action relative thereto, as sponsored by the Board of Selectmen.

Article 26 Financial Assistance for Conservation

To see if the Town will vote to authorize the Conservation Commission and other proper officers of the Town to apply for financial assistance from public and private sources to be expended by the Conservation Commission for the purchase of vacant land and any other purpose, authorized by Section 8C of Chapter 40 of the General Laws as amended, or to reimburse the Town for sums of money expended for such purposes, or both, and to take any other action relative thereto. Sponsored by the Conservation Commission.

Article 27 North Shore Regional Vocational School District

To see if the Town will vote to approve the gross operating and maintenance budget of the North Shore Technical High School for the fiscal year commencing July 1, 2012 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 28 Essex North Shore Agricultural and Technical School District

To see if the Town will vote to appropriate a sum of money to pay the Town's share of the costs associated with the design, construction, and furnishing of the Essex North Shore Agricultural and Technical School District's new District High School facility for the fiscal year

commencing July 1, 2012; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 29 Available Funds appropriate to Reduce Tax Rate

To see if the Town will vote to appropriate free cash balance in the hands of the Town Treasurer, including any surplus or part of surplus in the Electric Light Department for use of the Assessors in making the tax rate or take any other action relative thereto. Sponsored by the Finance Director.

Article 30 Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the necessary and usual expenses of the several departments of the Town for the fiscal year beginning July 1, 2012, or take any other action relative thereto, as sponsored by the Finance Department.

Article 31 Supplemental Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the supplemental expenses of the several departments of the Town for the fiscal year beginning July 1, 2012, or take any other action relative thereto, as sponsored by the Finance Department.

Article 32 Purchase of Ladder Truck for Fire Department

To see if the Town will vote to appropriate a sum of money for the purchase of a ladder truck for the Fire Department and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Fire Chief.

Article 33 Flood Plain Bylaw Amendment

To see if the Town will amend the zoning bylaw of the Town of Marblehead as follows

1. Article III

Add a new paragraph C as follows:

C. Flood Plain District: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Marblehead designated as Zone A, AE, AO, and VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA, successor to the U.S. Department of Housing and Urban Development, HUD) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the Town of Marblehead are panel numbers 25009C0419F, 25009C0438F, 25009C0439F, 25009C0443F, 25009C0532F, 25009C0551F, and 25009C0552 dated July 3, 2012 and as may be amended from time to time. The map indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study report dated July 3, 2012. The FIRM and Flood Insurance Study report are on file with the Town Clerk, the Building Commissioner, and Conservation Commission.

And

2. To add a new Article XII as follows:

Article XII

Section 200-45 FLOOD PLAIN DISTRICT

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Section 200-46 PURPOSE

The purpose of the Flood Plain District is to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding and to preserve the natural flood control characteristics and the flood storage capacity of the floodplain.

Section 200-47 DEVELOPMENT REGULATIONS

The following requirements apply in the Flood Plain District:

- A. Within Zone A and AE, where the base flood elevation is not provided on the FIRM the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of the flood proofing requirements, as appropriate, of the State Building Code.
- B. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- C. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
- D. Within Zone A and AE, all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.

- E. There shall be no “Manufactured Homes” within Zone AE.
- F. No new construction or substantial improvements, or other development shall be allowed within Zone AE, unless the applicant demonstrates to the Building Commissioner that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- G. All subdivision proposals must be designed to assure that:
- a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- H. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- I. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply;
- a. All new construction shall be located landward of the reach of the mean high tide.
 - b. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- J. In a riverine situation, the Engineering and Conservation Administrator shall notify the following of any alteration or relocation of a watercourse:
- Adjacent Communities
 - Bordering States (optional)
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 - NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Section 200-48 DEFINITIONS

The following definitions shall apply to the terms used within this Flood Plain District Bylaw.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an

examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

Sponsored by the Planning Board.

Article 34 Amend Dog Bites Bylaw

To see if the Town will vote to amend the dog bites bylaw adding sub-section 13-6.1 to read: Subject to limitation in 13-6, if any dog shall bite any person and it be certified by animal control or a licensed medical person that a contusion or contusions were inflicted, animal control shall upon the first offense warn the owner or keeper of such dog, with each subsequent offense invoking a three month period of restraint for such dog. Sponsored by Thomas Adams and others.

Article 35 Old Town House

To see if the Town will vote to appropriate a sum of money to fund improvements to the Old Town House, including, but not limited to, making the building universally accessible; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 36 A Ban on the use of Leaf Blowers in the Town of Marblehead

To see if the Town will ban the use of leaf blowers in the Town of Marblehead or take any other action relative thereto. Sponsored by Christopher Bergonzi and others.

Article 37 Street Acceptance / Barnegat Lane

To see if the Town will vote to accept as a public way under the provisions of MGL Chapter 82, as amended,

Barnegat Lane, as laid out by the Board of Selectmen and shown on a plan entitled, "Street Acceptance Plan of Land, Barnegat Lane, Marblehead, Mass 01945 prepared for Paul Mazonson by Otte & Dwyer, Inc. Land Surveyors, 59 Appleton Street, Saugus MA 01906 dated 2012 scale: 1"=20' which plan is on file in the office of the Town Clerk, or pass any vote or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 38 Hand-Held Wireless Telephone: Prohibited Use

- (a) A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.
- (b) A violation of this law is an infraction punishable by a base fine of fifty dollars (\$50) for a first offense and one hundred dollars (\$100) for each subsequent offense. The fine shall be doubled if the violation occurs in a school zone.
- (c) This law does not apply to a person using a wireless telephone for emergency purposes, including but not limited to, an emergency call to a law enforcement agency, health care provider, fire department or other emergency services agency or entity.
- (d) This law does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties.
- (e) The law does not apply to a person while driving a motor vehicle on private property.
- (f) Signs announcing the law will be clearly placed on all streets that are entryways into Marblehead.
- (g) Drivers from out of Town will receive a warning ticket for their first offense, but will be responsible to the law for any subsequent violations.
- (h) This law shall become operative on July 1, 2012.

Sponsored by Jonathan D. Magee and others.

Article 39 Land Acquisition Lead Mills

To see if the Town will vote to authorize the Board of Selectmen to purchase, acquire or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, the parcels of land located at 485 Lafayette Street (Assessor Map 55 Lot 1 and Map 53 Lot 3) and which is owned now or formerly by Glover Estates LLC, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Marblehead and to be used for municipal purposes; or take any vote or votes in relation thereto. Sponsored by the Board of Selectmen.

Article 40 Acceptance of G.L. c. 138 §17A

To see if the Town will accept the provision of G.L. c. 138 §17A in order that the local licensing authority which granted seasonal all alcoholic beverage or wine and malt beverage licenses may approve the conversion of one of such license per year to an annual such license. Sponsored by the Board of Selectmen.

Article 41 School Department Computers, Support Equipment and Technology

To see if the Town will vote to appropriate a sum of money for the purpose of purchasing computers, technology infrastructure, support software and equipment and necessary accessory furnishings and to raise the money for these purposes by the issuance of bonds or notes or in any other manner, or take any other action relative thereto. Sponsored by the School Committee.

You are hereby further required and directed to notify and warn the Inhabitants of the Town of Marblehead aforesaid who are qualified to vote in elections and in Town affairs to subsequently meet at the several designated polling places in their respective precincts in said Marblehead to wit:

In Precinct 1 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 2 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 3 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 4 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 5 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 6 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

on Monday, the 14th day of May next A.D. 2012 (it being the second Monday in May) at 7 o'clock in the forenoon then and there to bring into the precinct officers of their respective precincts their votes on one ballot for the following-named Town Officers to wit:

5 Selectmen

1 Moderator

1 Assessor

1 Cemetery Commissioner

1 Board of Health

2 Library Trustees

2 Electric Light Commissioners

2 Planning Board

5 Recreation & Park Commissioners

1 School Committee

1 Water and Sewer Commissioner

For these purposes the polls will be open at each and all of said precincts at 7 o'clock in the forenoon and will be closed at 8 o'clock in the afternoon at each and all of said precincts and you are directed to serve this Warrant by posting attested copies thereof at Abbot Hall and ten (10) other conspicuous places in Town as required by the Bylaws not later than thirty (30) days after being closed.

Hereof fail not and make due return of this Warrant or a certified copy thereof with our doings thereon, to each of the several precinct wardens at the time and place of meetings aforesaid and to the Town Clerk as soon as may be before the said meetings.

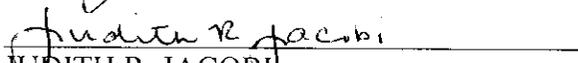
Given under our hands at Marblehead aforesaid this
14th day of February 2012.



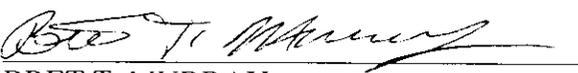
JACKIE BELF-BECKER, Chair



HARRY C. CHRISTENSEN, JR.



JUDITH R. JACOBI



BRET T. MURRAY



JAMES E. NYE

Selectmen of Marblehead



A True Copy

Attest: _____, Constable