

## MARBLEHEAD TOWN REPORT

**Town of Marblehead  
Annual Town Meeting  
May 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup>  
2007**

**ARTICLE 1**

**Articles in Numerical Order**

**Voted:**

That the articles be taken up in their numerical order.

**ARTICLE 2**

**Reports of Town Officers and Committees**

**Voted:**

To receive the report of the town Accountant, the reports of the Town Officers, and Special Committee.

**ARTICLE 3**

**Lease Town Property**

**Voted:**

To allow the Board of Selectmen and School Committee to let or lease such land, buildings or structures owed by the Town on such terms as they may determine.

**ARTICLE 4**

**Accept Trust Property**

**Voted:**

That the Town accept certain trust property:

1. Tyrone Bumpurs Scholarship Fund:  
\$12,374.73, plus any additional amounts that may be paid, to be administered by the Board of Selectmen.

**ARTICLE 5**

**Assume Liability**

**Voted:**

That the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws as most recently amended by Chapter 5, Acts of 1995, for all damages that may be incurred by the work to be performed by the Department of Public Works of Massachusetts 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 II of Chapter 91 of the General Laws and authorize the

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Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

### **ARTICLE 6**

#### **Unpaid Accounts**

##### **Voted:**

To appropriate the sum of \$4,372.00 to provide for the payment of any unpaid accounts brought forward from previous years, to be transferred from the following grants, revolving funds or Article 49, May 2006 Annual Town Meeting – Expenses of Several Departments as Follows:

Item	064	Police Indemnification	1,354.00
Item	101	School Budget	2,758.00
Fiscal 2007 Metco Grant			260.00

### **ARTICLE 7**

#### **North Shore Regional Vocational School District**

##### **Voted:**

To approve the gross operating and maintenance budget of the North Shore Regional Vocational School District and appropriate the sum of \$129,597.00 for the town's assessment of the same to be expended by the School Committee.

### **ARTICLE 8**

#### **Revolving Fund**

##### **Voted:**

To create the following new revolving funds as required by M.G.L. Chapter 44, Section 53E ½ as recommended by the Board of Selectmen.

1. Special Education Revolving Fund in the amount of \$450,000. in fiscal 2008 for the use of the School Committee; revenues to be taken from tuition collected for special education students tuitioned in to the Marblehead Public Schools and from funds collected to pay for the other special education contracted services for out of district special education students being provided service through the North Shore Special Education Consortium and other

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- approved special education public and private placements; said funds to be expended on costs directly related to the special education programs provided to these out of district students.
2. Storm Water by – law revolving Fund in the amount of \$10,000 in fiscal 2008 for the use of the conservation Commission; to be taken from revenues in connection with receipts collected from application fees associated with the town's storm water management and erosion control regulations; said funds to be expended for expenses related to the enforcement and administration of the Storm Water By-Law.
  3. Council on Aging Revolving Fund in the amount of \$200,000 in fiscal 2008 for the use of the Council on Aging Board of Directors to be taken from revenues in connection with the meals on wheels, and nutrition programs, mini-bus donations, trips, miscellaneous programs, instructional classes, recreational programs, games and tournaments, luncheons, and entertainment, and other activities including program fees, fund raising, rentals, miscellaneous sales and promotional fees; said appropriation to be used for the expense of said activities and trips including equipment and promotions; and expended by the Council on Aging Board of Directors.
  4. Dog Officer/Animal Control Officer Revolving Fund in the amount of \$20,000 in fiscal 2008 for the use of the Dog Officer to be taken from revenues in connection with fees, reimbursements, deposits and refunds of animal medical expenses including spay and neuter expenses, miscellaneous other sales and various fund raising events; said appropriation to be used for the expense of said programs and activities including medical bills animal food, pet supplies and equipment, and promotional

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- expenses; and expended by the Dog Officer/Animal Control Officer.
5. RAD Program Revolving Fund in the amount of \$7,500.00 in fiscal 2008 for the use of the Police Chief to be taken from revenues in connection with tuition, fees, reimbursements, miscellaneous sales, gifts and donations of the RAD program; said appropriation to be used for the expense of said program including salaries and expenses including equipment.
  6. School Tuition Revolving Fund in the amount of \$50,000.00 in fiscal 2008 for the use of the School Committee to be taken from revenues in connection with tuition's from nonimmigrant foreign students; said appropriation to be used for the expenses of instruction including salaries, instruction supplies and equipment.
  7. Commercial Waste Revolving Fund in the amount of \$450,000.00 in fiscal 2008 for the use of the Board of Health to be taken from revenues in connection with commercial waste disposal receipts; said fund to be expended for the cost of solid Waste disposal.
  8. Conservation Fines Revolving Fund in the amount of \$10,000.00 in fiscal 2008 for the use of the Conservation Commission to be taken from revenues in connection with receipts collected from fines assessed by the commission; said fund to be expended for remediation of wetlands violations.
  9. Sump Pump Improvement Revolving fund in the amount of \$25,000 in fiscal 2008 for the use of Sewer and Water Commission; to be taken from revenues connection with permitting fees; said fund to be expended for the aid in removal of sump pumps currently tied into the sewer system.

### ARTICLE 9

#### **Proposed Reclassification and Pay Schedule (Administrative) Voted:**

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To amend Chapter 121 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to wave Section 8 of the 1955 Salary By-Law as last amended, by striking out the pay schedule as it relates to Administrative personnel, substitute in place thereof the following new pay schedules as it relates to said personnel:

ADMINISTRATIVE SALARY SCHEDULE EFFECTIVE JULY 1, 2007 – 2%						
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1568.14	1697.98	1827.81	1957.61	2087.45
58		1411.62	1528.64	1645.68	1762.70	1879.74
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1271.19	1376.53	1481.83	1587.18	1692.50
56	Town Engineer Assistant Assessor Director Public Health Director Library	1142.48	1237.55	1332.64	1427.72	1522.82
55	Harbormaster Supt Recreation/Park Building Commissioner Director Public Works Director Council on Aging Assistant Supt Water/Sewer Town Planner	1028.36	1113.94	1199.53	1285.10	1370.69
54	Assistant Director Revenue Assistant Director Accounting Assistant Director Library Public Health Nurse	925.96	1002.38	1078.85	1155.28	1231.71

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	Plumbing Inspector Wire Inspector					
53	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Asst Director/Tree Warden Asst Director/Public Works	833.79	902.56	971.31	1040.08	1108.82
52	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Accounting & Website Assistant Assistant Harbormaster Administrative Aid Selectmen Payroll Administrator	782.60	836.74	890.84	944.99	999.09
51	Dog Officer Accounting Assistant	743.10	791.38	839.65	887.94	936.22
50	Administrative Clerk	668.52	713.88	759.20	804.56	849.94
49		602.69	643.26	683.86	724.44	765.08

ADMINISTRATIVE SALARY SCHEDULE Effective January 1, 2008 - 1%						
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1583.82	1714.96	1846.09	1977.19	2108.32
58		1425.73	1543.93	1662.13	1780.33	1898.53
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1283.90	1390.30	1496.64	1603.05	1709.42
56	Town Engineer Assistant Assessor Director Public Health Director Library	1153.91	1249.92	1345.97	1442.00	1538.05
55	Harbormaster	1038.65	1125.08	1211.53	1297.95	1384.39

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	Supt Recreation/Park Building Commissioner Director Public Works Assistant Supt Water/Sewer Director Council on Aging Town Planner					
<b>54</b>	Assistant Director Revenue Assistant Director Accounting Assistant Director Library Public Health Nurse Plumbing Inspector Wire Inspector	935.22	1012.41	1089.64	1166.84	1244.03
<b>53</b>	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Asst Director/Tree Warden Asst Director/Public Works	842.13	911.58	981.02	1050.48	1119.91
<b>52</b>	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Assistant Harbormaster Accounting & Website Assistant Administrative Aid Selectmen Payroll Administrator	790.42	845.10	899.75	954.44	1009.08
<b>51</b>	Dog Officer Accounting Assistant	750.53	799.29	848.05	896.82	945.58
<b>50</b>	Administrative Clerk	675.20	721.02	766.79	812.60	858.43
<b>49</b>		608.71	649.70	690.70	731.69	772.73

## ARTICLE 10

### Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

#### Voted:

To waive section 8 of the 1955 Salary By-Laws as last amended by Striking out the pay schedules as they relate

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to Seasonal and Temporary Personnel and substitute in place thereof the following new pay schedules as they relate to said employees:

<b>SEASONAL PERSONNEL PAY SCHEDULE EFFECTIVE JULY 1, 2007 – 2%</b>					
<b>GP</b>	<b>TITLE</b>	<b>DEPT</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>27</b>	Sr. Seasonal Harbor Asst	HM	619.69	658.39	697.15
<b>26</b>			581.63	617.99	654.32
<b>25</b>	Beach Supervisor Park Police	Rec/Park/Tree Rec/Park/Tree	544.95	578.80	612.88
<b>24</b>	Summer Acct Assistant Summer Programmer Asst Seasonal Harbor Asst	Finance Finance HM	512.32	544.95	577.56
<b>23</b>	Summer Acct Trainee Summer Programer Trainee General Laborer III Recreation Leader, Sailing	Finance Finance Hwy/PW/Waste Rec/Park/Tree	482.40	512.64	542.88
<b>22</b>	General Laborer B Recreation Leader, Arts & Crafts Recreation Leader, Athletics Recreation Leader, Facilities Recreation Leader, Playgrounds Recreation Leader, Tennis Lifeguard Seasonal Custodian	Sewer/ Water Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Public Bld/Insp	463.43	486.83	510.30
<b>21</b>	Seasonal Laborer General Laborer B Data Entry Clerk	Cemetery Health Public Bldg/Insp	455.25	472.22	489.22
<b>20</b>	Summer Clerical Beach Maintenance Person Forestry Worker Grounds Caretaker Recreational Instructor Seasonal Labor	Finance Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree	445.75	451.18	456.60
<b>2</b>	General Labor C		423.49	442.55	
<b>B</b>	Custodian	Lib	333.47	350.13	367.71



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	Summer Asst	Dog Off			
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SEASONAL PERSONNEL PAY SCHEDULE EFFECTIVE JANUARY 1, 2008 – 1%					
GP	TITLE	DEPT	1	2	3
27	Sr Seasonal Harbor Asst	HM	625.89	664.97	704.12
26			587.45	624.17	660.86
25	Beach Supervisor Park Police	Rec/Park/Tree Rec/Park/Tree	550.39	584.59	619.01
24	Summer Acct Assistant Summer Programmer Asst Seasonal Harbor Asst	Finance Finance HM	517.44	550.39	583.34
23	Summer Acct Trainee Summer Programmer Trainee General Laborer III Recreation Leader, Sailing	Finance Finance Hwy/PW/Waste Rec/Park/Tree	487.22	517.77	548.31
22	General Laborer B Recreation Leader, Arts & Crafts Recreation Leader, Athletics Recreation Leader, Facilities Recreation Leader, Playgrounds Recreation Leader, Tennis Lifeguard Seasonal Custodian	Sewer/ Water Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Public Bld/Insp	468.06	491.69	515.40
21	Seasonal Laborer General Laborer B Data Entry Clerk	Cemetery Health Public Bldg/Insp	459.80	476.94	494.11
20	Summer Clerical Beach Maintenance Person Forestry Worker Grounds Caretaker Recreational Instructor Seasonal Labor	Finance Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree	450.21	455.69	461.17
2	General Labor C		427.73	446.97	
B	Custodian Summer Asst	Lib Dog Off	336.80	353.63	371.39

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TEMPORARY PERSONNEL PAY SCHEDULE							
EFFECTIVE JULY 1, 2007 - 2%							
GP	TITLE	DEPT	1	2	3	4	5
26	Heavy Equipment Operator	Hwy,HM,Waste	605.25	640.75	676.28	711.79	740.27
25	Senior Clerk	Finance	544.95	578.91	612.88	646.85	680.83
24	General Clerk Vol/Comm Res Coord  Prgm/Vol Coord  E-911 Dispatch	Assr,Sel,Fire  COA  Library  Sel	512.32	544.95	577.56	610.17	642.76
23	Special Clerk-Rev General Laborer III	Finance  Health	482.40	512.64	542.88	573.12	603.38
22			463.43	486.83	510.30	533.69	557.18
21	Temporary Laborer Temp Special Labor I	Cem, COA  Library	455.25	472.22	489.22	506.22	523.20
20			445.75	451.18	456.60	462.05	467.47
14	Sr Staff Engineer	Eng	633.29	662.79	693.80	726.36	760.52
13	Tech Ser Librarian  Adult Librarian Child Librarian Young Adult Librarian	Lib  Lib Lib Lib	605.20	633.29	662.79	693.80	726.36
12			578.47	605.20	633.29	662.79	693.80
11	Sanitarian	Hlh	552.91	578.47	605.20	633.29	662.79
10			528.70	552.91	578.47	605.20	633.29
9	Special Labor C  Library Para-Prof  Asst Dog Officer	Lib  Lib  Dog Off	505.54	528.70	552.91	578.47	605.20

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<b>8</b>			483.48	505.54	528.70	552.91	578.47
<b>7</b>	Special Clerk	Hlth, Assr	483.48	505.54	528.70	552.91	
		Cem,Swr/Wtr					
	Library Tech	Lib					
	Lib Tech or Tec	Lib					
	Adm						
<b>6</b>	Chauffeur	COA	483.48	505.54	528.70		
<b>5</b>	Sr Library Asst	Lib	483.48	505.54			
	General Clerk	Finance					
<b>4</b>			462.45	483.48			
<b>3</b>	Unclassified Labor		442.55	462.45			
	Data Entry Oper						
<b>2</b>	Library Assistant	Library	423.49	442.55			
<b>1</b>	Temporary Clerk		405.40	423.49			

<b>TEMPORARY PERSONNEL PAY SCHEDULE</b> <b>EFFECTIVE JANUARY 1, 2008 – 1%</b>							
GP	TITLE	DEPT	1	2	3	4	5
<b>26</b>	Heavy Equipment Operator	Hwy,HM,Waste	611.30	647.16	683.04	718.90	747.67
<b>25</b>	Senior Clerk	Finance	550.39	584.70	619.01	653.32	687.64
<b>24</b>	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assr,Sel,Fire  COA  Library  Sel	517.44	550.39	583.34	616.28	649.19
<b>23</b>	Special Clerk-Rev General Laborer III	Finance  Health	487.22	517.77	548.31	578.85	609.41
<b>22</b>			468.06	491.69	515.40	539.03	562.75

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<b>21</b>	Temporary Laborer Temp Special Labor I	Cem, COA Library	459.80	476.94	494.11	511.28	528.43
<b>20</b>			450.21	455.69	461.17	466.67	472.14
<b>14</b>	Sr Staff Engineer	Eng	639.62	669.41	700.74	733.63	768.13
<b>13</b>	Tech Ser Librarian Adult Librarian Child Librarian Young Adult Librarian	Lib Lib Lib Lib	611.25	639.62	669.41	700.74	733.63
<b>12</b>			584.26	611.25	639.62	669.41	700.74
<b>11</b>	Sanitarian	Hlth	558.44	584.26	611.25	639.62	669.41
<b>10</b>			533.98	558.44	584.26	611.25	639.62
<b>9</b>	Special Labor C Library Para-Prof Asst Dog Officer	Lib Lib Dog Off	510.60	533.98	558.44	584.26	611.25
<b>8</b>			488.31	510.60	533.98	558.44	584.26
<b>7</b>	Special Clerk  Library Tech Lib Tech or Tec Adm	Hlth, Assr Cem,Swr/Wtr Lib Lib	488.31	510.60	533.98	558.44	
<b>6</b>	Chauffeur	COA	488.31	510.60	533.98		
<b>5</b>	Sr Library Asst General Clerk	Lib Finance	488.31	510.60			
<b>4</b>			467.07	488.31			
<b>3</b>	Unclassified Labor Data Entry Oper		446.97	467.07			
<b>2</b>	Library Assistant	Library	427.73	446.97			
<b>1</b>	Temporary Clerk		409.45	427.73			

## ARTICLE 11

## Pay Schedule and Reclassification ( Traffic Supervisors)

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**Voted:**

To increase the pay for Marblehead Traffic Supervisors, 2% effective July 1, 2007 and 1% effective January 1, 2008.

**ARTICLE 12**

**School Department Computer and Support Equipment**

**Voted:**

That this article be indefinitely postponed.

**ARTICLE 13**

**Schools Construction and or Renovation Program**

**Voted:**

That this article be indefinitely postponed.

**ARTICLE 14**

**Fiscal 2007 School Budget Additional Appropriation**

**Voted:**

That this article be indefinitely postponed.

**ARTICLE 15**

**Purchase of Equipment of Several Departments**

**Voted:**

That the sum of \$541,672.00 to be appropriated, and to meet this appropriation the sum of \$70,230.00 is to be transferred from Sewer Retained Earnings, \$90,120.00 is to be transferred from water Retained Earnings, \$1,707.00 is to be transferred from the Cemetery sale of Lots Fund and \$379,615.00 is to be raised by taxation. To include the following:

Police Department

2 police Vehicles

1 Lease Vehicle (3<sup>rd</sup> year)

1 Lease Vehicle (3<sup>rd</sup> year)

1 Lease Vehicle (3<sup>rd</sup> year)

Tree Department

1 Dump Truck

Park Department

1 Line Painting Machine

1 Utility Trailer

1 Office Copy Machine

Highway Department

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1 Dump Truck  
Waste Collection Department  
1 Roll-Off Container  
Rebuild Compactor  
Cemetery Department  
1 Crawler Tractor Excavator (3)  
School Department  
1 Pick-Up Truck  
Sewer Department  
1 Utility Truck (1)  
1 Dump Truck (1)  
Water Department  
1 Backhoe (2)

1. From Sewer Retained Earnings
2. From Water Retained Earnings
3. From Cemetery Sale of Lots Fund

### ARTICLE 16

#### **Capital Improvements for Public Buildings**

##### **Voted:**

That the sum of \$160,000.00 is appropriated to be expended by the Board of Selectmen for remodeling, reconstructing and making extraordinary repairs and improvements to existing Town buildings and infrastructure including the following repairs:

##### **Highway Garage – Main**

Repair to supporting masonry columns & wall  
Re-glaze & paint upper window units

##### **Hobb's Building**

Repair Siding & Paint 2 sides of Building & Garage

##### **Town House**

Paint Building Exterior

##### **Fire Headquarters**

Paint Central Floor

New Phone System

New Carpeting

##### **Garage – Tree Department**

Replace Heating System

##### **Engineering**

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Upgrade ArcIMS Application  
New Townwide Orthos  
**Library**  
Repair roofing & Flashing  
Replace Controller for heating system  
**Fire Alarm**  
Upgrade Circuitry

### **ARTICLE 17**

#### **Walls and Fences**

##### **Voted:**

That \$25,000 appropriated in fiscal 2007 for the construction and reconstruction of walls and fences for the protection of highways and property, including engineering services in connection therewith; and that the Board of Selectmen is authorized to acquire by purchase, eminent domain or otherwise any land or easement necessary therefore.

### **ARTICLE 18**

#### **Water and Sewer Commission Claims**

##### **Voted:**

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 and sewer system.

### **ARTICLE 19**

#### **Storm Drainage Construction**

##### **Voted:**

That \$324,000.00 is appropriated from taxation for the construction and reconstruction of sewers for surface drainage purposes, including engineering services in connection there with, to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easement necessary; to be expended by the Water and Sewer Commission.

### **ARTICLE 20**

#### **Sewer Department Construction**

##### **Voted:**

That the sum of \$643,176.00 is appropriated from sewer retained earnings to be expended by the Water and Sewer

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Commission for the construction or reconstruction of sewers for sanitary purposes and for sewage disposal, pump stations, original pumping station equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants and 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.

### ARTICLE 21

#### **Water Department Construction**

##### **Voted:**

That the sum of \$648,762.00 is appropriated from water retained earnings 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

### ARTICLE 22

#### **Stormwater Management and Erosion Control By-Law for the Town of Marblehead**

##### **Voted:**

To amend the Marblehead By-Laws by adding a New Chapter 195, Storm Water Management and Erosion Control By-Law, as follows:

##### Chapter 195

##### ARTICLE I. Purpose

1. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and



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groundwater; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; flooding; and overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the water bodies and groundwater resources within the Town of Marblehead, to safeguard the health, safety and welfare of the general public and protect the natural resources of the Town.

2. The objectives of this By-Law are to:
  - A. protect water resources;
  - B. require practices that eliminate soil erosion and sedimentation;
  - C. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
  - D. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
  - E. protect groundwater and surface water from degradation;

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- F. promote infiltration and the recharge of groundwater;
- G. prevent pollutants from entering the municipal storm drain system;
- H. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
- I. ensure adequate long-term operation and maintenance of structural stormwater best management practices;
- J. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at construction sites that may cause adverse impacts to water quality;
- K. comply with state and federal statutes and regulations relating to stormwater discharges; and
- L. establish the Town of Marblehead's legal authority to ensure compliance with the provisions of gh inspection, monitoring and enforcement.

### ARTICLE II. Definitions

For the purposes of this By-Law, the following shall mean:

ABUTTER: The owner(s) of land abutting the activity.

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**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater in the area.

**APPLICANT:** Any “person,” as defined below, requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AUTHORITY:** The Conservation Commission and its employees or agents designated to enforce this By-Law.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint or structural improvement that helps to reduce the quantity of and/or improve the quality of stormwater runoff.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, oils, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEARING:** Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of an existing use, usually involving construction.

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**DISTURBANCE OF LAND:** Any action, including clearing and grubbing, that causes a change in the position, location or arrangement of soil, sand, rock, gravel or similar earth material.

**ENVIRONMENTAL SITE MONITOR:** A Registered Professional Engineer or other trained professional selected by the Authorized Enforcement Authority and retained by the Authorized Enforcement Authority and paid by the holder of a Land Disturbance Permit to periodically inspect the work and report to the Authorized Enforcement Authority.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a Registered Professional Engineer (PE), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbance activities.

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools. See the Wetlands Protection Act regulations (310 CMR 10.00) and the Forest Cutting Practices Act regulations (304 CMR 11.00).

**GRADING:** Changing the level or shape of the ground surface.

**GRUBBING:** The act of clearing land surface by digging or grinding up roots and stumps.

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**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks and roof tops. Impervious surface also includes soils, gravel driveways and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

**LAND-DISTURBING ACTIVITY or LAND DISTURBANCE:** Any activity including, without limitation, clearing, grubbing, grading, digging, cutting or excavation of soil; placement of fill; and construction that causes a change in the position or location of soil, sand, rock, gravel or similar earth material.

**LOT:** A single parcel of land held in identical ownership throughout and defined by metes, bounds or boundary lines in a recorded deed on a recorded plan.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** M.G.L. Ch. 131A and its implementing regulations at 321 CMR 10.00, which prohibit the “taking” of any rare plant or animal species listed as “Endangered,” “Threatened,” or “Of Special Concern.”

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Massachusetts Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. Ch. 21, §§ 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL STORM DRAIN SYSTEM or  
MUNICIPAL SEPARATE STORM SEWER SYSTEM**

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(MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, open channel, reservoir and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Marblehead.

OPERATION AND MAINTENANCE PLAN: A plan, which is prepared by a Registered Professional Engineer, describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into a receiving water body and/or wetland. .

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards, promulgated at 314 CMR 4.00, and the Massachusetts Stormwater Management Standards, set forth in the Massachusetts Stormwater Management Policy. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

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**PERMITTEE:** The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent thereof.

**POINT SOURCE:** Any discernible, confined and discrete means of conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

**RESPONSIBLE PARTIES:** Owner(s) and persons with financial, operational and/or administrative responsibility.

**RUNOFF:** Rainfall, snowmelt or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water from its origin to another location; the product of erosion processes.

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**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural or vegetative methods to prevent or retard erosion.

**STORMWATER:** Stormwater runoff, snow melt runoff and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN:** A document containing narrative, drawings and details prepared by a Registered Professional Engineer (PE), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

**TOTAL SUSPENDED SOLIDS (TSS):** Material, including but not limited to trash, debris and sand, suspended in stormwater runoff.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate



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and invertebrate wildlife species. For the purpose of this By-law, vernal pools shall be those areas certified as such by the Commonwealth of Massachusetts Division of Fisheries and Wildlife.

**WATERCOURSE:** A natural or man-made channel through which water flows, including a river, brook, stream, underground stream, pond or lake.

**WETLAND RESOURCE AREA:** An area specified in the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, § 40, and accompanying regulations and/or in Chapter 194 of the By-Laws of the Town of Marblehead and accompanying regulations.

**WETLANDS:** As defined in M.G.L. Ch. 131, § 40, and accompanying regulations, and the Town of Marblehead Wetlands Protection By-Law and Regulations.

### ARTICLE III. Authority

This By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, G.L. c. 83 § 1, 10 and 16 and G.L. ch. 149 §135 - 140 and pursuant to the regulations of the Federal Clean Water Act, found at 40 CFR 122.34 and published in the Federal Register on December 8, 1999, as amended.

### ARTICLE IV. Applicability

This By-Law shall apply to all land-disturbing activities within the jurisdiction of the Town of Marblehead. Except as permitted by the Authorized Enforcement Authority, or as otherwise provided in this By-Law, no person shall perform any activity that results in land disturbance of 40,000 square feet or more, including 40,000 square feet of area which is comprised of smaller, individual parcels within the same project or unconnected areas which comprise 40,000 square feet or more in the aggregate.

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### 1. Regulated Activities

Regulated activities shall include, but not be limited to:

- A. land disturbance of 40,000 square feet or more, whether or not associated with construction or reconstruction of structures;
- B. development or redevelopment involving multiple separate activities in discontinuous locations or on s if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land;
- C. paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff;
- D. construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of 40,000 square feet or more;
- E. any other activity altering the surface of an area of 40,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm drain system, or wetlands; or
- F. construction or reconstruction of structures where 40,000 square feet or more of roof drainage is altered.

### 2. Erosion and Sedimentation Control Requirement

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A project which includes land disturbance of less than 40,000 square feet shall be considered to be in conformance with this By-Law if soils or other eroded matter have been or will be prevented from being deposited onto adjacent properties, rights-of-ways, the public storm drainage system or wetlands and watercourses. Failing same, the design, installation and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the Regulations adopted pursuant to this By-Law.

### 3. Exempt Activities

The following activities are exempt from the requirements of this By-Law:

- A. normal maintenance and improvement of land in agricultural use as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40 and its accompanying regulations);
- B. repair of septic systems when required by the Board of Health for the protection of public health and in compliance with Section IV.2 hereof;
- C. normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling, provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation or alteration of drainage patterns;
- D. the construction of fencing that will not alter existing terrain or drainage patterns;

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- E. construction of utilities other than drainage (e.g. gas, water, electric, telephone) that will not alter terrain or drainage patterns; and
- F. projects wholly within the jurisdiction of the Authorized Enforcement Authority and requiring an Order of Conditions.

### ARTICLE V. Administration

The Authorized Enforcement Authority shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Authorized Enforcement Authority through this By-Law may be delegated in writing by the Authorized Enforcement Authority to its employees and/or agents.

### ARTICLE VI. Regulations

The Authorized Enforcement Authority may adopt and periodically amend rules and regulations to effectuate the purposes of this By-Law. Prior to the adoption and subsequent amendment to the rules and regulations, if any, the Authorized Enforcement Authority shall hold a public hearing. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing. A copy of the adopted regulations shall be made available at the Office of the Town Clerk and as otherwise deemed appropriate by the Authorized Enforcement Authority. Failure by the Authorized Enforcement Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

### ARTICLE VII. Permits

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A Permit hereunder is required prior to any activity disturbing 40,000 or more square feet of land. The site owner or his/her agent shall apply to the Authorized Enforcement Authority for the permit. While application may be made by a representative, the permittee must be the owner of the site.

### **1. Applications**

An application shall be made to the Authorized Enforcement Authority in a form and containing information as specified in this By-Law and in the rules and regulations adopted by the Authorized Enforcement Authority, if any, and shall be accompanied by payment of the appropriate application and compliance fees.

### **2. Fees**

Application and compliance fees shall be established by Authorized Enforcement Authority to cover expenses connected with public notice, application review and monitoring permit compliance. Additional fees may be required to cover professional review as well. The Authorized Enforcement Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Authorized Enforcement Authority on any or all aspects of the application. Applicants must pay all review fees before the review process may begin. The applicant for a Land Disturbance Permit shall be required to cover the costs of said consultant(s) through an account established pursuant to M.G.L. Ch. 44, § 53G.

### **3. Information Requests**

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The Authorized Enforcement Authority may request such additional information as is necessary to enable the Authorized Enforcement Authority to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this By-Law.

### **4. Determination of Completeness**

The Authorized Enforcement Authority shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.

### **5. Coordination with Other Boards**

On receipt of a complete application for a Land Disturbance Permit, the Authorized Enforcement Authority shall distribute one copy each to the Planning Board, the Water and Sewer Commission, the Board of Health and the Building Commissioner for review and comment. Said agencies and persons shall, in their discretion, investigate the case and report their recommendations to the Authorized Enforcement Authority. The Authorized Enforcement Authority shall not hold a hearing on the Land Disturbance Permit until it has received reports from said agencies or until said agencies have allowed twenty (20) days to elapse after receipt of the application materials without submission of a report thereon.

### **6. Entry**

Filing an application for a Land Disturbance Permit grants the Authorized Enforcement Authority or its agent(s) permission to enter the

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site to verify the information in the application and to inspect for compliance with permit conditions, to the extent permitted by law.

### **7. Hearing**

Within thirty (30) days of receipt of a complete application for a Land Disturbance Permit, the Authorized Enforcement Authority shall hold a public hearing and shall take final action within thirty (30) days from the close of said hearing, unless such time is extended by agreement between the applicant and the Authorized Enforcement Authority. Notice of the public hearing shall, at least Five (5) business days prior to said hearing, be given by publication in a local newspaper of general circulation, and by posting. The Authorized Enforcement Authority shall be responsible for publishing the notice in the local newspaper and posting the notice at Abbot Hall, and the Applicant shall be responsible for paying the costs of same. The Authorized Enforcement Authority shall make the application available for inspection by the public during business hours at the Mary Alley Building.

### **8. Action**

The Authorized Enforcement Authority may:

- A. approve the application and issue a permit if it finds that the proposed plan will protect water resources and complies with the requirements of this By-Law;
- B. approve the application and issue a permit with conditions, modifications and/or restrictions that the Authorized Enforcement Authority determines are required to ensure that the

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project will protect water resources and complies with the requirements of this By-Law; or

- C. disapprove the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives of and/or comply with the requirements of this By-Law. If the Authorized Enforcement Authority finds that the applicant has submitted insufficient information to describe the site, the work or the effect of the work on water quality and runoff volume, the Authorized Enforcement Authority may disapprove the application, denying a permit.
- D. If approved, the Authorized enforcement Authority shall require that the permit, in addition to the Plan as noted herein, shall be placed on record at the Southern Essex Registry of Deeds. Upon completion of the project and following approval of compliance with the permit, the Authorized Enforcement Authority shall issue a certificate of completion to be placed on record at the Southern Essex Registry of Deeds.

### **9. Project Changes**

The permittee, or his/her agent, must notify the agent of the Authorized Enforcement Authority in writing of any change or alteration of a land disturbing activity before the change or alteration occurs. If the agent of the Authorized Enforcement Authority determines that the change or alteration is significant, based on the design requirements listed in the rules and regulations adopted by the Authorized Enforcement Authority pursuant to this By-Law, if any, the agent of the Authorized



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Enforcement Authority may require that an amended application or a new full application be filed in accordance with this Section. If any unauthorized or unpermitted change or alteration from the Land Disturbance Permit occurs during land disturbing activities, the agent of the Authorized Enforcement Authority may require the Permittee to cease all work and/or require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

### ARTICLE VIII. Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pre and post construction conditions of the site and the adjacent areas and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed in the rules and regulations adopted by the Authorized Enforcement Authority for administration of this By-Law, if any.

### ARTICLE IX. Stormwater Management Plan

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pre and post construction conditions of the site and the adjacent areas and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Authorized Enforcement Authority to evaluate the environmental impact, effectiveness and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater

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Management Standards, as set forth in the Massachusetts Stormwater Management Policy and the United States Department of Environmental Protection's Stormwater Management Handbook: Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings and narrative. The applicant shall submit such material as is required by the rules and regulations adopted by the Authorized Enforcement Authority for the administration of this By-Law, if any.

### ARTICLE X. Operation and Maintenance Plan

#### 1. Requirements

An Operation and Maintenance Plan (O&M Plan) for the permanent storm water management system is required for all projects at the time of application. The O&M Plan shall be designed to ensure compliance with this By-Law and its Regulations, if any, and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, in all seasons and throughout the life of the system. The O&M Plan shall include any requirements deemed necessary by the Authorized Enforcement Authority to ensure compliance therewith, including, without limitation, a covenant. The Authorized Enforcement Authority shall make the final decision of what maintenance option is appropriate in a given situation. In making said decision, the Authorized Enforcement Authority will consider natural features, the proximity of the site to water bodies and wetlands, the extent of impervious surfaces, the size of the site, the types of stormwater management structures and the potential need for ongoing maintenance activities. Once approved by the Authorized Enforcement Authority, the O&M Plan shall be recorded at the Southern Essex District Registry of Deeds by and at the expense of the permittee, shall run with the land, shall remain on file with the Authorized Enforcement Authority and shall be an ongoing requirement. Stormwater management easements shall be provided by the property owner(s) in

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areas and as necessary to carry out the required maintenance.

2. Changes to Operation and Maintenance Plan
  - A. The owner(s) of the stormwater management system must notify the Authorized Enforcement Authority or its agent of changes in ownership or assignment of financial responsibility.
  - B. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this By-Law by mutual agreement of the Authorized Enforcement Authority and the responsible parties. Amendments must be in writing and signed by all responsible parties. Once the amended O&M Plan is signed, the Authorized Enforcement Authority shall file it with the Southern Essex District Registry of Deeds at the expense of the current owner(s).

### ARTICLE XI. Inspection and Site Supervision

#### 1. **Preconstruction Meeting**

Prior to clearing, excavation, construction or any land disturbing activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors and any person with authority to make changes to the project shall meet with the Authorized Enforcement Authority or its designated agent to review the permitted plans and proposed implementation.

#### 2. **Inspection**

The Authorized Enforcement Authority or its designated agent shall make inspections as hereinafter required and shall either approve

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that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and/or any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Authorized Enforcement Authority, shall be maintained at the site during the progress of the work. To facilitate inspections, the permittee shall notify the agent of the Authorized Enforcement Authority within twenty-four (24) hours after each of the following events:

- A. erosion and sediment control measures are in place and stabilized;
- B. rough grading has been substantially completed;
- C. final grading has been substantially completed;
- D. bury inspection, prior to backfilling of any underground drainage or stormwater conveyance structures;
- E. close of the construction season; and
- F. final landscaping (permanent stabilization) and project final completion.

### 3. Permittee Inspections

The permittee or his/her agent shall conduct and document inspections of all control measures no less frequently than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance and/or additional control measures. The permittee or his/her agent shall

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submit monthly reports to the Authorized Enforcement Authority or designated agent in a format approved by the Authorized Enforcement Authority. The Authorized Enforcement Authority may require, as a condition of approval, that a professional environmental site monitor, approved by the Authorized Enforcement Authority, be retained by and paid for by the permittee to conduct such inspections and prepare and submit such reports to the Authorized Enforcement Authority or its designated agent.

#### **4. Access Permission**

To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Authority, its agents, officers and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys or samplings as the Authorized Enforcement Authority deems reasonably necessary to determine compliance with the permit.

#### **ARTICLE XII. Surety**

Prior to the start of land disturbance activity, the Authorized Enforcement Authority may require the permittee to post a surety bond, irrevocable letter of credit, cash or other acceptable security. The form of the bond shall be approved by Town Counsel, and shall be in an amount deemed sufficient by the Authorized Enforcement Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Authorized Enforcement Authority may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be

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fully released until the Authorized Enforcement Authority has received the final report as required by Article XIII and issued a certificate of completion.

### ARTICLE XIII. Final Reports

Upon completion of the work, the permittee shall submit a report, including certified, as built construction plans, from a Registered Professional Engineer (P.E.) certifying that all requirements of the permit and any approved changes and modifications thereto have been completed in accordance with the conditions of the approved permit.

### ARTICLE XIV. Enforcement

#### **1. Authority**

The Authorized Enforcement Authority or its authorized agent shall enforce this By-Law, the rules and regulations adopted pursuant hereto, if any, and all orders, violation notices and/or enforcement orders, and may pursue all civil and criminal remedies for such violations.

Pursuant hereto, the Authorized Enforcement Authority shall hereby be given the authority to appoint any of the following entities or individuals to be its agent(s): The Town of Marblehead Building Inspector, the Town of Marblehead Conservation Agent, the Town of Marblehead Zoning Board of Appeals, the Town of Marblehead Planning Board, the Town of Marblehead Water and Sewer Commission, the Town of Marblehead Highway Department. The Authorized Enforcement Authority shall provide notice of said appointment to the named agent(s) in writing.

#### **2. Orders**

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- A. The Authorized Enforcement Authority or an authorized agent of the Authorized Enforcement Authority may issue a written order to enforce the provisions of this By-Law or the rules and regulations adopted pursuant hereto, if any, which may include (i) a requirement to cease and desist from the land-disturbing activity until there is compliance with the By-Law and provisions of the land-disturbance permit; (ii) maintenance, installation or performance of additional erosion and sedimentation control measures; (iii) monitoring, analyses and reporting; or (iv) remediation of erosion and sedimentation resulting directly or indirectly from the land disturbing activity.
- B. If the Authorized Enforcement Authority or an authorized agent thereof determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the permittee or property owner fail to abate or perform remediation within the specified deadline, the Town of Marblehead may, at its option, undertake such work, and the permittee or property owner shall reimburse the Town for the cost thereof.
- C. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the permittee and the property owner shall be notified of the costs incurred by the Town of Marblehead, including administrative costs. The permittee or property owner may file a written protest objecting to the amount or basis of costs with the Authorized Enforcement Authority within thirty (30) days of receipt of said notification. If the amount due

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is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Authorized Enforcement Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction to that effect, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount thereof. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in M.G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

### **3. Criminal Penalty**

Any person who violates any provision of this By-Law, the rules and regulations adopted pursuant hereto, if any, or an order or permit issued hereunder shall be punished by a fine of not more than \$300.00 for each offense. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### **4. Non-Criminal Disposition**

As an alternative to criminal prosecution or civil action, the Town of Marblehead may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D, in which case the Authorized Enforcement Authority or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### **5. Appeals**



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All decisions, permits or orders of the Authorized Enforcement Authority shall be final. Further relief shall be sought only in a court of competent jurisdiction.

### **6. Remedies Not Exclusive**

The remedies listed in this By-Law are not exclusive of any other remedies available under any applicable federal, state or local law.

### ARTICLE XV. Certificate of Completion

The Authorized Enforcement Authority will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work under the permit has been satisfactorily completed in conformance with this By-Law and the rules and regulations adopted pursuant hereto, if any. The Certificate of Completion shall be recorded at the Essex Southern District Registry of Deeds by the property owner(s) and at the property owner(s) expense.

### ARTICLE XVI. Severability

If any provision, paragraph, sentence or clause of this By-Law or the application hereof to any person, establishment or circumstance shall be held invalid for any reason, all other provisions shall continue in full force and effect to the extent permitted by law.

## **ARTICLE 23**

### **Public Shade Tree By-Law**

#### **Voted:**

To amend the Marblehead By-Laws by adding a new Article IV in Chapter 177, Public Shade Trees, Protection and Fines, as follows:

1. Add a new Article IV in Chapter 177, as follows:

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### Public Shade Trees, Protection and Fines:

Violations of the Public Shade Tree Regulations of the Town of Marblehead which are approved by the Board of Selectmen, may be penalized by a non-criminal disposition in the manner provided in chapter 40, section 21D of the General laws. For the purpose of this section, the specific penalty which is to apply for violation of said Regulations shall be listed below and the Town officer or employee whose title(s) are listed shall be deemed the enforcing officer(s) for the Regulations.

### Public Shade Tree Regulations:

Penalty for violation of the Public Shade Tree Regulations shall be as follows:

\$300 for each offense and on each day a violation exists may be deemed to be a separate offense. An offense shall be deemed to occur on each day from the day the offense(s) occurs through the date upon which a public hearing resulting in the resolution of the offense(s) is closed as determined by the Tree Warden; and Said penalty shall be paid in accordance with G.L. c. 40 §21D.

This section shall be enforced by the Tree Warden.

## ARTICLE 24

### **Town Bylaws Section 209-7. Digging, dredging or removal of materials**

#### **Voted:**

To add the following sentences to the end of Section 209-7 of Chapter 209: Conservation Areas:

Any person or organization performing or causing to be performed the above described activities shall remove, restore and rehabilitate at their expense the area on which

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material has been dug, dredged, removed, dumped or otherwise disposed of. The removal, restoration and rehabilitation shall be done as defined by and within the time frame specified by the Conservation Commission. In addition to the foregoing removal, restoration and rehabilitation, a fine in accordance with paragraph 209-14 may be levied against the person or organization causing the removal.

### **ARTICLE 25**

#### **Town Bylaws Section 209-5, Cutting or removal of trees, flowers and other plants**

##### **Voted:**

To eliminate Section 209-5 of Chapter 209: Conservation Areas of the Town Bylaws as it currently reads and replace it with a new Section 209-5 to read as follows:

#### **Section 209-5. Cutting or removal of trees, flowers and other plants.**

Except pursuant to authority granted under paragraph 209-4 above, the following applies:

##### **1. DEFINITIONS:**

“Vegetation” applies to trees, bushes, plants, shrubs, flowers, grasses. They can be live or dead, naturally occurring or human introduced.

“Removal” means cutting, pruning, digging, poisoning, damaging, covering with yard waste or any similar action resulting in the loss of the vegetation.

“Conservation Lands” means those lands currently under the jurisdiction of the Marblehead Conservation Commission.

##### **2. REQUIREMENTS:**

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No vegetation is to be removed from conservation lands without the expressed, written permission of the Marblehead Conservation Commission.

In the event vegetation is removed without the permission of the Marblehead Conservation Commission, all removed vegetation must be replaced or replanted with identical vegetation or its equivalent (to be approved by the Commission).

Example: a tree with a diameter of one inch (measured six inches from its base) should be replaced with the same size tree.

Example: a tree with a diameter of five inches (measured twelve inches from its base) should be replaced with five trees measuring one inch diameter six inches from their base.

All expenses incurred with the replacement or replanting are to be borne by the person or organization causing the original removal.

The replaced or replanted vegetation must have a survival rate of at least 70% of the replaced or replanted vegetation at the end of two years after the replacement or replanting. If the 70% survival rate is not met at the end of the two year period, sufficient additional vegetation must be planted to achieve the 70% survival rate at the end of an additional two year period.

In addition to the foregoing replacement or replanting, a fine in accordance with paragraph 209-14 may be levied against the person or organization causing the removal.

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### ARTICLE 26

#### **Financial Assistance for Conservation**

##### **Voted:**

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.

### ARTICLE 27

#### **Robinson Farm Land**

##### **Voted:**

To place the land known as the Robinson Farm, purchased on December 1, 2005 pursuant to the approval by voters of Article 25 of the Annual Town Meeting of May 2<sup>nd</sup> and 3<sup>rd</sup>, 2005 and subsequently approved under a town wide referendum, under the care, custody and control of the Marblehead Conservation Commission to be used for open space purposes.

### ARTICLE 28

#### **Land Acquisition**

##### **Voted:**

That this article be indefinitely postponed.

### ARTICLE 29

#### **Amend By-Law – Alternate Members**

##### **Voted:**

To amend the town by-laws as follows:  
(bold text added) *Amend* Chapter 24 BOARDS, COMMISSIONS AND COMMITTEES, Article IV Planning Board paragraph 24-6 Membership, first paragraph *which presently reads as follows:* A Planning Board of five members hereby is established under Chapter 41, Section 81A of General Laws. To read instead; a Planning Board of five member **and an alternate member** hereby is established under Chapter 41, Section 81A of General Laws. *And add a sentence at the end of the paragraph which reads* **The alternate member shall be appointed by a majority vote of the Board of Selectmen and the Planning Board.**

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### ARTICLE 30

#### Adopt Chapter 39 Section 23D

##### Voted:

To adopt chapter 39 section 23D of the Massachusetts general Laws allowing that a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting on a matter solely due to that members absence from no more than a single session of the hearing which testimony or other evidence is received.

### ARTICLE 31

#### Amend Chapter 13, ANIMALS, of the General By-Law

a.

Article III Dogs, Section 13.5 Running At Large *which presently reads:*

“No person owning, harboring or having custody and control of a dog shall permit such dog to be at large in the Town of Marblehead at any time, elsewhere than on the premises of the owner, except it be on the premises of another person with the knowledge and assent of such person shall control and restrain such dog by a leash of appropriate length. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:

- A. First offense within calendar year: \$25.
- B. Second or subsequent offense within calendar year: \$50.”

a. *to read as follows:* “No person owning, harboring or having custody and control of a dog shall permit such dog to be at large in the Town of Marblehead at any time, elsewhere than on the premises of the owner except;

1. it be on the premises of another person with the knowledge and assent of such person, or
2. **it be in a Dog Park established by the Town for the specific purpose to allow dogs to run; and otherwise the dog shall be controlled and restrained by a leash of appropriate length.** Whoever

## MARBLEHEAD TOWN REPORT

violates the provisions of this section shall pay a fine in accordance with the following schedule:

- A. First offense within calendar year: \$25.
  - B. Second or subsequent offense within calendar year: \$50.
- b. Article III Dogs, Section 13-11. Seasonal prohibition of dogs from certain areas. *which presently reads:* “ No person owning, harboring or having custody or control of a dog shall permit such dog to be on any public cemetery of the Town at any time throughout the year, nor shall such person permit such dog to be on any public beach, athletic area, playground or park of the Town between May 1 and October 1 of each year, provided, however, that this prohibition shall not apply to Chandler Hovey Park, Crocker Park, Fort Sewell, Fountain Park, Upper Seaside Park, Riverhead Beach. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:
- A. First offense in calendar year: \$25.
  - B. Second or subsequent offense within calendar year \$50.”
- b. *to read as follows:* “ No person owning, harboring or having custody or control of a dog shall permit such dog to be on any public cemetery of the Town at any time throughout the year, nor shall such person permit such dog to be on any public beach, athletic area, playground or park of the Town between May 1 and October 1 of each year, provided, however, that this prohibition shall not apply to Chandler Hovey Park, Crocker Park, Fort Sewall, Fountain Park, Upper Seaside Park, Riverhead Beach **or the Town designated Dog Park.**

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Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:

- A. First offense in calendar year: \$25.
- B. Second or subsequent offense within calendar year \$50.”

### **ARTICLE 32**

#### **Land Transfer**

##### **Voted:**

That this article be indefinitely postponed.

### **ARTICLE 33**

#### **Landfill Assessment and Regulatory Compliance Activities**

##### **Voted:**

That the sum of \$136,400.00 is appropriated to be expended by the Board of Health for the continued water quality monitoring, soil gas monitoring, risk assessment, engineering and any other services related to the Old Landfill.

### **ARTICLE 34**

#### **Disposal Area Remediation, Closure and Post Closure Use Option 1 (one)**

##### **Voted:**

That this article be indefinitely postponed.

### **ARTICLE 35**

#### **Disposal Area Remediation and Closure Option 1(One) A**

##### **Voted:**

That this article be indefinitely postponed.

### **ARTICLE 36**

#### **Disposal Area Remediation, Closure and Post Closure Use Option 2 (Two)**

##### **Voted:**

That this article be indefinitely postponed.

### **ARTICLE 37**

#### **Disposal Area Remediation, Closure and Post Closure Option 3 (Three)**

##### **Voted:**



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That \$1,010,000. is appropriated for the cost of engineering services relating to the design of a cap and post closure use of the areas encompassing the Old Landfill, including design of a landfill cap, design of a new Transfer Station to replace the existing Transfer Station and Recycling Drop-Off Area and design for continued yard waste disposal as a post closure use; that to meet this appropriation the treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,010,000 under G.L. C44; and that the Board of Health is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c59 §21 (C) (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**Voted to Adjourn at 10:15pm until 7:45pm, Tuesday May 8, 2007**

**May 8<sup>th</sup>, 2007 with a quorum present the second night of Town meeting continued at 7:50pm**

### **ARTICLE 38**

#### **Amend Zoning Map Rezoning a Single Residence Area to Business**

**Counted Vote: Yes 190                      No 180**

#### **2/3 Vote not achieved:**

To revise the Zoning Map of the Town by taking an area that is presently zoned Single Residence and changing its designation to Business. This area to be rezoned is described as follows:

The lot of land with a building thereon known as an numbered 242-260 Humphrey Street, Marblehead, Massachusetts, being Assessor's Map 4, Parcel 14, as shown on the plan entitled "Site Plan 242-260 Humphrey Street Marblehead, MA, Land of Beach Bluff LLC", Dated November 7. 2006, prepared by Kane Land Surveyors, a copy of which plan is on file in the Office of the Town Clerk.

### **ARTICLE 39**

#### **Land Acquisition, Longview Drive**

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**Counted Vote Yes 273**

**No 276**

**2/3 Vote not achieved**

To authorize and direct the Board of Selectmen, with approval of Town Counsel as to form, to execute and record all necessary and appropriate documents to effectuate the acquisition, purchase, or acceptance of a certain parcel of land owned by Mario and Camille Angenica, located on Longview Drive West and identified on Marblehead Assessor's Map 21 as Lot 19 to be used for open space purposes dedicated to conservation and passive recreational use under the care, custody, and control of the Marblehead Conservation Commission pursuant to Massachusetts General Laws Chapter 40, Section 8C, upon Such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; and provided, however,

**Voted to Adjourn at 10:35pm until May 8<sup>th</sup> at 7:45pm**

**May 9<sup>th</sup>, 2007 with a quorum present Town Meeting continued at 8:00pm**

### **ARTICLE 40**

**Grant Access and Maintenance Easements**

**Counted Vote Yes 279**

**No 148**

**2/3 Vote Achieved**

**To Authorize the Board of Selectmen, with the approval of Town Counsel as to form, and subsequent to the issuance of a building permit to any developer for any proposed development of the "lead mills" property located in Salem and Marblehead at 485 Lafayette Street, to execute and record all necessary and appropriate documents to effectuate the grant of all or any portion of the easements for utility installation, construction and maintenance purposes, and for emergency and public access and maintenance purposes, as described in Article 41 and shown on the plan entitled "Plan of Easements. Lafayette Tides in Marblehead, Mass.", dated January 23, 2007, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors, a copy of which plan is on file in the Office of the Town Clerk, in exchange for appropriate consideration and provided the owner of**

## MARBLEHEAD TOWN REPORT

**said 485 Lafayette Street pays the Town's costs of effectuating said transaction. Or take any other action relative thereto.**

### ARTICLE 41

#### **Grant Access and Maintenance Easements**

##### **2/3 Vote Achieved**

To Instruct the Board of Selectmen , the Water and Sewer Commission and the Municipal Light Department, with the approval of Town Counsel as to form, **and subsequent to the issuance of a building permit to any developer for any proposed development of the "lead mills" property located in Salem and Marblehead at 485 Lafayette Street**, to grant certain permanent and/or temporary easements for utility installation, construction and maintenance purposes, and for emergency and public access and maintenance purposes, in conjunction with the development of that parcel of land known as and numbered 485 Lafayette Street, Marblehead, Massachusetts, and to allow the Board of Selectmen, the Water and Sewer Commission and the Municipal Light Department to more specifically define the easement area within which that area shown on a plan entitled "Plan of Easements, Lafayette Tides in Marblehead, Mass.", dated January 23, 2007, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors, a copy of which plan is on file in the Office of the Town Clerk. Or take any other action relative thereto.

### ARTICLE 42

#### **Acquire Utility Easements**

##### **Voted:**

**To Authorize the Board of Selectmen, with the approval of Town Counsel as to form**, and subsequent to the issuance of a building permit to any developer for any proposed development of the "lead mills" property located in Salem and Marblehead at 485 Lafayette Street, **to execute and record all necessary and appropriate documents to effectuate the acquisition, purchase or acceptance of all or any portion of the easements for utility installation, construction and maintenance purposes, as described in Article 43 and shown on the**

## MARBLEHEAD TOWN REPORT

**plan entitled “Plan of Easements, Lafayette Tides in Marblehead, Mass.”, dated January 23, 2007, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors, a copy of which plan is on file in the Office of the Town Clerk, in exchange for appropriate consideration and provided the owner of said 485 Lafayette Street pays the Town’s costs of effectuating said transaction. Or take any other action relative thereto.**

### **ARTICLE 43**

#### **Acquire Utility Easements**

##### **Voted:**

To instruct the Board of Selectmen, the Water and Sewer Commission and the Municipal Light Department, with the approval of Town Counsel as to form, **and subsequent to the issuance of a building permit to any developer for any proposed development of the “lead mills” property located in Salem and Marblehead at 485 Lafayette Street**, to acquire by gift or purchase or take by eminent domain certain permanent and or temporary easements for utility installation, construction and maintenance purposes, in conjunction with the development of that parcel of land known as and numbered 485 Lafayette Street, Marblehead, Massachusetts, and to allow the Board of Selectmen, the Water and Sewer Commission and the Municipal Light Department to more specifically define the easement area within which that area shown on a plan entitled “Plan of Easements, Lafayette Tides in Marblehead, Mass.”, dated January 23, 2007, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors, a copy of which plan is on file in the office of the Town Clerk.

### **ARTICLE 44**

#### **Transfer Existing Easement**

##### **Voted:**

That this article be indefinitely postponed.

### **ARTICLE 45**

#### **Release Existing Easement**

##### **Voted:**

That this article be indefinitely postponed.

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- ARTICLE 46**                      **Amend Zoning By-Law to  
Establish Multifamily Residence District**
- Received no report from Planning Board Pursuant to  
Mass General Law Chapter 48 Section 5 Article not  
considered.**
- ARTICLE 47**                      **Amend Zoning Map Rezoning a Shoreline Single  
Residence Area to Multifamily Residence**
- Received no report from Planning Board Pursuant to  
Mass General Law Chapter 48 Section 5 Article not  
considered.**
- ARTICLE 48**                      **Layout and acceptance of Tioga Way**  
**Voted:**  
That this article be indefinitely postponed.
- ARTICLE 49**                      **Land Acquisition**  
**Voted:**  
That this article be indefinitely postponed.
- ARTICLE 50**                      **Capital Improvements Abbot Public Library**  
**Voted:**  
That the sum of \$281,000.00 be appropriated to be  
expended by the Library trustees for the purpose of  
remodeling or making extraordinary repairs, including all  
professional architectural, design or engineering fees, to  
the Abbot Public Library, provided: that this vote shall  
not take effect until the Town votes to exempt from the  
limitations on total taxes imposed by G.L. c.59, Section  
21C (Proposition 2 ½) amounts required for said capital  
outlay expenditures.
- ARTICLE 51**                      **Ratification of Salary By-Law**  
**Voted:**  
To ratify certain actions taken by the Compensation  
Committee under Section 3(e) of the 1955 Salary By-

## MARBLEHEAD TOWN REPORT

Law as last amended and amend the classifications of the positions as follows:

1. Reclassify positions in the Administrative Pay Schedule
  - A. Director, Council on Aging, from Group 54 to Group 55
  - B. Assistant Sewer/Water Superintendent from Group 54 to Group 55
2. Reclassify and change job title in the Administrative Pay Schedule
  - A. One Accounting Assistant position from Group 51 to Group 52 with the new title of Accounting and Website Assistant
  - B. Senior Clerk position in the Payroll Office reclassified as an Administrative Clerk Group 50
3. Addition of position title and grade to Temporary Personnel Pay Scale
  - A. Add Heavy Equipment Operator Group 26 to Temporary Personnel Pay Schedule

### ARTICLE 52

#### Causeway Seawall

##### Voted:

That the sum of \$8,700,000.00 be appropriated for the construction and/or reconstruction of the Ocean Avenue Causeway for the protection of highways, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to \$8,700,000.00 under G.L. C. 44; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. C. 59, Section 21C (Proposition 2 ½) amounts

## MARBLEHEAD TOWN REPORT

required to pay the principal of and interest on the borrowing authorized by this vote.

### ARTICLE 53

#### **Fiscal 2007 Expenses of Several Departments**

##### **Voted:**

That the sum of \$601,108.00 be appropriated as follows.

Article 49 2006 Expenses of Several Departments

Item 221 Group Insurance \$351,108.00

Article 27 2006 Water Construction 250,000.00

To meet this appropriation, \$250,000.00 is to be transferred from water retained earnings and \$351,108.00 is to be raised by taxation, to pay additional expenses in fiscal 2007.

### ARTICLE 54

#### **Compensation – Town Officers**

##### **Voted:**

That the yearly compensation of the Town Officer named in this article be as follows:

Town Clerk	\$64,618.05
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Said amount to be in full compensation for services as Town Clerk. All fees received by the Town Clerk in his official capacity to be accounted for to the Town Revenue Officer.

That the Town Clerk as elected and having served in that position or as a regular full-time employee for five consecutive years, and for each applicable additional five years on such basis, shall be paid longevity pay annually, in addition to his weekly salary.

Eligibility will be determined on November 30 each year and payment made to the official with the first regular payroll of December of that year. Only those in office on the determination date and qualified by their consecutive years of service, as described above, shall receive longevity pay for the calendar year.

Annual Longevity Town Clerk	Pay Schedule
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Not less than 5 years	\$300.00
Not less than 10 years	400.00
Not less than 15 years	500.00
Not less than 20 years	600.00
Not less than 25 years	700.00
30 years and over	800.00

### ARTICLE 55

#### **Available Funds Appropriated to Reduce the Tax Rate**

##### **Voted:**

That the sum of \$2,999,212.00 be appropriated for the use of the Assessors in making the Tax Rate.

From Free Cash	\$2,440,184.00
From Electric Surplus	330,000.00
Sewer Retained Earnings	77,712.00
Water Retained Earnings	60,825.00
Harbor Receipts	1,498.00
Harbor Retained Earnings	<u>88,993.00</u>
	\$2,999,212.00

### ARTICLE 56

#### **Expenses of Several Departments**

##### **Item 1 Moderator**

##### **Voted:**

That the sum of \$100.00 be and hereby is appropriated for the Moderator as follows:

Item 1	Officials Expense	\$100.00
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### ARTICLE 56

#### **Expenses of Several Departments**

##### **Items 2 3 4 5 6 Selectmen**

##### **Voted:**

That the sum of \$413,096.00 be and hereby is appropriated for the Selectmen as follows:

Item 2	Officials Expense	\$5,500.00
Item 3	Salaries & Wages	326,433.00
Item 4	Expense	72,163.00
Item 5	Zoning Board Legal Expenses	7,000.00
Item 6	Out of State Travel	<u>2,000.00</u>
		\$413,096.00

### ARTICLE 56

#### **Expenses of Several Departments**



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### **Items 7 8 9 Finance Committee**

#### **Voted:**

That the sum of \$13,437.00 be and hereby is appropriated for the Finance Committee as follows:

Item 7	Salaries & Wages	\$7,677.00
Item 8	Expense	5,585.00
Item 9	Local Travel	<u>175.00</u>
		\$13,437.00

### **ARTICLE 56**

#### **Expenses of Several Departments**

##### **Item 10 Reserve Fund**

#### **Voted:**

That the sum of \$144,000.00 be and hereby is appropriated for the Reserve Fund.

### **ARTICLE 56**

#### **Expenses of Several Departments**

##### **Items 1 2 13 Finance Department**

#### **Voted:**

That the sum of \$825,949.00 be and hereby is appropriated for the Finance Department as follows:

Item 12	Salaries & Wages	\$ 579,744.00
Item 13	Expense	<u>246,205.00</u>
		\$ 825,949.00

### **ARTICLE 56**

#### **Expenses of Several Departments**

##### **Items 17 18 19 20 Assessor**

#### **Voted:**

That the sum of \$197,177.00 be and hereby is appropriated for the Assessor as follows:

Item 17	Officials Expense	\$ 300.00
Item 18	Salaries & Wages	162,692.00
Item 19	Expense	33,985.00
Item 20	Local Travel	<u>200.00</u>
		\$ 197,177.00

### **ARTICLE 56**

#### **Expenses of Several Departments**

##### **Items 29 30 Town Counsel**

#### **Voted:**

That the sum of \$54,932.00 be and hereby is appropriated for the Town Counsel as follows:

## MARBLEHEAD TOWN REPORT

Item 29	Salaries & Wages	\$ 2,000.00
Item 30	Expense	<u>52,932.00</u>
		\$ 54,932.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 35 Parking Clerk

##### Voted:

That the sum of \$10,484.00 be and hereby is appropriated for the Parking Clerk Department as follows:

Item 35	Expense	\$ 10,484.00
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### ARTICLE 56

#### Expenses of Several Departments

##### Items 39 40 Town Clerk

##### Voted:

That the sum of \$145,082.00 be and hereby is appropriated for the Town Clerk as follows:

Item 39	Salaries & Wages	\$137,545.00
Item 40	Expense	<u>7,537.00</u>
		\$145,082.00

### ARTICLE 56

#### Expenses of Several Departments

##### Items 43 44 Election and Registration

##### Voted:

That the sum of \$45,754.00 be and hereby is appropriated for the Election and Registration as follows:

Item 43	Salaries & Wages	\$ 25,139.00
Item 44	Expense	<u>20,615.00</u>
		\$ 45,754.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 50 Planning Board

##### Voted:

That the sum of \$1,675.00 be and hereby is appropriated for the Planning Board as follows:

Item 50	Expense	\$1,675.00
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### ARTICLE 56

#### Expenses of Several Departments

##### Items 55 56 57 Public Buildings

##### Voted:

## MARBLEHEAD TOWN REPORT

That the sum of \$185,105.00 be and hereby is appropriated for the Public Buildings as follows:

Item 55	Salaries & Wages	\$ 83,605.00
Item 56	Expense	101,100.00
Item 57	Local Travel	<u>400.00</u>
		\$185,105.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 59 Town Report

##### Voted:

That the sum of \$4,300.00 be and hereby is appropriated for the Town Report to be expended by the Board of Selectmen.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 60 Town Audit

##### Voted:

That the sum of \$36,000.00 be and hereby is appropriated for the Town Audit to be expended by the Board of Selectmen.

### ARTICLE 56

#### Expenses of Several Departments

##### Items 62 63 64 Police Department

##### Voted:

That the sum of \$2,934,787.00 be and hereby is appropriated for the Police Department as follows:

Item 62	Salaries & Wages	\$2,737,175.00
Item 63	Expense	187,612.00
Item 64	Indemnification of Officers	<u>10,000.00</u>
		\$2,934,787.00

### ARTICLE 56

#### Expenses of Several Departments

##### Items 68 69 Fire Department

##### Voted:

That the sum of \$2,709,544.00 be and hereby is appropriated for the Fire Department as follows:

Item 68	Salaries & Wages	\$ 2,587,296.00
Item 69	Expense	<u>122,248.00</u>
		\$2,709,544.00

## MARBLEHEAD TOWN REPORT

### ARTICLE 56

#### Expenses of Several Departments

##### Items 73 74 75 Building Inspection

##### Voted:

That the sum of \$431,069.00 be and hereby is appropriated for Building Inspection as follows:

Item 73	Salaries & Wages	\$418,314.00
Item 74	Expense	9,755.00
Item 75	Local Travel	<u>3,000.00</u>
		\$431,069.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 80 Sealer of Weights and Measures

##### Voted:

That the sum of \$150.00.00 be and hereby is appropriated for the Sealer of Weights and Measures as follows:

Item 80	Expense	\$150.00
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### ARTICLE 56

#### Expenses of Several Departments

##### Item 86 Animal Inspector

##### Voted:

That the sum of \$1,200.00 be and hereby is appropriated for the Animal Inspector as follows:

Item 86	Salaries	\$1,200.00
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### ARTICLE 56

#### Expenses of Several Departments

##### Items 92 93 Dog Officer

##### Voted:

That the sum of \$68,596.00 be and hereby is appropriated for the Dog Officer as follows:

Item 92	Salaries & Wages	\$ 63,809.00
Item 93	Expense	<u>4,787.00</u>
		\$ 68,596.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 101 School Department

##### Voted:

That the sum of \$25,645,913.00 be and hereby is appropriated for the School Department.

## MARBLEHEAD TOWN REPORT

### ARTICLE 56

#### Expenses of Several Departments

##### Items 105 106 107 Engineer

##### Voted:

That the sum of \$119,567.00 be and hereby is appropriated for the Engineer as follows:

Item 105	Salaries & Wages	\$108,672.00
Item 106	Expense	10,395.00
Item 107	Local Travel	<u>500.00</u>
		\$119,567.00

To meet this appropriation, \$3,000 is to be transferred from Wetland Filing Fees and \$116,567 to be taken from Taxation.

### ARTICLE 56

#### Expenses of Several Departments

##### Items 112 113 Highway

##### Voted:

That the sum of \$709,324.00 be and hereby is appropriated for the Highway as follows:

Item 112	Salaries & Wages	\$623,390.00
Item 113	Expense	<u>85,934.00</u>
		\$709,324.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 116 Rebuild, Maintain or Hot Top Streets

##### Voted:

That the sum of \$10,741.00 be and hereby is appropriated to rebuild or hottop certain streets and said work to be done under the direction of the Director of Public Works and said sum of money to be expended by the Director of Public Works.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 117 Snow Removal

##### Voted:

That the sum of \$100,000.00 be and hereby is appropriated for the use of the Director of Public Works to cover all expenses incidental to snow removal.

### ARTICLE 56

#### Expenses of Several Departments

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### **Item 118          Street Lighting**

#### **Voted:**

That the sum of \$117,550.00 be and hereby is appropriated for the Street Lighting in accordance with Section 58, Chapter 164 of the Massachusetts General Laws.

### **ARTICLE 56**

### **Expenses of Several Departments**

#### **Item 121          Maintain & Rebuild Sidewalks**

#### **Voted:**

That the sum of \$13,950.00 be and hereby is appropriated for use of the Director of Public Works to maintain and rebuild various sidewalks in town.

### **ARTICLE 56**

### **Expenses of Several Departments**

#### **Items 126 127 128          Waste Collection**

#### **Voted:**

That the sum of \$1,631,606.00 be and hereby is appropriated for the Waste Collection as follows:

Item 126	Salaries & Wages	\$ 350,689.00
Item 127	Expense	1,279,405.00
Item 128	Local Travel	<u>1,512.00</u>
		\$ 1,631,606.00

### **ARTICLE 56**

### **Expenses of Several Departments**

#### **Items 132 133          Drains**

#### **Voted:**

That the sum of \$98,016.00 be and hereby is appropriated for the Drains as follows:

Item 132	Salaries & Wages	\$ 92,866.00
Item 133	Expense	<u>5,150.00</u>
		\$ 98,016.00

### **ARTICLE 56**

### **Expenses of Several Departments**

#### **Items 141 142 143          Cemetery**

#### **Voted:**

That the sum of \$305,553.00 be and hereby is appropriated for the Cemetery as follows:

Item 141	Officials Expense	\$ 300.00
Item 142	Salaries & Wages	283,407.00

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Item 143	Expenses	<u>21,846.00</u>
		\$305,553.00

To meet this appropriation, \$249,123 is to be raised by taxation, and \$56,430 to be transferred from Cemetery Perpetual Care.

### ARTICLE 56

#### Expenses of Several Departments

**Items 148 149 Tree**

##### Voted:

That the sum of \$194,990.00 be and hereby is appropriated for the Tree Department as follows:

Item 148	Salaries & Wages	\$163,412.00
Item 149	Expense	<u>31,578.00</u>
		\$194,990.00

### ARTICLE 56

#### Expenses of Several Departments

**Items 153 154 155 157 158 Health Department**

##### Voted:

That the sum of \$131,983.00 be and hereby is appropriated for the Health Department as follows:

Item 153	Officials Expense	\$ 400.00
Item 154	Salaries & Wages	116,338.00
Item 155	Expense	10,645.00
Item 157	Local Travel	1,600.00
Item 158	HAWC	<u>3,000.00</u>
		\$131,983.00

### ARTICLE 56

#### Expenses of Several Departments

**Item 162 Mental Health**

##### Voted:

That the sum of \$71,728.00 be and hereby is appropriated for the Mental Health Department as follows:

Item 162	Contractual Services	\$ 71,728.00
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### ARTICLE 56

#### Expenses of Several Departments

**Items 164 165 Council on Aging**

##### Voted:

That the sum of \$159,351.00 be and hereby is appropriated for the Council on Aging as follows:

## MARBLEHEAD TOWN REPORT

Item 164	Salaries & Wages	\$156,492.00
Item 165	Expense	<u>2,859.00</u>
		\$159,351.00

### ARTICLE 56

#### Expenses of Several Departments

##### Items 175 176 177 178 Veterans Benefits

##### Voted:

That the sum of \$70,174.00 be and hereby is appropriated for the Veterans Benefits as follows:

Item 175	Salaries & Wages	\$ 53,213.00
Item 176	Expense	1,243.00
Item 177	Local Travel	1,100.00
Item 178	Benefits	<u>14,618.00</u>
		\$ 70,174.00

### ARTICLE 56

#### Expenses of Several Departments

##### Items 185 186 187 Library

##### Voted:

That the sum of \$908,550.00 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185	Salaries & Wages	\$687,410.00
Item 186	Expense	221,040.00
Item 187	Local Travel	<u>100.00</u>
		\$908,550.00

### ARTICLE 56

#### Expenses of Several Departments

##### Items 190 191 192 Park Department

##### Voted:

That the sum of \$730,647.00 be and hereby is appropriated for the Park and Recreation as follows:

Item 190	Salaries & Wages	\$531,727.00
Item 191	Expense	156,290.00
Item 192	Facility Expense	<u>42,630.00</u>
		\$730,647.00

### ARTICLE 56

#### Expenses of Several Departments

##### Item 210 Memorial & Veterans Day

##### Voted:



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That the sum of \$1,950.00 be and hereby is appropriated for Memorial and Veterans Day, said sum of money to be expended by the Board of Selectmen.

### ARTICLE 56

#### Expenses of Several Departments

##### Items 214 215 Maturing Bonds and Interest

##### Voted:

That the sum of \$4,239,169.00 be and hereby is appropriated for the Maturing Bonds and Interest as follows:

Item 214	Maturing Debt	\$ 2,945,000.00
Item 215	Interest	<u>1,294,169.00</u>
		\$4,239,169.00

To meet this appropriation, \$149,310 is to be transferred from Bond Premium Reserved for Appropriation and \$4,089,859 to be raised by taxation.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 217 Contributory Retirement

##### Voted:

That the sum of \$1,854,973.00 be and hereby is appropriated for the Contributory Retirement Fund.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 218 Medicare

##### Voted:

That the sum of \$380,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 219 Workmens Compensation

##### Voted:

That the sum of \$200,000.00 be and hereby is appropriated to be added to the Workmens Compensation Trust Fund (and allowed to accumulate from year to year) to be expended by the Finance Director to pay expenses of Workmens Compensation.

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- ARTICLE 56**                      **Expenses of Several Departments**  
**Item 221**                      **Group Insurance**  
**Voted:**  
That the sum of \$9,131,501.00 be and hereby is appropriated for Group Insurance to be expended by the Finance Director.
- ARTICLE 56**                      **Expenses of Several Departments**  
**Item 222**                      **Other Insurance**  
**Voted:**  
That the sum of \$475,888.00 be and hereby is appropriated for Other Insurance, to be expended by the Board of Selectmen.
- ARTICLE 56**                      **Expenses of Several Departments**  
**Item 224**                      **NonContributory Retirement**  
**Voted:**  
That the sum of \$160,200.00 be and hereby is appropriated for NonContributory Retirement, to be expended by the Finance Director/Town Accountant.
- ARTICLE 56**                      **Expenses of Several Departments**  
**Item 225**                      **Energy Reserve**  
**Voted:**  
That the sum of \$326,000.00 be and hereby is appropriated for Energy Reserve, to be expended by the Board of Selectmen.
- ARTICLE 56**                      **Expenses of Several Departments**  
**Items 227 228 230**                      **Sewer Department**  
**Voted:**  
That the sum of \$3,102,786.00 be and hereby is appropriated for the Sewer Department as follows:
- |          |                            |                     |
|----------|----------------------------|---------------------|
| Item 227 | Salaries & Wages           | \$545,791.00        |
| Item 228 | Expense                    | 418,890.00          |
| Item 230 | South Essex Sewer District | <u>2,138,105.00</u> |
|          |                            | \$3,102,786.00      |
- To meet this appropriation, \$3,102,786 is to be transferred from sewer receipts.

## MARBLEHEAD TOWN REPORT

### ARTICLE 56

#### Expenses of Several Departments

##### Items 231 232 235 Water Department

##### Voted:

That the sum of \$2,581,128.00 be and hereby is appropriated for the Water Department as follows:

Item 231	Salaries & Wages	\$536,517.00
Item 232	Expense	416,547.00
Item 235	Metropolitan Water	<u>1,628,064.00</u>
		\$2,581,128.00

To meet this appropriation, \$2,581,128 is to be transferred from water receipts.

### ARTICLE 56

#### Expenses of Several Departments

##### Item 236 Municipal Light Department

##### Voted:

That the income from sales of electricity to private consumers, from electricity supplied to municipal buildings and electricity supplied for municipal power during the current fiscal year be appropriated for the Municipal Light Plant, the whole to be expended by the manager of the Municipal Lighting Plant, under the direction and control of the Municipal Light Board for the expense of the plant for said fiscal year as defined in Section 57 of Chapter 164 of the General Laws; and said Municipal Light Board is hereby further authorized to pay from income of the plant for the fiscal year such amounts as may be expended for extensions, reconstruction enlargements, or additions and sell or trade apparatus that has worn out its usefulness and is unfit for requirements during the fiscal year.

### ARTICLE 56

#### Expenses of Several Departments

##### Items 238 239 240 241 Harbor Department

##### Voted:

That the sum of \$600,534.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238	Salaries & Wages	\$287,304.00
Item 239	Expense	196,925.00

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Item 240	Bonds and Interest	51,705.00
Item 241	Outlays	<u>64,600.00</u>
		\$600,534.00

To meet this appropriation, \$600,534 is to be transferred from harbor receipts.

### **ARTICLE 57**

#### **Supplemental Expenses of Several Departments**

##### **Voted:**

That this article be indefinitely postponed.

**At 9:50 p.m., the Moderator dissolved the 2007 Annual Town Meeting.**