

**Town of Marblehead
Annual Town Meeting
Monday, May 7, 2012
&
Tuesday, May 8, 2012**

**7:45PM With A quorum met the Moderator called the 2012 Annual Town Meeting to order.
Recognized Tony Sasso for his years as Town Administrator as he is retiring May 11, 2012
Recognized Chuck McCollum as he will be retiring and this will be his last town meeting.**

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 Committees.

ARTICLE 3 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 work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and no 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 Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth.

ARTICLE 4 Accept Trust Property

Voted: That this Article be indefinitely postponed

ARTICLE 5 Lease Town Property

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

ARTICLE 6 Fiscal 2012 School Budget Additional Appropriation

Voted: That this article be indefinitely postponed

ARTICLE 7 Police Department Audio/Visual Monitoring System

Voted: That this article be indefinitely postponed

ARTICLE 8 Surveillance Camera Data

Voted: That this article be indefinitely postponed

ARTICLE 9 Unpaid Accounts

Voted: To authorize the payment of \$870.00 for the payment of any unpaid accounts brought forward from previous years, from the following grants, capital funds, revolving funds or Article 25, May 2011 Annual Town Meeting - Expenses of Several Departments as follows:

Item 056 Public Buildings Expense	504.00
Item 101 School Budget	366.00

ARTICLE 10 Revolving Funds

Voted: To continue the authorization of the following revolving funds as required by M.G.L. C.44, s.53E 1/2 as recommended by the Board of Selectmen.

1. Historical Commission Gift Shop Revolving Fund in the amount of \$13,000 in fiscal 2013 for the use of the Historical Commission to be taken from Historical Commission revenues from the sale of items at the gift shop operated by said commission; said appropriation to be used for expenses of operating said gift shop; and expended by the Commission.
2. Recreation and Park Revolving Fund in the amount of \$300,000 in fiscal 2013 for the use of the Recreation and Park Commission to be taken from revenues in connection with recreation programs and activities including teen center, program fees, rentals, miscellaneous sales, promotional fees, \$5.00 of out of town parking fees charged on weekends and various recreational fund raising events; said appropriation to be used for the expense of said activities including equipment and promotions; and expended by the Commission.
3. Council on Aging Revolving Fund in the amount of \$250,000 in fiscal 2013 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 2013 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 expenses; and expended by the Dog Officer/ Animal Control Officer.
5. RAD Program Revolving Fund in the amount of \$7,500 in fiscal 2013 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 \$40,000 in fiscal 2013 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, instructional supplies and equipment.
7. Commercial Waste Revolving Fund in the amount of \$450,000 in fiscal 2013 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 in fiscal 2013 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 and for the care and maintenance of lands under the control and jurisdiction of the Conservation Commission.
9. Sump Pump Improvement Revolving Fund in the amount of \$25,000 in fiscal 2013 for the use of the Sewer and Water Commission; to be taken from revenues in connection with receipts collected from money received as a result of permitting fees; said fund to be expended for the aid in removal of sump pumps currently tied into the sewer system.
10. Special Education Revolving Fund in the amount of \$490,000 in fiscal 2013 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 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.
11. Storm Water By-Law Revolving Fund in the amount of \$10,000 in fiscal 2013 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.

ARTICLE 11 Walls and Fences

Voted: That this Article be indefinitely postponed.

ARTICLE 12 Purchase of Equipment of Several Departments

Voted: That the sum of \$507,641.00 be appropriated, and to meet this appropriation; \$110,000.00 to be transferred from Sewer Retained Earnings, \$125,000.00 is to be transferred from Water Retained Earnings and \$3,026 is to be transferred from Cemetery Sale of Lots Fund and \$379,615.00 is to be raised by taxation. To include the following:

Police Dept - 1 Police Vehicles, Upgrade Radio System
Highway Department – 1 Emergency Generator, 1 Dump Truck
Cemetery Department – 1 Leaf Vacuum
Park Department – Riding Lawnmower
Building Department – Safety Inspection Bucket Truck
Town Wide Departments – Upgrade Radio System, 1 Utility Vehicle
School Department – 1 Cargo Van
Water Department – 1 Crane Truck

ARTICLE 13 Capital Improvements for Public Buildings

Voted: That the sum of \$161,500.00 be appropriated. \$160,000.00 to be raised by taxation and \$1500.00 to be taken from the sale of lots fund.

Abbot Hall – Clock Tower Repair
Fire Department – Safety Equipment
Abbot Library – Drainage Improvements
Town Wide Departments – Upgrade Radio System
Cemetery Department – Fire Proof Drapes Chapel

ARTICLE 14 Surface Drainage Construction

Counted Vote

In favor 576 Against 10

2/3 vote achieved

That the a sum of \$4,937,687.00 for the construction or reconstruction of storm sewers for surface drainage purposes, including engineering and legal services in connection therewith, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

ARTICLE 15 Water Department Construction

Unanimously voted That the sum of \$801,423.00 to be taken 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 necessary to take any other action relative thereto.

ARTICLE 16 Sewer Department Construction

Unanimously voted: That the sum of \$665,344.00 to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewerage disposal, pump stations, original pumping equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants, surveys, including revenue studies and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary to take any other action relative thereto.

ARTICLE 17 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, sewer and storm water system or take any other action relative thereto.

ARTICLE 18 Storm Drainage Construction

Voted: That the Sum of \$324,000.00 be appropriated for the construction or reconstruction of sewers for surface drainage purposes, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefor, to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

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

Voted: pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with Local 1776 of the IUE/CWE, or take any action relative

MME SALARY SCHEDULE (IUE/CWE - Local 1776)							
Effective July 1, 2012 - 2%							
Group	Title	Dept	Step 1	Step 2	Step 3	Step 4	Step 5
28	Engineer Technician Senior Clerk II Mechanic Supervisor Special Labor III Adult Librarian Young Adult Librarian Tech Services Librarian Childrens Librarian	Eng Assessor W/S W/S/Drn Lib Lib Lib Lib	806.78	854.21	901.64	949.10	987.06
27	Working Foreman/Tree Surgeon E-911 Dispatch/Supervisor Water Tech Mechanic Supervisor Mech/Pipefitter II Mech/TV Spec	Rec/Park/Tree Pol W/S Hwy W/S W/S	760.08	804.78	849.51	894.20	929.97
26	Senior Clerk Billing Technician Special Labor II Field Craftsman Mechanic Maint Craftsman Mechanic Working Froman/Bldgs/Grounds Sanatarian Mechanic Leader Heavy Equipment Op Chief Clerk	Fin Assr Hbr Lib Cem Rec/Park Health Hwy Pol Sel W/S Cem WColl Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Health Hwy Drn WColl Cem Hwy W/S	713.43	755.38	797.32	839.30	872.86

	E-911 Dispatch Library Para/Prof Supev Transfer Station Mech/Pipefitter	Sel Lib WColl W/S						
25	Special Clerk Tree Climber/Maintenance Sr Day Coordinator Activities Coordinator Heavy Equipment Operator Heavy Equipment Operator/Collector Outreach Worker Library Coord-Circulation/Supplies Special Labor I Special Labor II	Bldg W/S Eng Hlth Sel TC Rec/Park/Tree Rec/Park/Tree COA COA Rec/Park/Tree W/S WColl Cem Hwy WColl COA Lib Drn Rec/Park/Tree	668.31	707.51	746.74	785.95	817.39	
24	General Labor IV Special Labor I Maintenance Craftsman Recreation Technician Park Maintenance/Groundskeeper Library Technician Program & Volunteer Coor	Cem Drn Hwy WColl Lib/Pol PB W/S Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree Lib Lib	629.08	666.76	704.39	742.03	771.71	
23	General Clerk General Labor III Childrens Senior Library Assistant Library Technical Assistant Park/Forestry Intern	Pol Pol PB Lib Lib Rec/Park/Tree	591.80	626.74	661.64	696.55	724.42	
22	Chauffeur Transfer Station Operator	COA MOW WColl	562.02	589.10	616.12	643.19	668.93	
21	Senior Library Assistant General Labor I	Lib Lib PB	545.16	564.77	584.38	604.01	628.17	
20			520.86	527.12	533.40	539.66	561.24	

and appropriate the sum of \$83,142 and to meet this appropriation the sum of \$66,662 is to be raised by taxation, \$7,978 is to be transferred from sewer receipts, \$7,771 is to be transferred from water receipts and \$731 is to be transferred from harbor receipts and said appropriation to be distributed to each departmental budget by the Finance Director

Provided; however, these schedules shall not be effective and no increase shall be paid until the intergrated contract between the IUE/CWA (Local 1776) and the Town is executed and delivered to the Town.

ARTICLE 20 Collective Bargaining (Fire)

Voted: Voted: To waive Section 8 of the 1955 Salary By-Laws as last amended by striking out the pay schedule as it relates to Fire Department Personnel and substitute in place thereof the following new pay schedule as it relates to said personnel..

FIRE PAY SCALE						
Effective 7/1/2012						
Group	Title	Step 1	Step 2	Step 3	Step 4	Step 5*
01	Firefighters	788.63	843.83	902.89	939.00	969.00
02	Lieutenants	902.89	966.12	1033.75	1075.10	1105.10
03	Captains	1033.75	1106.08	1183.54	1230.89	1260.89

* Firefighters with 20 or more years of service with the Marblehead Fire Department

and appropriate the sum on \$63,698 to be raised by taxation, said appropriation to be distributed to the fire budget by the Finance Director Provided, however, these schedules shall not be effective and no increase shall be paid until the full signed intergrated contract between the International Association of Firefighters and the Town is executed and delivered to the Town.

ARTICLE 21 Collective Bargaining (Police)

Voted: To waive Section 8 of the 1955 Salary By-Laws as last amended by striking out the pay schedule as it relates to Police Department Personnel and substitute in place thereof the following new pay schedule as it relates to said personnel.

POLICE PAY SCALE						
Effective 7/1/2012						20+years
Group	Title	Step 1	Step 2	Step 3	Step 4	Step 5*
02	Patrolman	788.63	843.83	902.89	943.25	974.06
04	Sergeants	902.89	966.12	1,033.75	1,079.34	1,110.16
06	Lieutenants	1,033.75	1,106.08	1,183.54	1,235.13	1,265.94
08	Captains	1,183.54	1,266.44	1,349.27	1,407.49	1,438.30

* Continuous years of service with the Marblehead Police Department

and appropriate the sum of \$44,063 to be raised by taxation, said appropriation to be distributed to the police budget by the Finance Director.

Provided, however, these schedules shall not be effective and no increase shall be paid until the full signed intergrated contract between the Marblehead Police Union and the Town is executed and delivered to the Town.

ARTICLE 22 Proposed Reclassification and Pay Schedule (Administrative)

Voted: To amend the Classification and Wage Salary Plan by changing certain job titles where indicated and reclassifying certain positions in the Administrative Schedule: to waive 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 schedule as it relates to said personnel:

ADMINISTRATIVE SALARY SCHEDULE

Effective July 1, 2012 - 2%

Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1731.52	1874.89	2018.25	2161.58	2304.93
58		1558.69	1687.91	1817.13	1946.36	2075.58
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1403.63	1519.95	1636.21	1752.54	1868.83
56	Assistant Assessor Director Public Health Director Library	1261.52	1366.48	1471.49	1576.48	1681.48
55	Harbormaster Supt Recreation/Park Building Commissioner Director Public Works Assistant Supt Water/Sewer Engineering & Conservation Adm Assistant Director Accounting Director Council on Aging Town Planner	1135.51	1230.00	1324.51	1418.99	1513.49
54	Assistant Director Revenue Assistant Director Library Asst Director/Public Works Public Health Nurse Plumbing Inspector Wire Inspector	1022.44	1106.82	1191.26	1275.66	1360.04
53	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Payroll Administrator Asst Director/Tree Warden	920.66	996.59	1072.51	1148.44	1224.35
52	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Assistant Harbormaster Accounting & Website Assistant Administrative Aid Selectmen	864.13	923.91	983.66	1043.45	1103.18
51	Dog Officer Accounting Assistant	820.52	873.83	927.14	980.45	1033.76

50	Administrative Clerk	738.17	788.26	838.30	888.38	938.48
49		665.48	710.29	755.11	799.92	844.79

ARTICLE 23 Pay Schedule and Reclassification (Traffic Supervisors)

Voted: To appropriate the sum of \$2,391 to be added to the Police Salary Account to fund and make effective a new schedule for the Marblehead Traffic Supervisors.

ARTICLE 24 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 to Seasonal and Temporary Personnel and substitute in place thereof the following new pay schedules as they relate to said employees:

SEASONAL PERSONAL PAY SCHEDULE					
EFFECTIVE JULY 1, 2012 - 2%					
GP	TITLE	DEPT	1	2	3
27	Sr Seasonal Harbor Asst	HM	684.26	726.98	769.78
26			642.23	682.38	722.49
25	Beach Supervisor Park Police	Rec/Park/Tree Rec/Park/Tree	601.72	639.11	676.74
24	Summer Acct Assistant Summer Programmer Asst Seasonal Harbor Asst	Finance Finance HM	565.69	601.72	637.74
23	Summer Acct Trainee Summer Programmer Trainee General Laborer III Recreation Leader, Sailing	Finance Finance Hwy/PW/Waste Rec/Park/Tree	532.66	566.06	599.44
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	511.71	537.54	563.46
21	Seasonal Laborer General Laborer B Data Entry Clerk	Cemetery Health Public Bldg/Insp	502.68	521.42	540.19
20	Summer Clerical Beach Maintenance Person Forestry Worker Grounds Caretaker	Finance Rec/Park/Tree Rec/Park/Tree Rec/Park/Tree	492.20	498.19	504.18

	Recreational Instructor Seasonal Labor	Rec/Park/Tree Rec/Park/Tree			
2	General Labor C		467.62	488.65	
B	Custodian Summer Asst	Lib Dog Off	368.21	386.61	406.02

TEMPORARY PERSONNEL PAY SCHEDULE

EFFECTIVE JULY 1, 2012 - 2%

GP	TITLE	DEPT	1	2	3	4	5
26	Heavy Equipment Operator	Hwy, HM, Waste	668.31	707.51	746.74	785.94	817.40
25	Senior Clerk	Finance	601.72	639.23	676.74	714.25	751.77
24	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assr, Sel, Fire COA Library Sel	565.69	601.72	637.74	673.75	709.73
23	Special Clerk-Rev General Laborer III	Finance Health	532.66	566.06	599.44	632.83	666.24
22			511.71	537.54	563.46	589.30	615.23
21	Temporary Laborer Temp Special Labor I	Cem, COA Library	502.68	521.42	540.19	558.96	577.71
20			492.20	498.19	504.18	510.19	516.17
14	Sr Staff Engineer	Eng	699.27	731.84	766.09	802.05	839.76
13	Tech Ser Librarian Adult Librarian Child Librarian Young Adult Librarian	Lib Lib Lib Lib	668.25	699.27	731.84	766.09	802.05
12	Asst Dog Officer	Pol-Dog Off	638.75	668.25	699.27	731.84	766.09
11	Sanitarian	Hlh	610.52	638.75	668.25	699.27	731.84
10			583.78	610.52	638.74	668.25	699.27
9	Special Labor C Library Para-Prof	Lib Lib	558.22	583.78	610.52	638.75	668.25
8			533.85	558.22	583.78	610.52	638.75
7	Special Clerk Library Tech Lib Tech or Tec Adm	Hlth, Assr Cem, Swr/Wtr Lib Lib	533.85	558.22	583.78	610.52	
6	Chauffeur	COA	533.85	558.22	583.78		
5	Sr Library Asst General Clerk	Lib Finance	533.85	558.22			
4			510.63	533.85			

3	Unclassified Labor Data Entry Oper		488.65	510.63			
2	Library Assistant	Library	467.62	488.65			
1	Temporary Clerk		447.63	467.62			

and appropriate the sum of \$9,337 and to meet this appropriation the sum of \$7,617 is to be raised by taxation and \$1,720 is to be transferred from harbor receipts and said appropriation to be distributed to each departmental budget by the Finance Director.

ARTICLE 25 Compensation - Town Officers

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

Town Clerk \$70,722.60

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 her 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 for Town Clerk

Pay Schedule

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 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, and to take any other action relative thereto.

ARTICLE 27 North Shore Regional Vocational School District

Voted: To see if the Town will vote to approve the gross operating and maintenance budget of the North Shore Technical High School for the fiscal year commencing July 1, 2012 and appropriate a sum \$102,213.00 for the Town's assessment of the same, or take any other action relative thereto.

ARTICLE 28 Essex North Shore Agricultural and Technical School District

Voted: That this Article be indefinitely postponed

ARTICLE 29 Available Funds appropriate to Reduce Tax Rate

Voted: That the sum of \$6,229,292.00 be appropriated for the use of the assessors in making the Tax Rate.

From Free Cash	\$5,899,292.00
From Electric Surplus	<u>330,000.00</u>
	\$ 6,229,292.00

ARTICLE 30 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 30 Expenses of Several Departments

Items 2 3 4 5 6 Selectmen

Voted: That the sum of \$434,496.00 be and hereby is appropriated for the Selectmen as follows:

Item 2 Officials Expense	\$ 5,500.00
Item 3 Salaries & Wages	327,833.00
Item 4 Expense	92,163.00
Item 5 Zoning Board Legal Services	7,000.00
Item 6 Out of State Travel	<u>2,000.00</u>
	\$434,496.00

ARTICLE 30 Expenses of Several Departments

Items 7 8 9 Finance Committee

Voted: That the sum of \$14,070.00 be and hereby is appropriated for the Finance Committee as follows:

Item 7 Salaries & Wages	\$ 8,310.00
Item 8 Expense	5,585.00
Item 9 Local Travel	<u>175.00</u>
	\$14,070.00

ARTICLE 30 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 30 Expenses of Several Departments

Items 12 13 Finance Department

Voted: That the sum of \$892,347.00 be and hereby is appropriated for the Finance Department as follows:

Item 12 Salaries & Wages	\$ 646,142.00
Item 13 Expense	<u>246,205.00</u>
	\$ 892,347.00

ARTICLE 30 Expenses of Several Departments

Items 17 18 19 20 Assessor

Voted: That the sum of \$212,790.00 be and hereby is appropriated for the Assessor as follows:

Item 17 Officials Expense	\$ 300.00
Item 18 Salaries & Wages	182,305.00
Item 19 Expense	33,785.00
Item 20 Local Travel	<u>400.00</u>
	\$212,790.00

ARTICLE 30 Expenses of Several Departments

Items 29 30 Town Counsel

Voted: That the sum of \$64,932.00 be and hereby is appropriated for the Town Counsel as follows:

Item 29	Salaries & Wages	\$ 2,000.00
Item 30	Expense	<u>62,932.00</u>
		\$ 64,932.00

ARTICLE 30 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 30 Expenses of Several Departments

Items 39 40 Town Clerk

Voted: That the sum of \$164,982.00 be and hereby is appropriated for the Town Clerk as follows:

Item 39	Salaries & Wages	\$155,945.00
Item 40	Expense	<u>9,037.00</u>
		\$164,982.00

ARTICLE 30 Expenses of Several Departments

Items 43 44 Election and Registration

Voted: That the sum of \$44,615.00 be and hereby is appropriated for the Election and Registration as follows:

Item 43	Salaries & Wages	\$ 22,750.00
Item 44	Expense	<u>21,865.00</u>
		\$ 44,615.00

ARTICLE 30 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 30 Expenses of Several Departments

Items 55 56 57 Public Buildings

Voted: That the sum of \$189,958.00 be and hereby is appropriated for the Public Buildings as follows:

Item 55	Salaries & Wages	\$ 88,458.00
Item 56	Expense	101,100.00
Item 57	Local Travel	<u>400.00</u>
		\$189,958.00

ARTICLE 30 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 30 Expenses of Several Departments

Item 60 Town Audit

Voted: That the sum of \$43,000.00 be and hereby is appropriated for the Town Audit to be expended by the Board of Selectmen.

ARTICLE 30 Expenses of Several Departments

Items 62 63 64 Police Department

Voted: That the sum of \$3,234,882.00 be and hereby is appropriated for the Police Department as follows:

Item 62	Salaries & Wages	\$3,037,483.00
Item 63	Expense	187,399.00
Item 64	Indemnification of Officers	<u>10,000.00</u>
		\$3,234,882.00

ARTICLE 30 Expenses of Several Departments

Items 68 69 Fire Department

Voted: That the sum of \$3,010,491.00 be and hereby is appropriated for the Fire Department as follows:

Item 68	Salaries & Wages	\$ 2,867,183.00
Item 69	Expense	<u>143,308.00</u>
		\$3,010,491.00

ARTICLE 30 Expenses of Several Departments

Items 73 74 75 Building Inspection

Voted: That the sum of \$458,235.00 be and hereby is appropriated for Building Inspection as follows:

Item 73	Salaries & Wages	\$445,480.00
Item 74	Expense	9,755.00
Item 75	Local Travel	<u>3,000.00</u>
		\$458,235.00

ARTICLE 30 Expenses of Several Departments

Item 80 Sealer of Weights and Measures

Voted: That the sum of \$250.00 be and hereby is appropriated for the Sealer of Weights and Measures as follows:

Item 80	Expense	\$250.00
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ARTICLE 30 Expenses of Several Departments

Item 86 Animal Inspector

Voted: That the sum of \$2,400.00 be and hereby is appropriated for the Animal Inspector as follows:

Item 86	Salaries	\$2,400.00
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ARTICLE 30 Expenses of Several Departments

Item 101 School Department

Voted: That the sum of \$30,079,749.00 be and hereby is appropriated for the School Department.

ARTICLE 30 Expenses of Several Departments

Items 105 106 107 Engineer

Voted: That the sum of \$120,331.00 be and hereby is appropriated for the Engineer as follows:

Item 105	Salaries & Wages	\$109,436.00
Item 106	Expense	10,395.00
Item 107	Local Travel	<u>500.00</u>
		\$120,331.00

To meet this appropriation, \$6,000.00 is to be transferred from Wetland Filing Fees and \$114,331.00 to be taken from Taxation.

ARTICLE 30 Expenses of Several Departments

Items 112 113 Highway

Voted: That the sum of \$817,568.00 be and hereby is appropriated for the Highway as follows:

Item 112 Salaries & Wages	\$730,484.00
Item 113 Expense	<u>87,084.00</u>
	\$817,568.00

ARTICLE 30 Expenses of Several Departments

Item 116 Maintain Streets & Sidewalks

Voted: That the sum of \$33,750.00 be and hereby is appropriated to maintain streets and sidewalks 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 30 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 30 Expenses of Several Departments

Item 118 Street Lighting

Voted: That the sum of \$128,820.00 be and hereby is appropriated for the Street Lighting in accordance with Section 58, Chapter 164 of the Massachusetts General Laws.

ARTICLE 30 Expenses of Several Departments

Items 126 127 128 Waste Collection

Voted: That the sum of \$1,967,493.00 be and hereby is appropriated for the Waste Collection as follows:

Item 126 Salaries & Wages	\$ 278,326.00
Item 127 Expense	1,668,655.00
Item 128 Local Travel	<u>1,512.00</u>
	\$ 1,967,493.00

ARTICLE 30 Expenses of Several Departments

Items 132 133 Drains

Voted: That the sum of \$105,358.00 be and hereby is appropriated for the Drains as follows:

Item 132 Salaries & Wages	\$ 100,208.00
Item 133 Expense	<u>5,150.00</u>
	\$ 105,358.00

ARTICLE 30 Expenses of Several Departments

Items 141 142 143 Cemetery

Voted: That the sum of \$323,644.00 be and hereby is appropriated for the Cemetery as follows:

Item 141 Officials Expense	\$ 300.00
Item 142 Salaries & Wages	301,498.00
Item 143 Expenses	<u>21,846.00</u>
	\$323,644.00

To meet this appropriation, \$273,644.00 is to be raised by taxation, and \$50,000.00 to be transferred from Cemetery Perpetual Care.

ARTICLE 30 Expenses of Several Departments

Items 148 149 Tree

Voted: That the sum of \$291,230.00 be and hereby is appropriated for the Tree Department as follows:

Item 148 Salaries & Wages	\$239,652.00
Item 149 Expense	<u>51,578.00</u>
	\$291,230.00

ARTICLE 30 Expenses of Several Departments

Items 153 154 155 157 158 Health Department

Voted: That the sum of \$140,867.00 be and hereby is appropriated for the Health Department as follows:

Item 153 Officials Expense	\$ 400.00
Item 154 Salaries & Wages	121,312.00
Item 155 Expense	13,055.00
Item 157 Local Travel	2,100.00
Item 158 HAWC	<u>4,000.00</u>
	\$140,867.00

ARTICLE 30 Expenses of Several Departments

Item 162 Mental Health

Voted: That the sum of \$60,000.00 be and hereby is appropriated for the Mental Health Department as follows:

Item 162 Contractual Services	\$ 60,000.00
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ARTICLE 30 Expenses of Several Departments

Items 164 165 Council on Aging

Voted: That the sum of \$217,519.00 be and hereby is appropriated for the Council on Aging as follows:

Item 164 Salaries & Wages	\$214,060.00
Item 165 Expense	<u>3,459.00</u>
	\$217,519.00

ARTICLE 30 Expenses of Several Departments

Items 175 176 177 178 Veterans Benefits

Voted: That the sum of \$78,485.00 be and hereby is appropriated for the Veterans Benefits as follows:

Item 175 Salaries & Wages	\$ 57,142.00
Item 176 Expense	1,243.00
Item 177 Local Travel	1,100.00
Item 178 Benefits	<u>19,000.00</u>
	\$ 78,485.00

ARTICLE 30 Expenses of Several Departments

Items 185 186 187 Library

Voted: That the sum of \$991,728.00 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185 Salaries & Wages	\$740,474.00
Item 186 Expense	251,154.00
Item 187 Local Travel	<u>100.00</u>
	\$991,728.00

ARTICLE 30 Expenses of Several Departments

Items 190 191 192 Park Department

Voted: That the sum of \$777,871.00 be and hereby is appropriated for the Park and Recreation as follows:

Item 190 Salaries & Wages	\$560,188.00
Item 191 Expense	171,590.00
Item 192 Facility Expense	<u>46,093.00</u>
	\$777,871.00

ARTICLE 30 Expenses of Several Departments

Item 210 Memorial & Veterans Day

Voted: That the sum of \$5,500.00 be and hereby is appropriated for Memorial and Veterans Day, said sum of money to be expended by the Board of Selectmen.

ARTICLE 30 Expenses of Several Departments

Items 214 215 Maturing Bonds and Interest

Voted: That the sum of \$4,353,446.58 be and hereby is appropriated for the Maturing Bonds and Interest as follows:

Item 214 Maturing Debt	\$ 2,525,000.00
Item 215 Interest	<u>1,508,446.58</u>
	\$4,353,446.58

To meet this appropriation \$260,136.00 is to be transferred from Bond Premium reserved for appropriation and \$4,093,310.58 is to be raised by taxation.

ARTICLE 30 Expenses of Several Departments

Item 217 Contributory Retirement

Voted: That the sum of \$1,881,112.00 be and hereby is appropriated for the Contributory Retirement Fund.

ARTICLE 30 Expenses of Several Departments

Item 218 Medicare

Voted: That the sum of \$510,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

ARTICLE 30 Expenses of Several Departments

Item 219 Workmen's Compensation

Voted: That the sum of \$300,000.00 be and hereby is appropriated to be added to the Workmen's Compensation Trust Fund (and allowed to accumulate from year to year) to be expended by the Finance Director to pay expenses of Workmen's Compensation.

ARTICLE 30 Expenses of Several Departments

Item 221 Group Insurance

Voted: That the sum of \$10,522,087.00 be and hereby is appropriated for Group Insurance to be expended by the Finance Director.

ARTICLE 30 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 30 Expenses of Several Departments

Item 223 Salary Reserve

Voted: That the sum of \$110,770 be and hereby is appropriated for Salary Reserve, to be expended by the Board of Selectmen.

ARTICLE 30 Expenses of Several Departments

Item 225 Energy Reserve

Voted: That the sum of \$533,544.00 be and hereby is appropriated for Energy Reserve, to be expended by the Board of Selectmen.

ARTICLE 30 Expenses of Several Departments

Items 227 228 230 Sewer Department

Voted: That the sum of \$3,343,749.00 be and hereby is appropriated for the Sewer Department as follows:

Item 227 Salaries & Wages	\$ 627,913.00
Item 228 Expense	550,504.00
Item 230 South Essex Sewer District	<u>2,165,332.00</u>
	\$ 3,343,749.00

To meet this appropriation, \$3,343,749.00 is to be transferred from sewer receipts.

ARTICLE 30 Expenses of Several Departments

Items 231 232 235 Water Department

Voted: That the sum of \$3,101,702.00 be and hereby is appropriated for the Water Department as follows:

Item 231 Salaries & Wages	\$ 627,732.00
Item 232 Expense	572,712.00
Item 235 Metropolitan Water	<u>1,901,258.00</u>
	\$3,101,702.00

To meet this appropriation, \$3,101,702.00 is to be transferred from water receipts.

ARTICLE 30 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 30 Expenses of Several Departments

Items 238 239 241 Harbor Department

Voted: That the sum of \$848,341.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238 Salaries & Wages	\$287,088.00
Item 239 Expense	311,253.00
Item 241 Outlays	<u>250,000.00</u>
	\$848,341.00

To meet this appropriation, \$598,341.00 is to be transferred from harbor receipts and 250,000.00 will be from Harbor Retained Earnings.

ARTICLE 31 Supplemental Expenses of Several Departments

Voted: That this Article be indefinitely postponed

ARTICLE 32 Purchase of Ladder Truck for Fire Department

Unanimously voted: To see if the Town will vote to appropriate a sum of \$1,150,000.00 for the purchase of a ladder truck for the Fire Department and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

At 9:57 Voted to adjourn the meeting to Tuesday May 8th at 7:45PM at the Veteran's Middle School Performing Arts Center

With A quorum met the Moderator reconvened the 2012 Annual town meeting at 7:45pm

Article 33 Flood Plain Bylaw Amendment

Unanimously Voted: That the Town will amend the zoning bylaw of the Town of Marblehead as follows:

Amend Chapter 200 as Follows:

1. Article III

Add a new paragraph C as follows:

C. Flood Plain District: The Floodplain District is herein overlay district. The District includes all special flood hazard areas within the Town of Marblehead designated as Zone A, AE, AO, and VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA, successor to the U.S. Department of Housing and Urban Development, HUD) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the Town of Marblehead are panel numbers 25009C0419F, 25009C0438F, 25009C0439F, 25009C0443F, 25009C0532F, 25009C0551F, and 25009C0552 dated July3, 2012 and as may be amended from time to time. The map indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study report dated July 3, 2012. The FIRM and Flood Insurance Study report are on file with the Town Clerk, the Building Commissioner, and Conservation Commission.

And

2. To add a new Article XII as follows:

Article XII

Section 200-45 FLOOD PLAIN DISTRICT

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

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5); Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Section 200-46 PURPOSE

The purpose of the Flood Plain District is to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding and to preserve the natural flood control characteristics and the flood storage capacity of the floodplain. Section 200-47

DEVELOPMENT REGULATIONS The following requirements apply in the Flood Plain District:

- A. Within Zone A and AE, where the base flood elevation is not provided on the FIRM the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector

for its reasonable utilization toward meeting the elevation of the flood proofing requirements, as appropriate, of the State Building Code. B. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- C. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
- D. Within Zone A and AE, all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.
- E. There shall be no "Manufactured Homes" within Zone AE.
- F. No new construction or substantial improvements, or other development shall be allowed within Zone AE, unless the applicant demonstrates to the Building Commissioner that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- G. All subdivision proposals must be designed to assure that:
- a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- H. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- I. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:
- a. All new construction shall be located landward of the reach of the mean high tide.
 - b. Man-made alteration of sand dunes within flood damage are prohibited.
- J. In a riverine situation, the Engineering and Conservation Administrator shall notify the Following of any alteration or relocation of a watercourse:
- Adjacent Communities
 - Bordering States (optional)
 - NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110
Section 200-48 DEFINITIONS

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

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

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

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

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

DISTRICT means floodplain district.

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

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

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

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

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

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

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

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

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

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

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

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

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

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

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

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

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

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

ARTICLE 34 Amend Dog Bites Bylaw

Voted: That this Article be indefinitely postponed.

ARTICLE 35 Old Town House

Counted Vote

In favor 456 Against 30

2/3 Vote Achieved

Voted: That the sum of \$610,168.00 be appropriated to be expended by the Board of Selectmen to fund the final design, public bidding and construction for the improvements to the Old Town House, including but not limited to making the building universally accessible; to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; and further provided that said appropriation shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C(Proposition 2 ½).

ARTICLE 36 A Ban on the use of Leaf Blowers in The town of Marblehead

Counted Vote

In favor 285 Against 211

Voted: That this article be indefinitely postponed

ARTICLE 37 Street Acceptance / Barnegat Lane

Voted: to accept as a public way under the provisions of MGL Chapter 82, as amended, Barnegat Lane, as laid out by the Board of Selectmen and shown on a plan entitled, "Street Acceptance Plan Official of Land, Barnegat Lane, Marblehead, Mass 01945 prepared for Paul Mazonson by Otte & Dwyer, Inc. Land Surveyors, 59 Appleton Street, Saugus MA 01906 dated 2012 scale: 1"= 20' which plan is on file in the office of the Town Clerk, or pass any vote or take any action

ARTICLE 38 Hand-Held Wireless Telephone: Prohibited

Voted: For the Town Clerk to send a Letter to Elected official in support of a ban on Hand-held Wireless Telephones

ARTICLE 39 Land Acquisition Lead Mills

Unanimously Voted: to authorize the Board of Selectmen to purchase, acquire or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of \$1,500,000.00 to fund said purchase or taking along with all associated legal and engineering costs necessary, the parcels of land located at 485 Lafayette Street (Assessor Map 55 Lot 1 and Map 53 Lot 3) and which is owned now or formerly by Glover Estates LLC, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Marblehead and to be used for municipal purpose.

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

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

ARTICLE 41 School Department Computers, Support Equipment and Technology

Voted: That this Article be indefinitely postponed

At 10:03 PM the Moderator dissolved the 2012 Annual Town Meeting.