

## MARBLEHEAD TOWN REPORT 2013

### **Town of Marblehead Annual Town Meeting Monday, May 6, 2013**

**7:50PM With A uorum met the Moderator called the 2013 Annual Town Meeting to order.**

#### **ARTICLE 1 Recite Pledge of Allegiance**

**Voted:** To begin Annual Town Meeting 2013 with the reciting “Pledge of Allegiance to the Flag

#### **ARTICLE 2 Articles in Numerical Order**

**Voted:** That the articles be taken up in their numerical order.

#### **ARTICLE 3 Reports of Town Officers and Committees**

**Voted:** To receive the report of the Town Accountant, the reports of the Town Officers, and Special Committees.

**Pat Roberts Recogni ed for her years of service to the town as she is retiring as the Council on aging director on May 30<sup>th</sup>.**

#### **ARTICLE 4 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 5 Accept Trust Property**

**Voted:** That this article be Indefinitely postponed

#### **ARTICLE 6 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 7 Fiscal 2012 School Budget Additional Appropriation**

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**Voted:** That this article be indefinitely postponed

**ARTICLE 8 Unpaid Accounts**

**Voted:** To authorize the payment of \$559.00 for the payment of any unpaid accounts brought forward from previous years, from the following grants, capital funds, revolving funds or Article 30, May 2012 Annual Town Meeting - Expenses of Several Departments as follows:

Item 101 School Budget	494.00
Item 113 Highway Expense	65.00

**ARTICLE 9 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 2014 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 2014 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 2014 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 2014 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

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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 2014 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 2014 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 2014 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 2014 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 2014 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 \$450,000 in fiscal 2014 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 2014 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.

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**ARTICLE 10 Walls and Fences**

**Voted:** That \$6,000.00 is appropriated 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 therefor.

**ARTICLE 11 Purchase of Equipment of Several Departments**

**Voted:** That the sum of \$452,565.00 be appropriated, and to meet this appropriation; \$35,525.00 is to be transferred from Sewer Retained Earnings, \$37,425.00 is to be transferred from Water Retained Earnings and \$379,615.00 is to be raised by taxation. To include the following:

<b>Tree</b>	<b>Par Department</b>
1 Bucket Truck	1 Pick-up Truck
<b>Waste Collection</b>	<b>Police Department</b>
1 Backhoe/Loader	3 Police vehicles
1 Hauling Tractor	
Loader Tires	<b>Sewer Department</b>
	1 Utility Vehicle (2)
<b>Water Department</b>	
1 Utility Vehicle	
1 From Water Retained Earnings	
2 From Sewer Retained Earnings	

**ARTICLE 12 Capital Improvements for Public Buildings**

**Voted:** That the sum of \$165,955.00 be appropriated. \$160,000.00 to be raised by taxation and \$5,955.00 to be taken from the sale of lots fund.

- Abbot Hall-** Paint Various Offices
- Mary Alley Building -** Replace Windows, HVAC Modifications, Painting
- Multiple Buildings –** Replace Defibrillators
- Police Department –** Building Repairs
- Par Department –** Seaside Tennis Court Fence
- Cemetery Department 1 –** Replace Windows and Doors , Lowering Device
- (1) Sale of Lots

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### **ARTICLE 13 Water Department Construction**

**Voted:** That the sum of \$603,335.00 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 14 Sewer Department Construction**

**Voted:** That the sum of \$527,721.00 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

### **ARTICLE 15 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 16 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 17 Proposed Reclassification and Pay Schedule Administrative**

**Voted:** to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to strike out the pay schedule as it relates to Administrative personnel, substitute in place thereof the new pay schedules and to

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transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto.

**ARTICLE 18 Pay Schedule and Reclassification Traffic Supervisors**

**Voted:** To amend increase the pay for Marblehead Traffic Supervisors, 2% effective 1, 2013.

**ARTICLE 19 Proposed Reclassification and Pay Schedule Seasonal and Temporary Personnel**

**Voted:** To amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; strike out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto.

**ARTICLE 20 Compensation-Town officers**

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

Town Clerk           \$72,413.03

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

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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

And to appropriate the sum of \$1,387.00 to be added to the Town Clerk’s salary account.

**ARTICLE 21 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 22 North Shore Regional Vocational School District**

**Voted:** 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 \$153,405.00 for the Town’s assessment of the same, or take any other action relative thereto.

**ARTICLE 23 Essex North Shore Agricultural and Technical School District**

**Voted** To appropriate a \$15,594.00to pay the Town’s share of the costs associated with the design, construction, and furnishing of the Essex North Shore Agricultural and Technical School District’s new District High School facility for the fiscal year commencing July 1, 2013; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

**ARTICLE 24 Other Post Employment Benefits Trust Fund**

**Voted:** That in accordance with Section 20 of Chapter 32B of the Mass General Laws, the Town of Marblehead hereby designates the Health Care Security Trust(HCST) board of trustees to serve as custodian of the Town of Marblehead’s Other Post Employment Benefits (OPEB) trust Fund; and further that the Town Treasurer of the Town be authorized to execute and deliver the custodian and Investment Agreements with HCST in substantially the form presented to this meeting, to sign checks and wire OPEB Trust Funds to HCST or to the Pension Reserve Investment Trust, or as otherwise may be directed by HCST, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserve Investment

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Management Board may direct and further that the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) be appropriated as initial investment into the OPEB Trust Fund.

**ARTICLE 25 Available Funds appropriate to Reduce Tax Rate**

**Voted:** That the sum of \$4,886,000.00 be appropriated for the use of the assessors in making the Tax Rate.

From Free Cash	\$4,556,000.00
From Electric Surplus	<u>330,000.00</u>
	\$4,886,000.00

**ARTICLE 26 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 26 Expenses of Several Departments**

**Items 2 3 4 5 6 Selectmen**

**Voted:** That the sum of \$446,836.00 be and hereby is appropriated for the Selectmen as follows:

Item 2	Officials Expense	\$ 5,500.00
Item 3	Salaries & Wages	340,173.00
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>
		\$446,836.00

**ARTICLE 26 Expenses of Several Departments Items 7 8 9 Finance Committee**

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

Item 7	Salaries & Wages	\$ 8,647.00
Item 8	Expense	5,585.00
Item 9	Local Travel	<u>175.00</u>
		\$14,407.00



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**ARTICLE 26 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 26 Expenses of Several Departments**

**Items 12 13 Finance Department**

**Voted:** That the sum of \$894,974.00 be and hereby is appropriated for the Finance Department as follows:

Item 12	Salaries & Wages	\$ 626,664.00
Item 13	Expense	<u>268,310.00</u>
		\$ 894,974.00

**ARTICLE 26 Expenses of Several Departments**

**Items 17 18 19 20 Assessor**

**Voted:** That the sum of \$295,444.00 be and hereby is appropriated for the Assessor as follows:

Item 17	Officials Expense	\$ 300.00
Item 18	Salaries & Wages	190,959.00
Item 19	Expense	103,785.00
Item 20	Local Travel	<u>400.00</u>
		\$ 295,444.00

**ARTICLE 26 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 26 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 26 Expenses of Several Departments Items 39 40 Town Cler**

**Voted:** That the sum of \$170,259.00 be and hereby is appropriated for the Town Clerk as follows:

Item 39 Salaries & Wages	\$161,222.00
Item 40 Expense	<u>\$ 9,037.00</u>
	\$170,259.00

### **ARTICLE 26 Expenses of Several departments**

#### **Items 43 44 Election and Registration**

**Voted:** That the sum of \$35,115.00 be and hereby is appropriated for the Election and Registration as follows:

Item 43 Salaries & Wages	\$13,250.00
Item 44 Expense	<u>\$21,865.00</u>
	\$35,115.00

### **ARTICLE 26 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 26 Expenses of Several Departments**

#### **Items 55 56 57 Public Buildings**

**Voted:** That the sum of \$194,404.00 be and hereby is appropriated for the Public Buildings as follows:

Item 55 Salaries & Wages	\$ 92,904.00
Item 56 Expense	101,100.00
Item 57 Local Travel	<u>400.00</u>
	\$194,404.00

### **ARTICLE 26 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.

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**ARTICLE 26 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 26 Expenses of Several Departments**

**Items 62 63 64 Police Department**

**Voted:** That the sum of \$3,355,709.00 be and hereby is appropriated for the Police Department as follows:

Item 62 Salaries & Wages	\$3,169,810.00
Item 63 Expense	175,899.00
Item 64 Indemnification of Officers	<u>10,000.00</u>
	\$3,335,709.00

**ARTICLE 26 Expenses of Several Departments**

**Items 68 69 Fire Department**

**Voted:** That the sum of \$3,162,549.00 be and hereby is appropriated for the Fire Department as follows:

Item 68 Salaries & Wages	\$3,002,141.00
Item 69 Expense	<u>160,408.00</u>
	\$3,162,549.00

**ARTICLE 26 Expenses of Several Departments**

**Items 73 74 75 Building Inspection**

**Voted:** That the sum of \$497,458.00 be and hereby is appropriated for Building Inspection as follows:

Item 73 Salaries & Wages	\$469,203.00
Item 74 Expense	24,755.00
Item 75 Local Travel	<u>3,500.00</u>
	\$497,458.00

**ARTICLE 26 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 26 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 26 Expenses of Several Departments**

**Item 101 School Department**

**Voted:** That the sum of \$30,942,936.00 be and hereby is appropriated for the School Department.

**ARTICLE 26 Expenses of Several Departments**

**Items 105 106 107 Engineer**

**Voted:** That the sum of \$125,208.00 be and hereby is appropriated for the Engineer as follows:

Item 105 Salaries & Wages	\$114,813.00
Item 106 Expense	<u>10,395.00</u>
	\$125,208.00

To meet this appropriation, \$6,000.00 is to be transferred from Wetland Filing Fees and \$119,208.00 to be taken from Taxation.

**ARTICLE 26 Expenses of Several Departments**

**Items 112 113 Highway**

**Voted:** That the sum of \$858,379.00 be and hereby is appropriated for the Highway as follows:

Item 112 Salaries & Wages	\$771,295.00
Item 113 Expense	<u>87,084.00</u>
	\$858,379.00

**ARTICLE 26 Expenses of Several departments**

**Item 116 Maintain Streets & Sidewal s**

**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.

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### **ARTICLE 26 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 26 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 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$2,004,113.00 be and hereby is appropriated for the Waste Collection as follows:

Item 126 Salaries & Wages	\$ 295,578.00
Item 127 Expense	<u>1,708,535.00</u>
	\$ 2,004,113.00

### **ARTICLE 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$110,165.00 be and hereby is appropriated for the Drains as follows:

Item 132	Salaries & Wages	105,015.00
Item 133	Expense	<u>5,150.00</u>
		\$ 110,165.00

### **ARTICLE 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$325,814.00 be and hereby is appropriated for the Cemetery as follows:

Item 141 Officials Expense	\$ 300.00
Item 142 Salaries & Wage	303,668.00
Item 143 Expenses	<u>21,846.00</u>
	\$ 325,814.00

To meet this appropriation, \$300,814 is to be raised by taxation, and \$25,000.00 to be transferred from Cemetery Perpetual Care.

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### **ARTICLE 26 Expenses of Several Departments**

#### **Items 148 149 Tree**

**Voted:** That the sum of \$301,773.00 be and hereby is appropriated for the Tree Department as follows:

Item 148 Salaries & Wages	\$250,195.00
Item 149 Expense	<u>51,578.00</u>
	\$301,773.00

### **ARTICLE 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$150,811.00 be and hereby is appropriated for the Health Department as follows:

Item 153 Officials Expense	\$400.00
Item 154 Salaries & Wages	131,724.00
Item 155 Expense	13,055.00
Item 157 Local Travel	1,632.00
Item 158 HAWC	<u>4,000.00</u>
	\$150,811.00

### **ARTICLE 26 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 26 Expenses of Several Departments Items 164 165 Council on Aging**

**Voted:** That the sum of \$228,018.00 be and hereby is appropriated for the Council on Aging as follows:

Item 164 Salaries & Wages	\$224,559.00
Item 165 Expense	<u>3,459.00</u>
	\$228,018.00

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### **ARTICLE 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$80,981.00 be and hereby is appropriated for the Veterans Benefits as follows:

Item 175	Salaries & Wages	\$59,638.00
Item 176	Expense	1,243.00
Item 177	Local Travel	1,100.00
Item 178	Benefits	<u>19,000.00</u>
		\$ 80,981.00

### **ARTICLE 26 Expenses of Several Departments**

#### **Items 185 186 187 Library**

**Voted:** That the sum of \$1,028.00 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185 Salaries & Wages	\$775,366.00
Item 186 Expense	252,677.00
Item 187 Local Travel	<u>100.00</u>
	\$1,028,143.00

### **ARTICLE 26 Expenses of Several Departments**

#### **Items 190 191 192 Par Department**

**Voted:** That the sum of \$798,846.00 be and hereby is appropriated for the Park and Recreation as follows:

Item 190 Salaries & Wages	\$581,163.00
Item 191 Expense	171,590.00
Item 192 Facility Expense	<u>46,093.00</u>
	\$798,846.00

### **ARTICLE 26 Expenses of Several Departments**

#### **Item 210 Memorial & Veterans Day**

**Voted:** That the sum of \$5,650.00 be and hereby is appropriated for Memorial and Veterans Day, said sum of money to be expended by the Board of Selectmen.

### **ARTICLE 26 Expenses of Several Departments**

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

**Voted:** That the sum of \$4,743,970.36 be and hereby is appropriated for the Maturing Bonds and Interest as follows:

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Item 214 Maturing Debt	\$ 2,866,000.00
Item 215 Interest	<u>1,877,970.36</u>
	\$ 4,743,970.36

To meet this appropriation \$414,724.00 is to be transferred from Bond Premium reserved for appropriation and \$4,329,246.36 is to be raised by taxation.

### **ARTICLE 26 Expenses of Several departments**

#### **Item 217 Contributory Retirement**

**Voted:** That the sum of \$2,099,464.00 be and hereby is appropriated for the Contributory Retirement Fund.

### **ARTICLE 26 Expenses of Several Departments**

#### **Item 218 Medicare**

**Voted:** That the sum of \$540,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

### **ARTICLE 26 Expenses of Several Departments**

#### **Item 219 Workmen's Compensation**

**Voted:** That the sum of \$315,000.00 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 26 Expenses of Several Departments**

#### **Item 221 Group Insurance**

**Voted:** That the sum of \$10,929,580.00 be and hereby is appropriated for Group Insurance to be expended by the Finance Director.

### **ARTICLE 26 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 26 Expenses of Several Departments**

#### **Item 223 Salary Reserve**

**Voted:** That the sum of \$118,094.00 be and hereby is appropriated for Salary Reserve, to be expended by the Board of Selectmen.



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**ARTICLE 26 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 26 Expenses of Several Departments**

**Items 227 228 230 Sewer Department**

**Voted:** That the sum of \$3,447,608.00 be and hereby is appropriated for the Sewer Department as follows:

Item 227	Salaries & Wages	\$ 624,683.00
Item 228	Expense	603,459.00
Item 230	South Essex Sewer District	<u>2,219,466.00</u>
		\$3,446,608.00

To meet this appropriation, \$3,447,608.00 is to be transferred from sewer receipts.

**ARTICLE 26 Expenses of Several Departments**

**Items 231 232 235 Water Department**

**Voted:** That the sum of \$3,204,098.00 be and hereby is appropriated for the Water Department as follows:

Item 231	Salaries & Wages	\$ 601,504.00
Item 232	Expense	577,754.00
Item 235	Metropolitan Water	<u>2,024,840.00</u>
		\$ 3,204,098.00

To meet this appropriation, \$3,204,098.00 is to be transferred from water receipts.

**ARTICLE 26 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.

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**ARTICLE 26 Expenses of Several Departments**

**Items 238 239 241 Harbor Department**

**Voted:** That the sum of \$791,204.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238	Salaries & Wages	\$316,003.00
Item 239	Expense	370,201.00
Item 241	Outlays	<u>105,000.00</u>
		\$791,204.00

To meet this appropriation, \$686,204.00 is to be transferred from harbor receipts and \$105,000.00 will be from Harbor Retained Earnings.

**ARTICLE 27 Supplemental Expenses of Several Departments**

**Voted:** That this article be indefinitely postponed.

**ARTICLE 28 School Department Computers, Support Equipment and Technology**

**Voted:** That this article be indefinitely postponed.

**ARTICLE 29 Schools Construction and/or Renovation Program**

**Voted:** That this article be indefinitely postponed.

**ARTICLE 30 Amend Bylaw, Cemeteries**

**Voted:** That this article be indefinitely postponed.

**ARTICLE 31 Abbot Hall Clock Tower**

**Unanimously Voted:** to appropriate \$2,465,966.00 to fund repairs to the Abbot Hall Clock Tower, including, but not limited to, brick re-pointing and structural repairs; to meet said appropriation authorized 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 and 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 32 Animals**

**Voted:** To amend Chapter 13 of the Town of Marblehead bylaw entitled “ANIMALS,” in order that it be consistent with the recent revisions by the Massachusetts Great and General Court to the Massachusetts Animal Control Law

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as follows:

Item 1. In Article III of said Chapter, entitled “Dogs” amend Section 13-7, entitled “Dog Bites”, which presently reads:

If any dog shall bite any person and it be certified by an examining physician to the Dog Officer that the skin of such person has been broken, such dog shall thereafter be permanently restrained by its owner or keeper, unless such injury shall have been occasioned to the body of a person who, at the time such injury was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog.

To read instead:

If any dog shall bite any person and it be certified by an examining physician to the **Animal Control** Officer that the skin of such person has been broken, such dog shall thereafter be permanently restrained by its owner or keeper, unless such injury shall have been occasioned to the body of a person who, at the time such injury was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog.

Item 2.

In Article III of said Chapter, entitled “Dogs” amend section 13-7, entitled “Female dogs in heat”, which presently reads:

If the Dog Officer determines that a female animal in heat, even when confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public area, he may require the owner or keeper to keep said animal, while in heat, in a kennel, or to remove it from the area so that the nuisance is abated.

To read instead:

If the **Animal Control** Officer determines that a female animal in heat, even when confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public area, he may require the owner or keeper to keep said animal, while in heat, in a kennel, or to remove it from the area so that the nuisance is abated.

Item 3. In Article III of said Chapter, entitled “Dogs,” amend Section 13-8, entitled “Confinement of dogs running at large; disposition; fees,” Subsection A, which

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presently reads:

A. If any dog is at large in the Town of Marblehead in violation of § 13-5 of this By-Law, then in addition to the imposition of fines as set forth in said § 13-5, the Dog Officer, or his duly appointed assistants, may seek out, catch and confine any such dog. The Dog Officer shall confine any such dog until claimed by the owner and the owner makes payment for any fines, administrative fees and kenneling costs. If such fines, fees and/or costs have not been paid and/or if the dog has not been claimed by the owner within 10 days following the commencement of such confinement, then the Dog Officer may dispose of any such dog in a manner consistent with the provisions in Section 151A of M.G.L. Chapter 140. During the period of such confinement the dog shall be confined in a place suitable for such detention as provided in said Section 151A. Nothing herein shall be construed to authorize the Dog Officer, or his assistants, to enter upon private property to seek out or catch any dog, except with the consent of the owner of such private property.

To read instead:

A. If any dog is at large in the Town of Marblehead in violation of § 13-5 of this By-Law, then in addition to the imposition of fines as set forth in said § 13-5, the **Animal Control** Officer, or his duly appointed assistants, may seek out, catch and confine any such dog. The **Animal Control** Officer shall confine any such dog until claimed by the owner and the owner **pays to the Animal Control Officer a penalty of 40 for each day that the dog has been held.** If such **penalty has** not been paid and/or if the dog has not been claimed by the owner within **7** days following the commencement of such confinement, then the **Animal Control** Officer may dispose of any such dog in a manner consistent with the provisions in Section 151A of M.G.L. Chapter 140. During the period of such confinement the dog shall be confined in a place suitable for such detention as provided in said Section 151A. Nothing herein shall be construed to authorize the **Animal Control** Officer, or his assistants, to enter upon private property to seek out or catch any dog, except with the consent of the owner of such private property.

**Item 4.** Also in Article III of said Chapter, amend Section 13-10, entitled "Licensing and registration of dogs," which presently reads in its entirety:

A. License and registration required. All dogs kept, harbored, or maintained by their owner or keepers in the Town of Marblehead shall be licensed and registered if over three months of age. Dog licenses shall be issued by the Town Clerk upon the payment of a license fee of \$15 for each male, male neutered,

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female, female spayed. The owner or keeper shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog owned or kept by the applicant.

B. Tag and collar. Upon the payment of the license fee, the Clerk shall issue to the applicant a license certificate and tag for each dog so licensed. At the option of the Town Clerk, the shape of the tag may be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner or keeper shall be required to provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the Town before the expiration of the license period.

C. Licensing period. The licensing period shall be from January 1 to December 31 of each calendar year.

D. Penalty. Whosoever violates any of the provisions of this By-Law shall be punished by a fine of \$25 for each offense. Each 30 days that such violation is permitted shall constitute a separate offense.

E. Applicability of other laws. Notwithstanding the provisions of this By-Law, all other provisions of General Laws Chapter 140, Sections 136A through 174D not inconsistent with this By-Law shall be applicable.

To read instead:

A. License and registration required. All dogs kept, harbored, or maintained by their owner or keepers in the Town of Marblehead shall be licensed and registered if over six months of age. Dog licenses shall be issued by the Town Clerk upon the payment of a license fee of \$15 for **a spayed or neutered dog or upon the payment of a license fee of 20.00 for an intact dog.** The owner or keeper shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog owned or kept by the applicant. **For a spayed or neutered dog, a veterinarian s certificate shall be provided to the Town Cler upon application for a license as proof that the dog is spayed or neutered provided, however, that the Town Cler , in his or her discretion, may accept**

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such alternative forms of proof as are specified in Section 139 of M.G.L. Chapter 140, where a veterinarian s certificate cannot be obtained.

**B. Certificate of vaccination. No dog license shall be issued hereunder unless the Town Cler is presented with a veterinarian s certification that the dog has been vaccinated in accordance with 13-15 of this By-Law. Notwithstanding the foregoing, a license shall be issued for any dog transferred from another municipality with the Commonwealth upon presentation to the Town Cler of the original license and tag of such dog and payment of the license fee re uired by this 13-10.**

**C.** Tag and collar. Upon the payment of the license fee, the Clerk shall issue to the applicant a license certificate and tag for each dog so licensed. At the option of the Town Clerk, the shape of the tag may be changed every year. **The tag** shall have stamped thereon **the name of the Town,** the year for which it was issued and the number corresponding with the number on the certificate. Every owner or keeper shall be required to provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the Town before the expiration of the license period.

**D.** Licensing period. The licensing period shall be from January 1 to December 31 of each calendar year.

**E.** Penalty. Whosoever violates any of the provisions of **13-10** this By-Law shall be punished by a fine of **50** for each offense. Each 30 days that such violation is permitted shall constitute a separate offense.

**F.** Applicability of other laws. Notwithstanding the provisions of this By-Law, all other provisions of General Laws Chapter 140, Sections 136A through **174E** not inconsistent with this By-Law shall be applicable.

**Item 5.** In Article V of said Chapter, entitled "Rabies Vaccination," amend Section 13-15, entitled "Vaccination of dogs and cats required," which presently reads in its entirety:

A. Whoever is the owner or keeper of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such

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owner or keeper shall procure a veterinarian's certification that such dog or cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

B. Unvaccinated dogs and cats brought into the Town shall be vaccinated within 30 days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

C. Vaccinated dogs and cats shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

To read instead:

A. Whoever is the owner or keeper of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer s directions. Such owner or keeper shall procure a veterinarian's certification that such dog or cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, certification that the dog or cat is exempt from vaccination or a notarized letter from a veterinarian that either of these certifications was issued.

B. Unvaccinated dogs and cats brought into the Town shall be vaccinated within 30 days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

C. Vaccinated dogs and cats shall be revaccinated at intervals recommended by the vaccine manufacturer.

D. The Town Cler may grant an exemption from the foregoing vaccination requirement for any dog or cat that: 1 is in transit 2 was brought into the Commonwealth temporarily for the sole purpose of display in a show or for exhibition or 3 has been declared exempt by the Board of Health upon presentation of a veterinarian s certificate stating that inoculation is inadvisable for a specified period of time due to an infirmity, other physical condition or regimen of therapy.

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### **ARTICLE 33 Amend Sign Bylaw - Chapter 148. SIGNS**

Voted: To amend the sign bylaw as follows (*bold text added*)

#### ***Item 1. Amend Article I. General Provisions § 148-1. Purpose - which currently reads:***

*Article I. General Provisions § 148-1. Purpose.* Pursuant to the authority conferred upon the Town by General Laws, Chapter 93, Section 29, and Chapter 143, Section 3, and all acts in amendment thereof and in addition thereto, and by every other law or power it hereto in any manner enabling the Town of Marblehead adopts this By-Law, which shall be known as the Sign By-Law, for the regulation and restriction of all billboards, signs and other advertising devices within the Town, including illuminated signs and illuminated advertising devices whether or not under the cover of a roof, and whether or not inside or outside an exterior wall.

#### ***To read instead: (bold text added)***

*Article I. General Provisions § 148-1. Purpose.* Pursuant to the authority conferred upon the Town by General Laws, Chapter 93, Section 29, and Chapter 143, Section 3, and all acts in amendment thereof and in addition thereto, and by every other law or power it hereto in any manner enabling the Town of Marblehead adopts this By-Law, which shall be known as the Sign By-Law, for the regulation and restriction of all billboards, signs and other advertising devices within the Town, including illuminated signs and illuminated advertising devices whether or not under the cover of a roof, **temporary or permanent** and whether or not inside or outside an exterior wall. **Signs not visible from the public right of ways are not governed by this by-law. Public signs erected, owned and maintained by any local state or federal governmental agency or organization are not subject to the rules and regulations of this bylaw.**

#### ***Item 2. Amend Article I § 148-2. Permit Requirements. By adding the following paragraphs and re-alphabetize as appropriate)***

***The following shall become paragraph B.***

**B. Signs in Business 1 zoning district. Each application with respect to a sign within a B-1 district must be reviewed by the Design Review Board.**

Existing paragraphs B, C, D, and E, shall become C, D, E and F respectively.

Add the new paragraph G.

**G. Removal for Violation – The building commissioner shall order the removal of any sign erected or maintained in violation of this article. Thirty 30 days**



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notice in writing shall be given to the owner of such sign or to the owner of the building, structure, or premises on which such sign is located to remove the sign or to bring into compliance with this article. Failing said removal, the building commissioner shall impose the penalty set forth in section 148-3 hereof.

*Item 3. Amend Article II. Definitions § 148-5. Definitions. By changing the following definitions as follows:*

*Amend the first sentence of the definition of Business area which presently reads:* BUSINESS AREA -Any area included within a district zoned primarily for business or commercial purposesincluding the Unrestricted District, under the Zoning By-Law.

*To read as follows: (bold text added)*

BUSINESS AREA -Any area included within a district zoned primarily for business or commercial purposes,including the **Business One B-1 , Business Residential B-R , Business B or** Unrestricted District, under the Zoning By-Law.

*Amend the definition of Erected which presently reads*

ERECTED The word "erected" shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

*To read as follows: (bold text added)*

ERECTED The word "erected" shall include the words attached, built, constructed, reconstructed, altered, enlarged, **replaced** and moved.

*Amend the definition of person which presently reads*

PERSON The word "person" shall include one or more individuals, a partnership, an association and a corporation.

*To read as follows (bold text added)*

PERSON The word "person" shall include one or more individuals, a partnership, an association and a corporation **and any other nongovernmental public or private entity.**

*Amend the definition of Residential Area which presently reads*

RESIDENTIAL AREA A residential area is any area situated within a district zoned primarily for residential purposes under the Zoning By-Law. It includes: Expanded Residence, Limited Single Residence, Single Residence, General Residence, Central Residence.

*To read as follows (bold text added)*

RESIDENTIAL AREA A residential area is any area situated within a district zoned primarily for residential purposes under the Zoning By-Law. It includes: Expanded

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Single Residence, Shoreline Expanded Single Residence, Shoreline Single Residence, Single Residence, General Residence, Shoreline General Residence, Central Residence Shoreline Central Residence.

### *Amend the definition of sign which presently reads*

SIGN The word "sign" shall include any letter, word, symbol, drawing, picture, design or device within public view that advertises, calls attention to, or indicates any premises, person or activity, whatever the nature of the material or manner of composition or construction, and whether exterior to a building or interior to a building but designed and to be visible through a door or window.

### *To read as follows (bold text added)*

SIGN The word "sign" shall include any letter, word, symbol, drawing, picture, design or device within public view that advertises, calls attention to, or indicates any premises, person or activity, whatever the nature of the material or manner of composition or construction, and whether exterior to a building or interior to a building and **located** to be visible through a door or window.

### *The definition of banners under the heading sign types which presently reads*

BANNERS — A sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. Decorative residential flags, national, state and municipal flags, official flag of any institution or business shall not be considered banners.

### *To read as follows*

BANNERS — A sign of lightweight fabric or similar material that is mounted **parallel to a building** at two or more edges.

### *The definition of projecting sign under the heading sign types which presently reads*

PROJECTING SIGNS — Any sign affixed to a building or wall that extends more than 12 inches beyond the surface of the building or wall. A projecting sign may be either perpendicular or parallel to a wall and may have a message on not-more than one face.

### *To read as follows (bold text added)*

PROJECTING SIGNS — Any sign **of rigid non flexible material**, affixed to a building or wall that extends more than 12 inches beyond the surface of the building or wall. A projecting sign is perpendicular to a wall and may have a message on more than one face. **Only one side of a projecting sign shall be counted in computing the total square footage of the sign.**

### *The definition of window sign which presently reads*

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WINDOW SIGNS — Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the interior face of window panes or glass, and is visible from the exterior of the window.

*To read as follows (bold text added)*

WINDOW SIGNS — Any sign, picture, symbol or combination thereof, designed to **conceal or** communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the interior face of window panes or glass, and is visible from the exterior of the window.

*Add the following new definitions where appropriate in alphabetical order:*

**DESIGN REVIEW BOARD – The design review board is a town board appointed in accordance with 200-45 B and whose responsibility is, in addition to other duties, to review all signs, sign applications in the Business One B-1 zoning district.**

**DIRECTORY SIGN – A directory of the occupant or tenant of a building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each occupant or tenant of the building.**

**FLAGS – A sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one edge. Decorative residential flags, national, state and municipal flags, official flag of any institution or business shall not be regulated by this article.**

**HISTORICAL SIGNS - Signs placed on a building indicating any verified historic date, event, person associated with the building, place or property.**

**REAL ESTATE SIGNS – Temporary signs installed by owners of a property or their agents that indicate an intent to sell or lease the property on which the sign is located.**

**TRADESMAN SIGN - Temporary signs which are permitted during the construction of a building or project that may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers.**

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***Item 4. Remove the language from Article I, section 148.2 permit requirements, paragraph E. Existing Signs and relocate it to Article II, section 148.5 definitions placed in alphabetical order.***

***Item 5. Amend Article III. Regulations and Restrictions § 148-7. Business areas. Paragraph A. Signs. (a) Location. which presently reads***

***(a) Location.*** The sign shall be affixed to a building, except as hereinafter provided. A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to the roof, it shall be parallel with the front walls of the store. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building, provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach, but may not project above the top of the parapet wall. In addition, projecting signs require the permission of the Board of Selectmen if they project over Town property.

***To read instead***

***(a) Location.*** The sign shall be affixed to a building, except as hereinafter provided. A sign attached to a building shall be securely affixed to one of the walls of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building, provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach, but may not project above the top of the parapet wall. In addition, projecting signs require **authori ation** of the Board of Selectmen **prior to installation** if they project over Town property.

***Item 6. Amend Article III. Regulations and Restrictions paragraph (b) Size.***

***Which presently reads***

	<b>Height</b>	<b>Length</b>	<b>Total s.f.</b>
Awning sign			
Valence	3/4 valence	1/2 valence	n/a
Face	n/a	n/a	10 s.f.
Banners	n/a	n/a	15 s.f.
Freestanding	n/a	n/a	10 s.f.
Incidental	n/a	n/a	3 s.f.
Off-premises	Per Board of Appeals	Per Board of Appeals	Per Board of Appeals
Projecting	n/a	n/a	6 s.f.

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Transom	2' 0"	Full length storefront	n/a
Temporary	May not exceed	storefront dimensions	
Wall-mounted	2' 0"	3/4 storefront	n/a
Window signs	n/a	n/a	10 s.f.

## *to read instead*

	<b>Height</b>	<b>Length</b>	<b>Total s.f.</b>
Awning sign			
Valance	<b><u>75</u></b>	<b><u>50</u></b>	n/a
Face	n/a	n/a	10 s.f.
Banners and Flags	n/a	n/a	15 s.f.
Freestanding	n/a	n/a	10 s.f.
Incidental	n/a	n/a	3 s.f.
Off-premises	Per Board of Appeals	Per Board of Appeals	Per Board of Appeals
Projecting	n/a	n/a	6 s.f.
Transom	2' 0"	Full length storefront	n/a
<b><u>Tradesman</u></b>	<b><u>n/a</u></b>	<b><u>n/a</u></b>	<b><u>10 s.f.</u></b>
Wall-mounted	2' 0"	<b>75</b>	n/a
Window signs	n/a	n/a	10 s.f.

## ***Item 7. Amend Article III. Regulations and Restrictions § 148-7. Business areas. Paragraph A. Signs. (c) number***

(c) Number. There shall not be more than three exterior sign(s) for each store, excluding incidental signs, whether affixed to the building or projecting out from the face of the building, except that if the store has a direct entrance into the store in a wall other than the storefront, there may be an additional sign affixed to such wall, and if the store has a wall, other than the storefront, that faces upon street or

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parking area, there may be an additional sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two additional signs in any event. Additional signs shall prescribe to the size regulations in Subsection A(1)(b), Size. In addition to the foregoing sign or signs, there may be one directory sign of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each occupant or tenant of the building.

*To read as follows (bold text added)*

(c) Number. There shall not be more than three exterior sign(s) for each store, excluding incidental signs, except that if the store, that faces upon **an additional** street or parking area, there may be an additional sign affixed to such wall, provided, however, that no store shall have more than two additional signs in any event. In addition to the foregoing sign or signs, there may be one directory sign of the occupants or tenants of the building

***Item 8. Amend Article III. Regulations and Restrictions § 148-7. Business areas. Paragraph(2) which presently reads: 2*** During the construction of a building a standing sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers, but such sign shall not exceed 20 square feet in surface area nor 10 feet in any dimension. Such sign shall be removed promptly after the completion of the building.

***To read as follows (bold text added) 2*** During the construction of a building a **tradesman** sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers. Such sign shall be removed promptly after the **substantial** completion **by the trade** of the building, **pro ect or service.**

***Item 9. Amend Article III. Regulations and Restrictions § 148-7. Business areas. Paragraph(h) which presently reads h*** Maintenance. All signs, whether erected before or after the effective date of this By-Law, shall be maintained in a safe condition to protect the safety of the public.

***To read as follows (bold text added) h*** Maintenance. All signs, whether erected before or after the effective date of this By-Law, shall be maintained in a safe condition **and its original aesthetic condition** to protect the safety of the public.

***Item 10. Amend Article III. Regulations and Restrictions §148-7 (i) Flags or Banners paragraph (2) by removing the following paragraph***

**2** Such a flag or banner may not exceed three feet by five feet.

***And***

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### ***Amend Article III. Regulations and Restrictions §148-7 (i) Flags or Banners paragraph (3)***

3 When displayed, the height of the bottom of such a flag or banner shall not be less than seven feet from the path of travel.

**To read instead bold text added**

3 When displayed, the height of the bottom of such a flag or banner shall not be less than seven feet from the **ground**.

**Renumber 148-7 i accordingly.**

### ***Item 11. Amend Article IV Administration Obsolete and Nonconforming Signs paragraph A obsolete signs which presently reads***

A. Obsolete signs. The Building Commissioner may order the removal of any sign which remains on the premises after the occupant using said sign no longer occupies the premises after the expiration of 30 days notice sent by registered or certified mail, return receipt requested, to the occupant and the assessed owner of the premises. In the event that a sign on leased premises is owned by the landlord of the premises, the sign may remain on the premises for six months from the date that the tenant ceases to occupy the premises provided that the landlord removes all lettering from said sign.

***To read as follows: (bold text added)***

A. Obsolete signs. The Building Commissioner may order the removal of any sign which remains on the premises after the occupant using said sign no longer occupies the premises after the expiration of 30 days notice sent by registered or certified mail, return receipt requested, to the occupant and the assessed owner of the premises. In the event that a sign on leased premises is owned by the landlord of the premises, the sign may remain on the premises for **30 days** from the date that the tenant ceases to occupy the premises provided that the landlord removes all lettering from said sign.

### ***Item 12. Amend Article IV Administration § 148-9. Permits. By adding two new paragraphs which reads:***

**D.** In all areas, temporary on premises signs at nonprofit institutions such as but not limited to religious institutions and schools.

**E.** In all areas, one historical signs as defined in section Article II Definitions 148-5

## **ARTICLE 34 Landfill Regulatory Compliance Activities**

**Voted:** to appropriate the sum of \$114,600 to be expended by the Board of Health for continued water quality monitoring, soil gas monitoring, risk assessment, engineering, and any other services related to the old landfill; to determine whether

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this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

### **ARTICLE 35 Landfill Investigation and Assessment**

**Voted:** That this article be indefinitely postponed

### **ARTICLE 36 Landfill Closure / Temporary Construction Takings:**

**Unanimously Voted:** to purchase, acquire or take by eminent domain temporary construction easements in connection with the closure of the former landfill, in a portion of the properties located at the following addresses:

**.46 C Peach Highlands**, and more particularly described in a deed found at Book 13919, Page 60, recorded at the Essex South Registry of Deeds, said easement containing 15,700 square feet +/-.

- **12 Blueberry Road**, more particularly described in a deed found at Book 27065, Page 113, and recorded in the Essex South Registry of Deeds, said easement containing 1,000 square feet +/-.
- **26 Blueberry Road**, more particularly described in a deed found at Book 11595, Page 293, and recorded in the Essex South Registry of Deeds, said easement containing 750 square feet +/-.
- **24 Blueberry Road**, more particularly described in a deed found at Book 7418, Page 355, and recorded in the Essex South Registry of Deeds, said easement containing 800 square feet +/-.
- **24 Tioga Way**, more particularly described in a deed found at Book 26619, Page 329, and recorded in the Essex South Registry of Deeds, said easement containing 2,640 square feet +/-.
- **80 Hoods Lane**, more particularly described in a deed found at Book 13313, Page 575, and recorded in the Essex South Registry of Deeds, a portion of which is also described in a deed recorded with said District's Land Registration Office as Document No. 314275, shown on Certificate of Title No. 66307, said easement containing 2,805 square feet +/-.
- **8 Woodfin Terrace**, more particularly described in a deed found at Book 5592, Page 105, and recorded in the Essex South Registry of Deeds, said easement containing 4,265 square feet +/-.
- **32 Tioga Way**, more particularly described in deeds found at Book 7503, Page 598, and Book 23362, Page 531, and recorded in the Essex South Registry of Deeds, said easement containing 750 square feet +/-.
- **40 Tioga Way**, more particularly described in deeds found at Book 15394, Page 574, Book 16509, Page 216, and Book 16509, Page 218, and recorded in the Essex South Registry of Deeds, said easement containing 4,015 square feet +/-.



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- **204 Beacon Street**, more particularly described in a deed found at Book 9222, Page 60, and recorded in the Essex South Registry of Deeds, said easement containing 1,300 square feet +/-.
- **165 Green Street**, more particularly described in deeds found at Book 9824, Page 497, and Book 16792, Page 163, and recorded in the Essex South Registry of Deeds, said easement containing 1,000 square feet +/-.

Plans setting forth all of the foregoing temporary construction easements by Kleinfelder and dated January 17, 2013 are on record at the Office of the Town Clerk; and to raise and appropriate a sum of money, either by appropriation, borrowing or otherwise, to fund said purchase or taking, along with all legal costs; and to otherwise authorize the Board of Selectmen to enter into any voluntary easements or execute any documents relative to the foregoing properties to effectuate the purpose of this article or take any action relative thereto.

### **ARTICLE 37 Landfill Closure / Temporary Construction Takings / Remediation;**

**Unanimously Voted:** to purchase, acquire or take by eminent domain, temporary construction and remediation easements and to raise and appropriate a sum of money, either by appropriation, borrowing or otherwise, to fund said purchase or taking, along with all legal costs, costs of remediation, costs of engineering and costs of settlement in connection with the capping and clean-up related to the historic operations of the former landfill, the property and/or building(s) located at the following addresses:

- **151 Green Street**, more particularly described in a deed recorded in the Essex County Registry of Deeds at Book 30341 Page 146 and which easement area includes 59,440 square feet, more or less.

and to further authorize the Board of Selectmen to enter into any voluntary easements or execute any documents relative to the foregoing property to effectuate the purpose of this article. Plans setting forth all of the foregoing temporary construction easement by Kleinfelder and dated January 17, 2013 are on record at the Office of the Town Clerk; or take any action relative thereto.

### **ARTICLE 38 Annual Meeting Dates**

**Voted:** To amend Chapter 174-1, Annual meeting dates of the Town of Marblehead's Bylaws *which currently reads:*

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The Annual Town Meeting shall be held on the first Monday of May at 7:45 p.m. in each year at a place designated by the Board of Selectmen. The annual meeting for the election of Town officers shall be held on the second Monday in May in each year. The Board of Selectmen in the warrant for the election of Town officers shall specify when the polls will be opened and when the polls will be closed in accordance with the provisions of Section 64 of Chapter 54 of the General Laws and amendments thereto

To read instead:

The Annual Town Meeting shall be held on the first Monday of May at **7:00** p.m. in each year at a place designated by the Board of Selectmen. The annual meeting for the election for Town officers shall be held on the **Tuesday after the** second Monday in May in each year. The Board of Selectmen in the warrant for the election of Town officers shall specify when the polls will be opened and when the polls will be closed in accordance with the provisions of Section 64 of Chapter 54 of the General Laws and amendments thereto. Or take any other action relative thereto. .

### **ARTICLE 39 Amend oning Bylaw, Playstructure**

**Vote Failed to reach 2/3 vote:** to amend the Marblehead Zoning Bylaw, §200 – 15B(3), to allow children’s play structures to be placed within the yard setbacks five (5) feet from the property line, including those with roofs, and /or platforms more than two (2) feet above existing grade.

### **ARTICLE 40 Fair use of Leaf Blowers in the Town of Marblehead**

**Vote Failed:** to curtail the serious public health risks they pose, the use of gasoline-powered leaf blowers or electrical leaf blowers powered by gasoline generators will be limited to only the months of April, May, October and November in the Town of Marblehead.

**At 10:45 PM the Moderator dissolved the 2013 Annual Town Meeting.**