

**Town of Marblehead
Annual Town Meeting
Monday May 5, 2014**

With A quorum met the Moderator called the 2014 Annual Town Meeting to order at 7:10PM

Article 1 Pledge of Allegiance

Voted: To amend Chapter 174 of the Town Bylaws by adding a new section, 174-14, that would require the recitation of the United States Pledge of Allegiance at the beginning of any session of Town Meeting as follows: “§174-14 – Pledge of Allegiance.”.

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.

Article 4 Assume Liability

Voted: To 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 non tidal rivers and streams, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section II of Chapter 91 of the General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefor to the Commonwealth.

Article 5 Accept Trust Property

Voted: That the Town shall credit all interest earned on the Elaine Hoff Sorensen Trust Fund created by a gift to the Abbot Public Library in the amount of \$150,000 on June 27, 2013.

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 Unpaid Accounts

Voted: To authorize the payment of \$570.00 for the payment of any unpaid accounts brought forward from previous years from the following grants, capital funds, revolving funds or Article 26, May 2013 Annual Town Meeting – Expenses of Several Departments as follows:

Article 39, 2011 Glover School Construction	\$210.00
School Lunch Fund	110.00
METCO Grant	<u>250.00</u>
	\$570.00

Article 8 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 2015 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 2015 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 2015 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 2015 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 \$46,500 in fiscal 2015 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 2015 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 2015 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 2015 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 \$500,000 in fiscal 2015 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 2015 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 9 Walls and Fences

Voted: That \$7,500.00 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 10 Purchase of Equipment of Several Departments

Voted: That the sum of \$424,615.00 be appropriated, and to meet this appropriation; \$45,000.00 is to be transferred from Sewer Retained Earnings and \$379,615.00 is to be raised by taxation. To include the following:

Waste Collection Department

1 Hauling Tractor

Highway Department

1 Dump Truck

1 Pick-Up Truck w/Plow

Loader Tires

Sewer Department

1 Generator (1)

Park Department

1 Plow

1 Loader

School

1 Passenger Van

Police

Police Vehicles

(1)From Sewer Retained Earnings

Article 11 Capital Improvements for Public Buildings

Voted: That the sum of \$285,474.00 be appropriated. \$260,000.00 to be raised by taxation and \$25,474.00 to be taken from the sale of lots fund.

Abbot Library

Cupola Repair

Tower Way Garage

Replace 2 Door Lift Motors

Replace Heating Unit

Multiple Buildings

Replace Defibrillators

Upgrade Lighting

Traffic Signals

Old Town House

Paint Exterior

Fire Department

Exterior Painting

Replace Windows

Park & Recreation

Repair Storage Areas

Divider for Game Room

Schools

34 LED Traffic Lights
Replace Terminal Light Equipment
Various Traffic Light Equipment

Security & Safety Initiatives
Bell School Carpet
HVAC Upgrades All
Buildings

Cemetery (1)

12' Ramps
Water System Upgrade

1 Sale of Lots

Article 12 Water Department Construction

Voted: That the sum of \$877,700.00 is appropriated from water retained earnings to be expended by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies, and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase eminent domain or otherwise any lands or easements necessary.

Article 13 Sewer Department Construction

Voted: that the sum of \$631,237.00 is appropriated from sewer retained earnings to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewage disposal, pump stations, original pumping station equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants and surveys including revenue studies, and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary.

Article 14 Storm Drainage Construction

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

Article 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 the account of acts which may have occurred during the construction of the Water, sewer and storm water system.

Article 16 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 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, 2014 - 1%						
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1783.81	1931.51	2079.20	2226.86	2374.54
58		1605.76	1738.89	1872.01	2005.14	2138.26
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1446.02	1565.86	1685.62	1805.47	1925.27
56	Assistant Assessor Director Public Health Director Library	1299.62	1407.75	1515.93	1624.09	1732.26
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	1169.80	1267.15	1364.51	1461.85	1559.20
54	Assistant Director Revenue Assistant Director Library	1053.31	1140.25	1227.23	1314.18	1401.12

	Asst Director/Public Works Public Health Nurse Plumbing Inspector Wire Inspector					
53	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Payroll Administrator Asst Director/Tree Warden	948.47	1026.69	1104.90	1183.13	1261.32
52	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Assistant Harbormaster Accounting & Website Assistant Administrative Aid Selectmen	890.23	951.81	1013.36	1074.96	1136.50
51	Dog Officer Accounting Assistant	845.30	900.22	955.14	1010.06	1064.98
50	Administrative Clerk	760.46	812.07	863.61	915.21	966.83
49		685.57	731.74	777.92	824.08	870.30

ADMINISTRATIVE SALARY SCHEDULE						
Effective June 30, 2015 - .05%(No Cost Impact)						
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1792.73	1941.17	2089.60	2237.99	2386.42
58		1613.79	1747.58	1881.37	2015.16	2148.95
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1453.25	1573.69	1694.05	1814.50	1934.90

56	Assistant Assessor Director Public Health Director Library	1306.12	1414.79	1523.51	1632.21	1740.93
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	1175.85	1273.48	1371.34	1469.15	1567.00
54	Assistant Director Revenue Assistant Director Library Asst Director/Public Works Public Health Nurse Plumbing Inspector Wire Inspector	1058.58	1145.95	1233.37	1320.75	1408.12
53	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Payroll Administrator Asst Director/Tree Warden	953.21	1031.82	1110.42	1189.04	1267.63
52	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Assistant Harbormaster Accounting & Website Assistant Administrative Aid Selectmen	894.68	956.57	1018.43	1080.33	1142.18
51	Dog Officer	849.53	904.72	959.91	1015.11	1070.31

	Accounting Assistant					
50	Administrative Clerk	764.26	816.13	867.93	919.79	971.66
49		689.00	735.40	781.81	828.20	874.66

Article 17 Proposed Pay Schedule and Reclassification (Traffic Supervisors)

Voted: To increase the pay for Marblehead Traffic Supervisors, 1% effective July 1, 2014 and .5% effective June 30, 2015(no cost impact in FY15)

Article 18 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 PERSONNEL PAY SCHEDULE					
Effective July 1, 2014 -1%					
GP	TITLE	DEPT	1	2	3
27	Sr Seasonal Harbor Asst	HM	704.92	748.94	793.03
26			661.63	702.99	744.31
25	Beach Supervisor Recreation Program Director Park Police	Rec/Park Rec/Park Rec/Park	619.89	658.41	697.17
24	Summer Acct Assistant Summer Programmer Asst Seasonal Harbor Asst	Finance Finance HM	582.78	619.89	657.00
23	Summer Acct Trainer Summer Programmer Trainee General Laborer III Recreation Specialist Recreation Leader, Sailing	Finance Finance Hwy/PW/Waste Rec/Park Rec/Park	548.74	583.15	617.55
22	General Laborer B Recreation Leader Lifeguard Seasonal Custodian	Sewer/Water Rec/Park Rec/Park Public Bld/Insp	527.16	553.78	580.48
21	Seasonal Laborer General Laborer B Data Entry Clerk	Cemetery Health Public Bldg/Insp	517.86	537.16	556.50
20	Summer Clerical Beach Maintenance Person Forestry Worker Grounds Caretaker	Finance Rec/Park Rec/Park/Tree Rec/Park/Tree	507.06	513.23	519.40

	Recreational Instructor Seasonal Labor	Rec/Park Rec/Park/Tree			
2	General Labor C		481.74	503.41	
B	Custodian Summer Asst	Lib Dog Off	379.33	398.28	418.29
SEASONAL PERSONNEL PAY SCHEDULE Effective June 30, 2015 -.05%(No Cost- Impact)					
GP	TITLE	DEPT	1	2	3
27	Sr Seasonal Harbor Asst	HM	708.45	752.68	797.00
26			664.94	706.50	748.03
25	Beach Supervisor Recreation Program Director Park Police	Rec/Park Rec/Park Rec/Park	622.99	661.70	700.66
24	Summer Acct Assistant Summer Programmer Asst Seasonal Harbor Asst	Finance Finance HM	585.69	622.99	660.28
23	Summer Acct Trainer Summer Programmer Trainee General Laborer III Recreation Specialist Recreation Leader, Sailing	Finance Finance Hwy/PW/Waste Rec/Park Rec/Park	551.49	586.07	620.63
22	General Laborer B Recreation Leader Lifeguard Seasonal Custodian	Sewer/Water Rec/Park Rec/Park Public Bld/Insp	529.80	556.55	583.38
21	Seasonal Laborer General Laborer B Data Entry Clerk	Cemetery Health Public Bldg/Insp	520.45	539.85	559.29
20	Summer Clerical Beach Maintenance Person Forestry Worker Grounds Caretaker Recreational Instructor Seasonal Labor	Finance Rec/Park Rec/Park/Tree Rec/Park/Tree Rec/Park Rec/Park/Tree	509.59	515.80	522.00
2	General Labor C		484.15	505.93	
B	Custodian Summer Asst	Lib Dog Off	381.23	400.28	420.38

	TEMPORARY PERSONNEL PAY SCHEDULE EFFECTIVE JULY 1, 2014 – 1%						
GP	TITLE	DEPT	1	2	3	4	5

26	Heavy Equipment Operator	Hwy, HM, Waste	688.49	728.88	769.29	809.66	842.08
25	Senior Clerk	Finance	619.89	658.53	697.17	735.82	774.47
24	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assr,Sel,Fire COA Library Sel	582.78	619.89	657.00	694.10	731.17
23	Special Clerk-Rev Genearl Laborer III	Finance	548.74	583.15	617.55	651.94	686.36
22			507.06	513.23	519.40	525.60	531.76
21	Temporary Labor Temp Special Labor I	Cem, COA	517.86	537.16	556.50	575.84	595.16
20			507.06	513.23	519.40	525.60	531.76
14	Sr Staff Engineer	Eng	720.39	753.94	789.22	826.27	865.12
13	Tech Ser Librarian Adult Librarian Child Librarian Young Adult Librarian	Lib Lib Lib Lib	688.43	720.39	753.94	789.22	826.27
12	Asst Dog Officer	Pol-Dog Off	658.04	688.43	720.39	753.94	789.22
11	Sanitarian	Hlth	628.96	658.04	688.43	720.39	753.94
10			601.41	628.96	658.02	688.43	720.39
9	Special Labor C Library Para-Prof	Lib Lib	575.07	601.41	628.96	658.04	688.43
8			549.97	575.07	601.41	628.96	
7	Special Clerk Library Tech Lib Tech or Tec Adm	Hlth, Assr Cem, Swr/Wtr Lib Lib	549.97	575.07	601.41	628.96	658.04
6	Chauffeur	COA	549.97	575.07	601.41		
5	Sr. Library Asst Genearl Clerk	Library Finance	549.97	575.07			
4			526.05	575.02			
3	Unclassified Labor Data Entry Oper	Public Bld/Insp	503.41	526.05			
2	Library Assistant	Library	481.74	503.41			
1	Temporary Clerk		461.15	481.74			

	TEMPORARY PERSONAL PAY SCHEDULE
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EFFECTIVE JUNE 30, 2015 – 0.5%(no-cost impact)							
GP	TITLE	DEPT	1	2	3	4	5
26	Heavy Equipment Operator	Hwy, HM, Waste	691.93	732.52	773.14	813.73	846.29
25	Senior Clerk	Finance	622.99	661.82	700.66	739.50	778.34
24	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assr,Sel,Fire COA Library Sel	585.69	622.99	660.28	697.57	734.82
23	Special Clerk-Rev Genearl Laborer III	Finance	551.49	586.07	620.63	655.20	689.79
22			529.80	556.55	583.38	610.13	636.98
21	Temporary Labor Temp Special Labor I	Cem, COA	520.45	539.85	559.29	578.72	598.13
20			509.59	515.80	522.00	528.23	534.42
14	Sr Staff Engineer	Eng	723.99	757.71	793.17	830.40	869.45
13	Tech Ser Librarian Adult Librarian Child Librarian Young Adult Librarian	Lib Lib Lib Lib	691.88	723.99	757.71	793.17	830.40
12	Asst Dog Officer	Pol-Dog Off	661.33	691.88	723.99	757.71	793.17
11	Sanitarian	Hlth	632.10	661.33	691.88	723.99	757.71
10			604.41	632.10	661.10	691.88	723.99
9	Special Labor C Library Para-Prof	Lib Lib	577.95	604.41	632.10	661.33	691.88
8			552.72	577.95	604.41	632.10	661.33
7	Special Clerk Library Tech Lib Tech or Tec Adm	Hlth, Assr Cem, Swr/Wtr Lib Lib	552.72	577.95	604.41	632.10	
6	Chauffeur	COA	552.72	577.95	604.41		
5	Sr. Library Asst Genearl Clerk	Library Finance	552.72	577.95			
4			528.68	552.72			
3	Unclassified Labor Data Entry Oper	Public Bld/Insp	505.93	528.68			
2	Library Assistant	Library	484.15	505.93			
1	Temporary Clerk		463.46	484.15			

Article 19 Compensation - Town Officers

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

Town Clerk \$73,138.46

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 20 Financial Assistance for Conservation

Voted: To Authorize the Conservation Commission and other proper officers of the Town to Apply for financial assistance from public and private sources to be expended by the Conservation Commission for the Purchase of vacant land and any other purpose authorized by Section 8C of Chapter 40 of the General Laws as amended, or to reimburse the town for sums of money expended for such purposes, or both.

Article 21 Essex North Shore Agricultural and Technical School District

Voted: To approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District and appropriate the sum of

\$225,411.00 for the town’s assessment of the same to be expended by the School Committee.

Article 22 Available Funds Appropriate to Reduce Tax Rate

Voted: That the Sum of \$4,830,000.00 be appropriated for the use of the Assessors in making the Tax Rate.

From Free Cash	\$4,500,000.00
From Electric Surplus	<u>330,000.00</u>
	\$4,830,000.00

Article 23 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 23 Expenses of Several Departments - Items 2 3 4 5 6 Selectmen

Voted: That the sum of \$451,002.00 be and hereby is appropriated for the Selectmen as follows:

Item 2	Officials Expense	\$ 5,500.00
Item 3	Salaries & Wages	344,589.00
Item 4	Expense	91,913.00
Item 5	Zoning Board Legal Services	7,000.00
Item 6	Out of State Travel	<u>2,000.00</u>
		\$ 451,002.00

Article 23 Expenses of Several Departments – Items 7 8 9 Finance Committee

Voted: That the Sum of \$14,494.00 be and hereby is appropriated for the Finance Committee as follows:

Item 7	Salaries & Wages	\$ 8,734.00
Item 8	Expense	5,585.00
Item 9	Local Travel	<u>175.00</u>
		\$14,494.00

Article 23 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 23 Expenses of Several Departments – Items 12 13 Finance Department

Voted: that the sum of \$901,336.00 be and hereby is appropriated for the Finance Department as follows:

Item 12 Salaries & Wages	\$633,026.00
Item 13 Expense	<u>268,310.00</u>
	\$901,336.00

Article 23 Expenses of Several Departments – Items 17 18 19 20 Assessor

Voted: That the sum of \$297,329.00 be and hereby is appropriated for the Assessor as follows:

Item 17 Official Expense	\$ 300.00
Item 18 Salaries & Wages	192,844.00
Item 19 Expenses	103,785.00
Item 20 Local Travel	<u>400.00</u>
	\$297,329.00

Article 23 Expenses of Several Departments – Items 29 30 Town Counsel

Voted: That the Sum of \$81,725.00 be and hereby is appropriated for the Town Counsel as Follows:

Item 29 Salaries & Wages	\$ 2,000.00
Item 30 Expense	<u>79,725.00</u>
	\$81,725.00

Article 23 Expenses of Several Departments – Item 35 Parking

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 23 Expenses of Several Departments – Items 39 40 Town Clerk

Voted: That the Sum of \$173,397.00 be and hereby is appropriated for the Town Clerk as follows:

Item 39 Salaries & Wages	\$164,360.00
Item 40 Expense	<u>9,037.00</u>
	\$173,397.00

**Article 23 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 23 Expenses of Several Departments – Item 50 Planning Board

Voted: That the Sum of \$1,675.00 be and hereby is appropriated for the Election and Registration as follows:

Item 50 Expense	\$1,675.00
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Article 23 Expenses of Several Departments – Items 55 56 57 Public Buildings

Voted: That the Sum of \$195,295.00 be and hereby is appropriated for the Public Buildings as follows:

Item 55 Salaries & Wages	\$ 93,795.00
Item 56 Expense	101,100.00
Item 57 Local Travel	<u>400.00</u>
	\$195,295.00

Article 23 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 23 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 23 Expenses of Several Departments

Items 62 63 64 Police Department

Voted: That the Sum of \$3,401,908.00 be and hereby is appropriated for the Police Department as follows:

Item 62 Salaries & Wages	\$3,221,009.00
Item 63 Expense	175,899.00
Item 64 Indemnification of Officers	<u>5,000.00</u>
	\$340,908.00

Article 23 Expenses of Several Departments – Items 68 69 70 Fire Department

Voted: That the Sum of \$3,317,503.00 be and hereby is appropriated for the Fire Department as Follows:

Item 68 Salaries & Wages	\$3,068,383.00
Item 69 Expense	164,920.00
Item 70 Fire Alarm Expense	<u>84,200.00</u>
	\$3,317,503.00

Article 23 Expenses of Several Departments

Items 73 74 75 Building Inspection

Voted: That the Sum of \$499,365.00 be and hereby is appropriated for the Building inspection as follows:

Item 73 Salaries & Wages	\$474,510.00
Item 74 Expense	21,355.00
Item 75 Local Travel	<u>3,500.00</u>
	\$499,365.00

Article 23 Expenses of Several Departments

Item 80 Sealer of Weight and Measurers

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 23 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 23 Expenses of Several Departments – Item 101 School Department

Voted: That the Sum of \$31,787,615.00 be and hereby is appropriated for the School Department.

Article 23 Expenses of Several Departments – Items 105 106 Engineer

Voted: That the sum of \$136,792.00 be and hereby is appropriated for the Engineer as follows:

Item 105	Salaries & Wages	\$126,147.00
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Item 106	Expense	<u>10,645.00</u>
		\$136,792.00

To meet this appropriation \$6,000 is to be transferred from Wetland filing fees and \$130,792.00 is to be taken from Taxation.

Article 23 Expenses of Several Departments – Items 112 113 Highway

Voted: That the sum of \$863,963.00 be and hereby is appropriated for the Highway as follows:

Item 112	Salaries & Wages	\$774,679.00
Item 113	Expense	<u>89,284.00</u>
		\$863,963.00

Article 23 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 expended by the Director of Public Works.

Article 23 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 23 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 23 Expenses of Several Departments – Items 126 127 Waste Collection

Voted: That the sum of \$2,030,485.00 be and hereby is appropriated for the Waste Collection as follows:

Item 126	Salaries & Wages	\$ 305,662.00
Item 127	Expense	<u>1,724,823.00</u>
		\$2,030,485.00

Article 23 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	\$105,015.00
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Item 133	Expense	<u>5,150.00</u>
		\$110,165.00

Article 23 Expenses of Several Departments – Items 141 142 143 Cemetery

Voted: That the sum of \$332,297.00 be and hereby is appropriated for the Cemetery as follows:

Item 141	Officials Expense	\$ 300.00
Item 142	Salaries & Wages	310,151.00
Item 143	Expenses	<u>21,846.00</u>
		\$332,297.00

Article 23 Expenses of Several Departments - Items 148 149 Tree

Voted: That the sum of \$304,214.00 be and hereby is appropriated for the Tree Department as follows:

Item 148	Salaries & Wages	\$252,636.00
Item 149	Expense	<u>51,578.00</u>
		\$304,214.00

Article 23 Expenses of Several Departments - Items 153 154 155 157 158 Health Department

Voted: That the sum of \$157,316.00 be and hereby is appropriated for the Health Department as follows:

Item 153	Officials Expense	\$400.00
Item 154	Salaries & Wages	138,229.00
Item 155	Expense	13,055.00
Item 157	Local Travel	1,632.00
Item 158	HAWC	<u>4,000.00</u>
		\$157,316.00

Article 23 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 23 Expenses of Several Departments - Items 164 165 Council on Aging

Voted: That the sum of \$251,049.00 be and hereby is appropriated for the Council on Aging as follows:

Item 164 Salaries & Wages	\$247,590.00
Item 165 Expense	<u>3,459.00</u>
	\$251,049.00

Article 23 Expenses of Several Departments - Items 175 176 177 178 Veterans Benefits

Voted: That the sum of \$81,569.00 be and hereby is appropriated for the Veterans Benefits as follows:

Item 175 Salaries & Wages	\$60,226.00
Item 176 Expense	1,243.00
Item 177 Local Travel	1,100.00
Item 178 Benefits	<u>19,000.00</u>
	\$81,569.00

Article 23 Expenses of Several Departments - Items 185 186 187 Library

Voted: That the sum of \$1,042,060.00 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185 Salaries & Wages	\$787,914.00
Item 186 Expense	254,046.00
Item 187 Local Travel	<u>100.00</u>
	\$1,042,060.00

Article 23 Expenses of Several Departments - Items 190 191 192 Park Department

Voted: That the sum of \$798,182.00 be and hereby is appropriated for the Park and Recreation as follows:

Item 190 Salaries & Wages	\$580,499.00
Item 191 Expense	171,590.00
Item 192 Facility Expense	<u>46,093.00</u>
	\$798,182.00

Article 23 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 23 Expenses of Several Departments - Items 214 215 Maturing Bonds and Interest

Voted: That the sum of \$5,500,005.00 be and hereby is appropriated for the Maturing Bonds and Interest as follows:

Item 214 Maturing Debt	\$3,242,150.00
Item 215 Interest	<u>2,257,855.00</u>
	\$5,500,005.00

To meet this appropriation \$582,442.00 is to be transferred from Bond Premium reserved for appropriation and \$4,917,563.00 is to be raised by taxation.

Article 23 Expenses of Several Departments - Item 217 Contributory Retirement

Voted: That the sum of \$2,189,382.00 be and hereby is appropriated for the Contributory Retirement Fund.

Article 23 Expenses of Several Departments - Item 218 Medicare

Voted: That the sum of \$570,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

Article 23 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 23 Expenses of Several Departments - Item 220 Other Post Employment Benefits

Voted: That the sum of \$250,000.00 be and hereby is appropriated to be added to the Other Post Employment Benefits Trust Fund (and allowed to accumulate from year to year) to be expended by the Finance Director.

Article 23 Expenses of Several Departments - Item 221 Group Insurance

Voted: That the sum of \$11,581,448.00 be and hereby is appropriated for Group Insurance to be expended by the Finance Director.

Article 23 Expenses of Several Departments - Item 222 Other Insurance

Voted: That the sum of \$503,057.00 be and hereby is appropriated for Other Insurance, to be expended by the Board of Selectmen.

Article 23 Expenses of Several Departments - Item 223 Salary Reserve

Voted: That the sum of \$110,770.00 be and hereby is appropriated for Salary Reserve, to be expended by the Board of Selectmen.

Article 23 Expenses of Several Departments - Item 224 Non Contributory Retirement

Voted: That the sum of \$113,896.00 be and hereby is appropriated for Non Contributory Retirement, to be expended by the Finance Director/Town Accountant.

Article 23 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 23 Expenses of Several Departments - Items 227 228 230 Sewer Department

Voted: That the sum of \$4,930,034.00 be and hereby is appropriated for the Sewer Department as follows:

Item 227 Salaries & Wages	\$ 662,210.00
Item 228 Expense	617,906.00
Item 230 South Essex Sewer District	<u>3,649,918.00</u>
	\$4,930,034.00

To meet this appropriation, \$4,930,034.00 is to be transferred from sewer receipts.

Article 23 Expenses of Several Departments - Items 231 232 235 Water Department

Voted: That the sum of \$3,392,420.00 be and hereby is appropriated for the Water Department as follows:

Item 231 Salaries & Wages	\$611,736.00
Item 232 Expense	577,658.00
Item 235 Metropolitan Water	<u>2,203,026.00</u>
	\$3,392,420.00

To meet this appropriation, \$3,392,420.00 is to be transferred from water receipts.

Article 23 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 23 Expenses of Several Departments - Items 238 239 241 Harbor Department

Voted: That the sum of \$766,581.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238 Salaries & Wages	\$330,018.00
Item 239 Expense	358,063.00
Item 241 Outlays	<u>78,500.00</u>
	\$766,581.00

To meet this appropriation, \$688,081.00 is to be transferred from harbor receipts and \$78,500.00 to be transferred from Harbor Retained Earnings.

Article 24 Supplemental Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the supplemental expenses of the several departments of the Town for the fiscal year beginning July 1, 2014.

Article 25 Mooring Fees in Marblehead Waters.

Voted: To amend Chapter 190, Section 190-5 which currently reads:

The Harbormaster shall collect from the applicant a mooring permit fee of \$6.50 per foot for Marblehead Harbor, Little Harbor, and Dolibers Cove. All other locations in Marblehead anchorage shall be assessed \$4 per foot. Working commercial

fishermen shall have their permit fee abated to a rate of \$3 per foot upon approval of the Harbormaster. Such fee shall be assessed on a per-foot basis, measured from the stem in a straight line aft to the stem of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be \$10. The mooring permit fee for a float shall also be assessed on \$6.50 per lineal foot basis of the overall length. Said fee shall be collected before a mooring permit is issued. All fees collected by the Harbormaster shall be paid to the Town of Marblehead. All permits shall expire on the first day of February following the year of issue.

To read instead (~~Strikeout~~ text represents deleted language and **bold** and underline font represents proposed amendment.):

The Harbormaster shall collect from the applicant a mooring permit fee of \$6.50 per foot for Marblehead Harbor, Little Harbor, and Dolibers Cove. All other locations in Marblehead anchorage shall be assessed \$ **5.50** per foot. Working commercial fishermen shall have their permit fee abated to a rate of **\$3.00** per foot upon approval of the Harbormaster. Such fee shall be assessed on a per-foot basis, measured from the stem in a straight line aft to the stem of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be **\$10.00** the mooring permit fee for a float shall also be assessed on \$6.50 per lineal foot basis of the overall length. Said fee shall be collected before a mooring permit is issued. All fees collected by the Harbormaster shall be paid to the Town of Marblehead. All permits shall expire on the first day of February following the year of issue.

Article 26 Acquisition of Property: 89 Front Street

To see if the Town will vote to purchase, acquire or take by eminent domain, and to raise and appropriate a sum of money, either by appropriation, borrowing or otherwise, to fund said purchase, taking or acquisition, along with all legal costs associated therewith, the properties and building(s) located at 89 Front Street and Front Street, and more particularly as set forth in Town of Marblehead Assessor's Map 148 Parcel 57 and Parcel 56 respectively containing 0.680 acres of land more or less and 0.047 acres of land more or less, respectively, for the purpose of water related uses

Article 27 Acquisition of Property: 247 Pleasant Street

To see if the Town will vote to purchase, acquire or take by eminent domain, and to raise and appropriate a sum of money, either by appropriation, borrowing or otherwise, to fund said purchase, taking or acquisition, along with all legal costs associated therewith, the property and building(s) located at 247 Pleasant Street,

and more particularly described in a deed found at Book 14574 Page 133 recorded at the Essex South Registry of Deeds containing 24,266 square feet +/-, for library purposes

Article 28 Amend The Town of Marblehead General Bylaws by adding a new Chapter 157 Environmental Hazards: Reduction of Waste, Article I: Plastic Bag Reduction

Voted: To amendment the Town of Marblehead General Bylaws by adding a new CHAPTER 157 entitled, Environmental Hazards: Reduction of Waste, Article I: Plastic Bag Reduction, regarding the prohibition of the distribution and use of thin-film, single-use plastic carryout bags by retail establishments in the Town of Marblehead as follows:

Chapter 157: Environmental Hazards: Reduction of Waste

Article 1 Plastic Bag Reduction

§157-1 Purpose

The production and use of thin-film, single-use checkout bags have been shown to have significant detrimental impacts on the environment, including, but not limited to, contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of thin-film, single-use plastic bags by all retail establishments in the Town of Marblehead thereby promoting the health and safety of the citizens of the Town through the preservation of the environment.

§157-2: Definitions

The following words shall, unless context clearly indicates otherwise, have the following meanings:

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics” which includes those plastics and products made from plastics that are designed to be composted under aerobic conditions in municipal and industrial aerobic composting facilities.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment” which includes those plastics and products that are designed to be biodegradable under the marine environmental conditions of aerobic marine waters or anaerobic marine sediments, or both.

“Carryout Bag” shall mean a bag provided by a store to a customer at the point of sale for the purpose of removing products purchased therein. Carryout Bags shall

not include those bags, whether plastic or not, intended for the use by a customer for placing loose produce or other bulk food items to carry to the point of sale or checkout area of the store.

“Compostable Plastic Bag” shall mean a plastic bag that (1) conforms to the current ASTM D6400 specifications for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specifications by a recognized verification entity.

“Director”, the Director of Public Health or his/her designee.

“Marine Degradable Plastic Bag” shall mean a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability.

“Retail establishment” shall mean any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, “mini-marts,” and retail stores and vendors selling clothing, food and personal items.

“Reusable Bag” shall mean a bag with handles that is specifically designed for multiple reuse and is either (1) made of cloth or other washable fabric; or (2) made of durable plastic 3 mil in thickness; (3) or of some other durable material ;(4) does not contain lead, cadmium, or any other heavy metal in toxic amounts.

“Thin-Film, Single-Use Plastic Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene (other than woven and non-woven polypropylene fabric) if said film is less than 3.0 mils (.0762mm) in thickness and which do not meet the ASTM D6400 and ASTM D7081 standard specifications.

§157-3 Thin-film, Single-Use Plastic Bags Prohibited

- A. No retail establishment in the Town of Marblehead shall provide Thin-Film, Single-Use Plastic Bags to customers.
- B. If a retail establishment provides Carryout Bags to customers, the bags must be one of the following:
 - (1) Recyclable paper bag, or
 - (2) Reusable Carryout Bag, or
 - (3) Bag made from a polymer which meets the specifications of ASTM D6400 and ASTM 7081, as defined herein.
- C. Exception: Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise are not prohibited under this bylaw.

§157-5 Enforcement; violations and penalties.

- A. The Board of Health, the Director of Public Health and persons designated by the Director of Public Health shall have the authority to administer and enforce this bylaw.
- B. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c. 40, §21D.
- C. For the first violation, the Director of Public Health or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the establishment which will specify the violation and the appropriate penalties in the event of future violations.
- D. The following penalties shall apply
 - a. A fine of \$25 for the first violation following the issuance of a written warning notice.
 - b. A fine of \$50 for the second and any other violation that occurs after the issuance of a warning notice.
- E. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- F. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each offense shall be three hundred dollars (\$300.00).

§157-6 Severability; effective date.

- A. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that bylaw and all other bylaws shall continue in full force.
- B. This bylaw shall take effect twelve (12) months following the effective date of the bylaw to allow time for retail establishments to use their existing inventory of plastic checkout bags and to convert to alternative packaging materials.

§157-7 Regulations

The Board of Health may adopt and periodically amend rules and regulations to effectuate the purposes of this by-law. Prior to the adoption and subsequent amendment to the rules and regulations, if any, the Board of Health shall hold a public hearing. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. A copy of the adopted regulations shall be made available at the Office of the Town Clerk and as otherwise deemed appropriate by the Board of Health. Failure by the Board of Health to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Article 29 Amend the Town of Marblehead General Bylaws by adding a new Chapter 157 – entitled, Environmental Hazards: Reduction of Waste, Article II, Expanded Polystyrene Food and Beverage Containers Prohibited

Voted: To amend the Town of Marblehead General Bylaws by adding a new Chapter 157: Environmental Hazards: Reduction of Waste, Article II, Expanded Polystyrene Food and Beverage Containers Prohibited, regarding the prohibition of the distribution and use of expanded polystyrene food and beverage containers by food establishments in the Town of Marblehead as follows:

Chapter 157: Environmental Hazards: Reduction of Waste

Article II: Expanded Polystyrene Food and Beverage Containers Prohibited

§157- 8 Findings and Purpose

Expanded polystyrene food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room; our future solid waste may need to be transported hundreds of miles to a landfill at a considerable cost. Expanded polystyrene are not biodegradable; once buried in a landfill, they will remain for centuries. The elimination of expanded polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Marblehead.

§ 157-9 Definitions

As used in this article, the following terms shall have the meanings indicated:

“Disposable Food Service Container” shall mean single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including, without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It shall not include single-use disposable packaging for unprepared foods.

“Expanded Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

“Prepared Food” shall mean any food or beverage prepared on the restaurant and/or retail food establishment's premises using any cooking or food preparation technique. Prepared food shall not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises. “Restaurant” shall mean any establishment which serves food for consumption whether on or off the premises and which may also maintain tables for the use of its customers.

“Retail Food Establishment” shall mean any establishment which sells food for consumption off the premises, including but not limited to grocery stores, theaters and all other food service establishments not included in the definition of a “Restaurant” in this section.

§157-10 Prohibition:

Expanded Polystyrene food or beverage containers shall not be used to package or serve food or beverages by Restaurants and or/Retail Food Establishments within the Town of Marblehead. This bylaw shall not apply to the packaging of uncooked meat, uncooked poultry, and/or uncooked fish.

§157- 12 List of available alternatives.

Not later than sixty (60) days following approval hereof by the Attorney General, the Board of Health shall adopt a list of available suitable affordable biodegradable/compostable or recyclable alternatives for each product type, which the Board of Health shall be updated regularly.

§157-13 Enforcement; violations and penalties.

A. The Board of Health, the Director of Public Health and persons designated by the Director of Public Health shall have the authority to administer and enforce this bylaw.

B. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c. 40, §21D.

C. For the first violation, the Director of Public Health or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the establishment which will specify the violation and the appropriate penalties in the event of future violations.

D. Thereafter, the following penalties shall apply

- a. A fine of \$25 for the first violation following the issuance of a written warning notice.
- b. A fine of \$50 for the second and any other violation that occurs after the issuance of a warning notice.

E. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

F. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each offense shall be three hundred dollars (\$300.00).

§157-14 Severability; effective date.

A. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that bylaw and all other bylaws shall continue in full force.

B. This bylaw shall take effect twelve (12) months following the effective date of the bylaw to allow time for Restaurants and Retail Food Establishments to use their existing inventory of Expanded Polystyrene food or beverage containers and to convert to alternative materials.

§157-15 Regulations

The Board of Health may adopt and periodically amend rules and regulations to effectuate the purposes of this by-law. Prior to the adoption and subsequent amendment to the rules and regulations, if any, the Board of Health shall hold a public hearing. Notice of the time and place of the hearing, and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. A copy of the adopted regulations shall be made available at the Office of the Town Clerk and as otherwise deemed appropriate by the Board of Health. Failure by the Board of Health to

promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Article 30 Flood Plain Amendment

Voted: To amend the zoning bylaw as follows:

Amend Section 200-8(C) Floodplain District. *Which currently reads as follows:* Floodplain 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 25009C0552G dated July 3, 2012 and as may be amended from time to time. The map indicates the one-hundred-year regulatory floodplain. The exact boundaries of the district may be defined by the one-hundred-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.

To read instead (bold text added) 200-8(C) Floodplain District. “The Floodplain District is herein **established as an** overlay district. The district includes all special flood hazard areas within the Town of Marblehead designated as Zone A, AE, AO, and VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA, successor to the U.S. Department of Housing and Urban Development, HUD) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the Town of Marblehead are panel numbers **25009C0419G, 25009C0438G, 25009C0439G, 25009C0443G, 25009C0532G, 25009C0551G, and 25009C0525G dated July 16, 2014** and as may be amended from time to time. The map indicates the one-hundred-year regulatory floodplain. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study report dated **July 16, 2014**. The FIRM and Flood Insurance Study report are on file with the Town Clerk, the Building Commissioner, and Conservation Commission.”

Article 31 Amend Town Bylaw – Interest on Outstanding Water and Sewer Accounts

Voted: To amend the Town of Marblehead General Bylaws, Chapter 63, Section 63-8, Interest on outstanding water and sewer accounts which currently reads:

Except as otherwise provided by law, all water and sewer charges and bills shall be due within 30 days of the date of mailing. Such charges and bills remaining unpaid after the 90th day after mailing shall accrue interest at the rate of 14% per annum.

To read instead: (~~Strikeout~~ text represents deleted language and **bold** and underline font represents proposed amendment.)

Except as otherwise provided by law, all water and sewer charges and bills shall be due within 30 days of the date of mailing. Such charges and bills remaining unpaid after the 30th day after **the** mailing shall accrue interest at the rate of 14% per annum.

Article 32 Landfill Regulatory Compliance Activities

Voted: To appropriate a sum of \$114,600.00 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.

Article 33 Massachusetts Community Preservation Act Acceptance thereof.

Vote Failed: To accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts community Preservation act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2015; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act and \$100,000 of the Value of each taxable parcel of residential real property and commercial real property.

Article 34 Waterside Cemetery, Veterans Lot

Vote Failed: To amend the regulations in Chapter 206 Cemeteries, Section 5 Veteran's lot by deleting the last sentence; "The lifting of the turf for flower beds is prohibited on any veteran's grave" and inserting the words "The placement of wreaths on the headstones and in the ground planting of flowers is allowed on any veteran's grave".

Article 35 Waterside Cemetery

Vote Failed: To amend the regulations in Chapter 206 Cemeteries, Section 9 Decoration of Plots by deleting the wording in section B and inserting the following: "The hanging of wreaths on the headstones and planting of in ground flowers are permitted".

Article 36 Waive Permit for the Marblehead Housing Authority

Voted: That this article be indefinitely postponed.

Article 37 Prohibit the Town from Requiring Pre-Injury Release with Certain Provisions

Vote Failed: That the by-laws of the Town of Marblehead be amended as follows:

The Town of Marblehead, including all of its agencies and departments, shall not require the execution of a pre-injury release that includes any of the following terms, nor seek to enforce any of the following terms from a pre-injury release executed prior to the approval of this bylaw:

- a. a term releasing pre-injury claims other than negligence;
- b. a term releasing claims that do not arise out of the program or activity for which the pre-injury release was submitted;
- c. a term releasing any individual or organization who/that is not an agent, employee or volunteer of the Town of Marblehead involved with the program or activity for which the pre-injury release was submitted.

Article 38 Crosswalk at Tedesco and Leggs Hill Road

Counted Vote: For 183 Against 15

That an additional crosswalk be placed on Tedesco Street near the intersection of Leggs Hill Road to assist residents of Tedesco and the surrounding area in crossing this busy street, and that the Town of Marblehead provide the necessary funding by raising, appropriating, or transferring money from available funds at the end of the fiscal year, and take the necessary actions (including but not limited to a traffic and safety study to be presented to the Traffic and Safety Committee and Board of

Selectmen) to construct said crosswalk. Approximate amount of funds requested for crosswalk and traffic study is \$20,000

At 10:55 PM the Moderator dissolved the 2014 Annual Town Meeting.