

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

You are hereby required and directed in the name of the Commonwealth of Massachusetts to warn and give notice to the inhabitants of Marblehead, qualified to vote in elections and in town affairs, to meet at the Marblehead Veterans Middle School Auditorium, Duncan Sleigh Square, 217 Pleasant Street, Marblehead, MA, on Monday, the fifth day of May next A. D. 2014 (it being the first Monday in May) at 7:00 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

Article 1 Pledge of Allegiance

To see if the Town will vote 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. Each session of Town Meeting shall begin with the recitation of the United States Pledge of Allegiance.”, or take any other action relative thereto. Sponsored by Joan D. Cutler and others.

Article 2 Articles in Numerical Order

To see if the Town will vote to adopt an order requiring articles in the Warrant to be taken up in their numerical order, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 3 Reports of Town Officers and Committees

To receive the report of the Town Accountant, the reports of the Town Officers, and special Committees, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 4 Assume Liability

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

Article 5 Accept Trust Property

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

Article 6 Lease Town Property

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

Article 7 Unpaid Accounts

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

Article 8 Revolving Funds

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

Article 9 Walls and Fences

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

Article 10 Purchase of Equipment of Several Departments

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

Article 11 Capital Improvements for Public Buildings

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

Article 12 Water Department Construction

To see if the Town will vote to appropriate a sum of money to be expended by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase,

eminent domain or otherwise any lands or easements necessary, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 13 Sewer Department Construction

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

Article 14 Storm Drainage Construction

To see if the Town will vote to appropriate a sum of money for the construction, reconstruction and maintenance of storm 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, and to raise the money for such purposes by the issue of bonds or notes or in any other manner, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 15 Water and Sewer Commission Claims

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

Article 16 Proposed Reclassification and Pay Schedule (Administrative)

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

Article 17 Proposed Pay Schedule and Reclassification (Traffic Supervisors)

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

make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 18 Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

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

Article 19 Compensation - Town Officers

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

Article 20 Financial Assistance for Conservation

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

Article 21 Essex North Shore Agricultural and Technical School District

To see if the Town will vote to approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2014 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 22 Available Funds Appropriate to Reduce Tax Rate

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

Article 23 Expenses of Several Departments

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

July 1, 2014, or take any other action relative thereto. Sponsored by the Finance Department.

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, or take any other action relative thereto. Sponsored by the Finance Department.

Article 25 Mooring Fees in Marblehead Waters.

To see if the Town will vote 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.

Or take any action relative thereto. Sponsored by the Harbors and Waters Board.

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, or take any action relative thereto. Sponsored by the Harbors and Waters Board.

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, or take any action relative thereto. Sponsored by the Trustees of Abbot Public Library.

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

To see if the Town will vote to approve an Amendment to 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.

§157-4 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).

§157-5 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.

§157-6 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. Or take any other action relative thereto. Sponsored by the Board of Health.

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

To see if the Town will vote to approve an amendment to 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- 7 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.

§ 157-8 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.

§157-9 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- 10 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.

§157-11 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).

§157-12 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.

§157-13 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.

Or take any other action relative thereto. Sponsored by the Board of Health

Article 30 Flood Plain Amendment

To see if the town will 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 25009C0552 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 25009C055G** 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.”

Or take any other action relative thereto. Sponsored by the Planning Board

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

To see if the Town will 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 **390th** day after **the** mailing shall accrue interest at the rate of 14% per annum.

Or take any action relative thereto. Sponsored by the Water and Sewer Commission.

Article 32 Landfill Regulatory Compliance Activities

To see if the Town will vote to appropriate a sum of money 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 this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Health.

Article 33 Massachusetts Community Preservation Act Acceptance thereof.

To see if the Town will 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, creation, preservation, rehabilitation and restoration of historic resources, the acquisition, preservation, rehabilitation and restoration of land for recreational use,

the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or take any other action relative thereto. Sponsored by Nancy Starr Campbell and others.

Article 34 Waterside Cemetery, Veterans Lot

To allow wreaths to be put on headstones and to allow in ground planting of flowers. Or take any other action relative thereto. Sponsored by Rose McCarthy and others.

Article 35 Waterside Cemetery

To allow wreaths to be put on headstones and allow in ground planting of flowers. Or take any other action relative thereto. Sponsored by Rose McCarthy and others.

Article 36 Waive Permit for the Marblehead Housing Authority

That any and all building permits, plumbing permits and electrical permits be waived for the Marblehead Housing Authority and any contractor performing work for the Marblehead Housing Authority, for the purpose of improving the existing conditions at its low income housing complexes for elderly, disabled, and low income families. Or take any other action relative thereto. Sponsored by Pamela Foye and others.

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

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.

Or take any other action relative thereto. Sponsored by Terence P. Reilly and others.

Article 38 Crosswalk at Tedesco and Leggs Hill Road

The undersigned registered voters of the town of Marblehead request that an additional crosswalk be placed on Tedesco Street, preferably near the intersection of Leggs Hill Road and Tedesco Street, to assist residents of Tedesco and the many surrounding streets in crossing this busy street. There are now two crosswalks, one at Tedesco Country Club and one at Longview Drive. The addition of the YMCA has

created a substantial increase in foot traffic, and this, along with the regular amount of joggers and walkers in the area, has created an unsafe situation for residents. The YMCA had estimated a membership of approximately 8,500 when they first opened several years ago. Currently, membership is almost doubled, at approximately 15,000. Also, with the new Glover School now open, there is an even greater need to provide children and families with one additional crosswalk. The two crosswalks at the above-mentioned locations are not effectively serving the residents of this town. We respectfully ask the town of Marblehead to appropriate the necessary funds to provide a third crosswalk around the area of Leggs Hill Road to resolve this problem. Thank you. Or take any other action relative thereto. Sponsored by Dara VanRemoortel and others.

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

In Precinct 1 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 2 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 3 - Polling Place –

MASONIC TEMPLE

62 Pleasant Street

In Precinct 4 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 5 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

In Precinct 6 - Polling Place –

MARBLEHEAD COMMUNITY CENTER

10 Humphrey Street

on Tuesday, the 13th day of May next A.D. 2014 (it being the second Tuesday after the first Monday in May) at 7 o'clock in the forenoon then and there to bring into the precinct officers of their respective precincts their votes on one ballot for the following-named Town Officers to wit:

5 Selectmen for 1 year

1 Moderator for 1 year

1 Assessor for 3 years

1 Cemetery Commissioner for 3 years

1 Board of Health for 3 years

- 1 Housing Authority for 5 years
- 2 Library Trustees for 3 years
- 1 Light Commissioner for 3 years
- 1 Light Commissioner for 1 year un-expired term
- 2 Planning Board for 3 years
- 5 Recreation and Park for 1 year
- 2 School Committee for 3 years
- 1 School Committee for a 1 year un-expired term
- 2 Water and Sewer for 3 years

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

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

Given under our hands at Marblehead aforesaid this 19th day of February 2014.

JACKIE BELF-BECKER, Chair

HARRY C. CHRISTENSEN, JR.

JUDITH R. JACOBI

BRET T. MURRAY

JAMES E. NYE

Selectmen of Marblehead



A True Copy

Attest:

, Constable