

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 first day of May next A. D. 2006 (it being the first Monday in May) at 7:45 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

Article 1 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, as requested by the Selectmen.

Article 2 Reports of Town Officers and Committees

To receive the report of the Town Accountant, the reports of the Town Officers, and special Committees and act thereon.

Article 3 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, as sponsored by the Board of Selectmen.

Article 4 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, as sponsored by Town Counsel.

Article 5 Assume Liability

To see if the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws as most recently amended by Chapter 5, Acts of 1995, for all damages that may be incurred by work to be performed by the 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 II 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, as sponsored by the Board of Selectmen.

Article 6 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 7 North Shore Regional Vocational School District

To see if the Town will vote to approve the gross operating and maintenance budget of the North Shore Technical High School 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 8 Revolving Funds

To see if the Town will vote to authorize various revolving funds as required by M.G.L. c44s.53E ½, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 9 Memorial Park

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen for planning, engineering and erection of an appropriate memorial recognizing the names of Townspeople who have lost their lives in the War against Terror, or take any other action relative thereto. Sponsored by Harry Christensen and others

Article 10 Rezoning an Unrestricted Area to General Residence

To see if the Town will vote to amend the Zoning Map of the Town by taking an area that is presently zoned Unrestricted and changing its designation to General Residence and adding it to a contiguous General Residence Zoning District. This area to be rezoned is described as follows:

Beginning at a point on the centerline of Bessom Street, said point located approximately 140- feet northeast of a point marking the intersection of the centerline of Heritage Way with the centerline of Bessom Street; thence continuing in a northwesterly direction along the centerline of Bessom Street and the centerline of Highland Terrace for a distance of approximately 235-feet to a point on the centerline of Highland Terrace; thence continuing along the centerline of Highland Terrace in a southwesterly direction for a distance of approximately 332-feet to a point on the centerline of Highland Terrace; thence turning and continuing in a southeasterly direction in a line parallel to the northeasterly sideline of Parcel 20A, Assessor Map 108 for a distance of approximately 87-feet; thence turning and continuing in a northeasterly direction running parallel to the rear property lines of Parcels 27, 26, 25 and 24 as found on Assessor Map 108 a distance of approximately 250-feet to a point at the rear property line of Parcel 22, Assessor Map 108; thence turning and continuing in a southeasterly direction running parallel to the rear property lines of Parcels 22 and 21 as found on Assessor Map 108 a distance of approximately 85-feet; thence turning and continuing in a northeasterly direction running parallel to the southeasterly sideline of Parcel 21, Assessor Map 108 a distance of approximately 105-feet to the centerline of Bessom Street at the point of beginning. Sponsored by Walt Haug and others.

Article 11 Amend Zoning By-law - Open Space Ratio

To see if the town will vote to amend the town zoning by-law as follows: *Amend Section 200-7 meaning of words insert new definitions which reads:*

Maximum Building Coverage- Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures. *Add a new column to Table 2 Max Building Coverage and add the following to all categories within a district unless noted:*

Expanded Single Res.	15%
Shoreline Expanded Single Res.	15%
Single Residence	20%
Shoreline Single Residence	20%
Expanded Central Residence	30%
General Residence	30%
Shoreline General Residence	30%
Business	50%
Unres. & Central Residence	30%
Shore Unres & Shore Central Res.	30%
Harborfront District	35%
Comb. res. & comm. bldg.	35%
Boat services	50%
Business 1	50%
Comb. res. & comm. bldg.	50%
Nonres. Uses	50%
Business Residential	40%
Semidetached dwelling	40%
Two-family dwelling	40%
Row house	40%
Comb. res. & comm. bldg.	40%

Nonres. uses

50%

Amend Table 2 footnote (1) as follows: (bold text added) (1) The greater of: (a) one square foot of open land area (in addition to **required** parking areas on such lot) for each one square foot of gross floor area; or (b) 400 square feet of open land area (in addition to parking areas and maneuvering areas), **for** this purpose parking access driveways are defined as being a minimum width of 11 feet for single lane and 20 feet for two lane access for each dwelling unit.

Or take any other action relative thereto.

Sponsored by the Planning Board

Article 12 Amend Zoning By-Law

To amend the Zoning By-Law and Zoning Map as follows:

(a) **Article III Zoning Districts – Section 200-8. Establishment of districts, Subsection A. Zone districts**, to insert after “SG-R Shoreline General Residence” the following class of district: “M-R Multifamily Residence”

(b) **Article III Zoning Districts – Section 200-9. Interpretation of zone district boundaries.**, to add the following subsection:

“E. Multifamily District boundaries. Where a Multifamily Residence District is immediately adjacent to a river or shoreline, its boundaries shall be determined consistent with the provisions for Shoreline and Harborfront Districts contained in subsection D above.

(c) **Article IV Use Regulations – Section 200-11, Classification of uses., Subsection A (1) (f) Residence uses.**, which presently reads: Multifamily dwelling: a dwelling for more than two families under one roof”, to read as follows: Multifamily dwelling: a dwelling for more than two families under one roof. In a Multifamily Residence District there may be more than one multifamily dwelling on one lot.”

(d) **Article IV Use Regulations – Section 200-15, Subsection B(5)** which presently reads: “Not more than one principal dwelling or other principal building shall be constructed or placed on a lot.” to read as follows: “Not more than one principal dwelling or other principal building shall be constructed or placed on a lot except in a Multifamily Residence District.”

(e) **Article V Dimensional Regulations – Section 200-16. Additional dimensional provisions, Subsection D Maximum front yard setback.** which now reads: “In all districts the maximum setback, measured through the lot, shall not exceed twice the lot frontage.” to read as follows: “In all districts except a Multifamily Residence District the maximum setback, measured through the lot, shall not exceed twice the lot frontage.”

(f) **Article V Dimensional Regulations – Section 200-16. Additional dimensional provisions, Subsection E Minimum Lot width.** which presently reads “The width of a lot shall not at any point be less than 75% of the required lot frontage (for corner lots only the frontage opposite the rear lot line) without having first obtained a special permit for use and dimension from the Board of Appeals. (See the definition of “lot width” in §200-7).” to read as follows: “Except in a Multifamily Residence District, the width of a lot shall not at any point be less than 75% of the required lot frontage (for corner lots only the frontage opposite the rear lot line) without having first obtained a special permit for use and dimension from the Board of Appeals. (See the definition of “lot width” in §200-7).

(g) **Article V Dimensional Regulations – Section 200-16. Additional dimensional provisions, Subsection G Maximum building height.** which now reads: “In all zone districts the maximum height of any building shall be 35 feet excepting the five Shoreline Districts and the

Harborfront District where the maximum height for all buildings shall be 30 feet” to read as follows: “In all zone districts the maximum height of any building shall be 35 feet excepting the five Shoreline Districts and the Harborfront District where the maximum height for all buildings shall be 30 feet. In addition, in a Multifamily Residence District the maximum height of new construction multifamily dwellings shall be 48 feet measured from the highest point of the finished grade adjoining the building to (i) the highest point of any flat roof or parapet, or (ii) the midpoint of the slope between the highest ridge and the main plate of any sloped roof, which may not be altered by the Board of Appeals by special permit. Height limitation shall not apply to chimneys.”

(h) **Article IX Special Permits – Section 200-37 Special Permit for site plan review., Subsection A Applicability.**, to add the following paragraph:

“(6) Notwithstanding the above, a special permit for site plan review shall not be required for multifamily dwellings in a Multifamily Residence District.”

(i) **Table 1 Land Use Regulations**, to revise the classifications of Land Use Regulations as shown on Table 1 by adding a column between that for the G-R & SG-R districts and that for the B districts for the M-R districts as follows: except for Multifamily dwelling all classification shall be the same as those of the SS-R districts, and the classification for Multifamily dwelling shall be “Yes”.

(j) **Table 2 Dimensional Regulations**, to revise the dimensional regulations as shown on Table 2 by adding two rows for the Multifamily Residence district, one for One-family dwellings which shall be the same as that for One-family dwellings in a Shoreline Single Residence district, and one for Multifamily dwellings which with footnotes shall provide as follows:

Lot Area Max.	(7)
Min. Frontage	100
Min. Front	0
Min. Side	0
Min. Rear	0
Min. Open	(8)
Max Ht.	(9)

(7) 100,000 square feet or 4,000 square feet per unit, whichever is greater, which cannot be altered by the Board of Appeals by special permit.

(8) One square foot of total lot area for each square foot of gross floor area, excluding from gross floor area below grade parking areas and maneuvering areas.

(9) 48 feet measured from the highest point of the finished grade adjoining the building to (i) the highest point of any flat roof or parapet, or (ii) the midpoint of the slope between the highest ridge and the main plate of any sloped roof, which may not be altered by the Board of Appeals by special permit. Height limitation shall not apply to chimneys.

(k) **Zoning Map**, to revise the Zoning Map by changing the zoning district of the following area from Shoreline Single Residence to Multifamily Residence:

The 300-foot wide strip of land that has the Marblehead/Salem boundary line along the Forest River as its northwesterly boundary and that begins at the Leggs Hill Road Marblehead/Salem boundary line and continues in a northeasterly direction to the mouth of the Forest River at Salem Harbor; thence this 300-foot wide strip, now with the shoreline of Salem Harbor as its northwesterly boundary, continues in a northeasterly direction for approximately 800-feet, as measured along the shoreline of Salem Harbor to include a 300-foot wide strip of the property of the Town of Marblehead shown on the Town of Marblehead Assessors Maps as Map 59, Parcel 10 and Map 55, Parcel 2.

Sponsored by William Woodfin, III and others

Article 13 Collective Bargaining (Fire)

To see if the Town will vote to amend Chapter 43 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain job titles where indicated and reclassify certain positions in the Firefighters' Pay Schedule; to waive Section 8 of said By-law, as last amended, by striking out the pay schedule as it relates to Firefighter personnel, substitute in place thereof the following 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 14 Collective Bargaining (IUE/CWA -Local 1776)

To see if the Town will vote to amend Chapter 43 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Local 1776 Pay Schedule, to waive Section 8 of said By-law, as last amended, by striking out the pay schedule as it relates to Local 1776 personnel, substitute in place thereof the following 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 15 Collective Bargaining (Police)

To see if the Town will vote to amend Chapter 43 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Police Pay Schedule; to waive Section 8 of said By-law, as last amended, by striking out the pay schedule as it relates to Police personnel, substitute in place thereof the following 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 16 Proposed Reclassification and Pay Schedule (Administrative)

To see if the Town will vote to amend Chapter 43 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to waive Section 8 of said By-law, as last amended, by striking out the pay schedule as it relates to Administrative personnel, substitute in place thereof the following new pay schedules 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 Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

To see if the Town will vote to amend Chapter 43 of the By-laws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; to waive Section 8 of said By-law as amended, by striking out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the following 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 Pay Schedule and Reclassification (Traffic Supervisors)

To see if the Town will vote to amend Chapter 43 of the By-laws, 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 following 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 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 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, and to take any other action relative thereto. Sponsored by the Conservation Commission.

Article 21 Sidewalks

Moved that the following be added as town by-law 162.9A:

The removal of the snow from sidewalks is a public safety necessity. This ordinance requires property owners to remove snow from their bordering sidewalks, including curb cuts, within six hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. If the property owner neglects to do so, he/she shall be fined \$25.00 for each offense. Property owners may apply for an exemption based on disability. Snow removal from sidewalks will help school children, the elderly, and the general public from having to walk in the street or from injury on snow-filled sidewalks.

Sponsored by the Marblehead Disabilities Commission.

Article 22 Proposed By-law Change Chapter 162 – Sidewalks

To see if the Town will vote to amend Chapter 162 Section 3 of the Bylaws by adding to the last sentence of said Section 3 the following new language, “except notwithstanding any provision to the contrary, the Selectmen are hereby authorized to issue permits under provisions of Chapter 162 for use of any portion of a town sidewalk for business use subject to any conditions as the Selectmen may impose, or take any other action relative thereto. Sponsored by Priscilla Schwarzenbach and others.

Article 23 Petition General Court

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows: The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition

“ Chapter of the Acts of 2006

An Act Deferring the Acceptance In the Town of Marblehead of Chapter 40N of the Massachusetts General Laws Until Acceptance by a Majority Vote of a Town Meeting.

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the acceptance of Chapter 40N of the Massachusetts General Laws, in whole or in part, shall be effective in the Town of Marblehead only upon acceptance by a majority vote of a Marblehead Town Meeting.

Section 2. This act shall take effect upon its passage.

Or take any other action relative thereto. Sponsored by the Finance Committee.

Article 24 Anti-Secession

The following shall be added to Section 24-5 of the Town By-laws:

D. Whenever a so-called “local option” statute is to take effect upon its acceptance by the Town, such acceptance shall (unless otherwise specifically provided by G.L. c.4 §4, or said “local option” statute) be by vote of Town Meeting. **Provided however**, that whenever a so-called “local option” statute is to take effect upon its acceptance by any Board or Commission of the Town, such acceptance shall not take effect (unless otherwise specifically provided by G.L. c.4 §4, or said “local option” statute) until after it has been ratified by a vote of Town Meeting. **Provided further**, that if the acceptance of any so-called “local option” statute pertains directly or indirectly

to the appropriation or expenditure of money, the creation of a debt, or the disposition of Town property, any vote of Town Meeting shall be preceded by an investigation and report by the Finance Committee as provided by paragraph A of this section. Sponsored by the Finance Committee.

Article 25 Storm Drainage Construction

To see if the Town will vote to raise and appropriate a sum of money for the construction or reconstruction of sewers for surface drainage purposes; to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Water and Sewer Commissioners.

Article 26 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 27 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 28 Sewer Department Construction

To see if the Town will vote to raise and 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; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 29 South Essex Sewerage District Override

To see if the Town will vote to raise and appropriate a sum of money for its share of the Fiscal Year 2007 budget of the South Essex Sewerage District, which budget is in excess of the limitations imposed by G.L.59, section 20B, and which therefore, requires approval of the Town, which sum is to be recovered by sewer use charges billed to individual users of the Town sewage system, or and take any other action relative there to. Sponsored by the Marblehead Water and Sewer Commission.

Article 30 Disability Retirement Benefits For Veterans

To see if the Town will vote to accept the provisions of Section 1 of Chapter 157 of the Acts of 2005, an act which provides any member of the Marblehead Contributory Retirement System, who retires due to an accidental disability under Chapter 32 Section 7, an additional yearly allowance of \$15 for each year of creditable service or a fraction thereof, and the total amount of this additional yearly retirement allowance will not exceed \$300. This Section was accepted by the Marblehead Retirement Board, or take any other action relative thereto. Sponsored by the Marblehead Retirement Board.

Article 31 Public Health Mutual Aid

To see if the Town will, in accordance with G.L.c.40, Section 4A, authorize the Board of Health and the Health Director to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any action relative thereto. Sponsored by the Board of Health.

Article 32 Disposal Area Remediation, Closure and Post Closure Use

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Health for continued expenses related to assessment, engineering, design, remediation, closure, and post closure use of the old ash landfill and transfer station located in and adjacent to property owned by the Town at 5 Woodfin Terrace; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any action relative thereto. Sponsored by the Board of Health.

Article: 33 School Department Computer & Support Equipment

To see if the Town will vote to appropriate a sum of money for the purpose of purchasing computers and support software and equipment and necessary accessory furnishings and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

Sponsored by the School Committee.

Article 34 Schools Renovation Program

To see if the Town will vote to appropriate a sum of money for the purpose of remodeling, constructing, or making extraordinary repairs, including all professional architectural and engineering fees, to the Gerry, Coffin, Bell, Eveleth, Village, Veterans Middle School, High School and any other schools and their respective playing fields and to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto. Sponsored by the School Committee.

Article 35 Layout and Acceptance of Clipper Way

To see if the Town will vote to accept and allow the layout of Clipper Way as a Town Way as made by the Selectmen and authorize the Selectmen to take by eminent domain or otherwise the lands included in said layout and raise and appropriate a sum of money for the payment of land damages and for the construction of said way, and to take any other action relative thereto. Sponsored by Richard Rockett and others.

Article 36 Facilities Permit

To see if Town Meeting will vote to require that any further price increases, rule changes, or regulation changes pertaining to the "so called" joint town Facilities Permit (e.g. first or additional vehicle fee for such permit), be subject to Town Meeting approval prior to such price increases, rule changes, or regulation changes pertaining to the Facilities Permit, or take any other action relative thereto. Sponsored by Jonathan S. Lederman and others.

Article 37 Land Acquisition

To see if the Town will vote to purchase or otherwise acquire a certain parcel of land owned by Mario and Camille Angenica and located on Longview Drive West (Assessor Map 21 Lot 19) for the purpose of open space; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by Jeffrey F. Stracka and others.

Article 38 Amend Dog By-Laws

Exemptions to leash regulations in certain public areas

1. Section 13-5 of Article III is hereby amended in line 2, after the word “Marblehead”, by striking the words “at any time” and inserting in place thereof the words “at any time other than those established in subsection 13-5A.

2. Said Section 13-5 of Article III is hereby amended by adding, after the figure “\$50”, the following new subsection:

13-5A:

A. From 15 May through 1 October, any person who owns, harbors, holds custody or control of a dog licensed in the town of Marblehead shall be permitted to allow said dog to play off-leash in certain public parks and beaches prior to 9:00 am and after 6:00 pm. During said hours, any person who owns, harbors, holds custody or control of a dog who allows his or her dog off-leash must be present and have full voice control over said dog or be subject to penalty by the Marblehead police and/or animal control officer.

B. From 2 October through 14 May, any person who owns, harbors, holds custody or control of a dog licensed in the town of Marblehead shall be permitted to release said dog from its leash in certain public parks and beaches prior to 9:00 am and after 4:00 pm. During said hours, any person who owns, harbors, holds custody or control of a dog who allows his or her dog off-leash must be present and have full voice control over said dog or be subject to penalty by the Marblehead police and/or animal control officer.

C. Said public parks and beaches shall be identified as Crocker Park, Chandler Hovey Park, Stramski’s, Fort Sewall, Wyman Woods, Upper Seaside Park, the railroad right of way and all public beaches except those outlined in Section C.

D. Said public parks and beaches shall not include public cemeteries, athletic fields, playgrounds and Devereux Beach.

E. The town shall post signs at said public parks and beaches alerting the general public of times during which dogs will be allowed off-leash.

F. Any person who wishes to license his or her dog in the Town of Marblehead as required by Section 13-10 of said Article III, must be given full information about this section, and must sign a public statement assuming full responsibility for his or her dog prior to the issuance of said license.

G. There is hereby established a “Marblehead Dog Revolving Fund” under the provisions of chapter 44 section 53 E ½ , to be administered by the Department of Parks and Recreation. Said Fund shall consist of the aggregate of a five-dollar surcharge to be assessed upon licensure of a dog in the Town of Marblehead. Said fund shall be created for the purposes of purchasing dog waste bags and receptacles at said public parks and beaches.

3. Section 13-9 of said Article III is hereby amended by striking the figure “\$50” and inserting in place thereof the figure “\$100”.

4. Section 13-11 of said Article III is hereby amended in line 1 by striking the word “No” and inserting in place thereof the following: “Notwithstanding the provisions set forth in Section 13-5A, no”.

Sponsored by Roxcy Platte and others.

Article 39 Amend Dog By-Laws

To See if the Town will amend Town By Law **13-11. Seasonal prohibition of dogs from certain areas [Added 5-4-1992 ATM by Art. 51]** No person owning, harboring or having custody or control of a dog shall permit such dog to be on any public cemetery of the Town at any time throughout the year, nor shall such person permit such dog to be on any public beach, athletic area, playground or park of the Town between May 1 and October 1 of each year, provided, however, that this prohibition shall not apply to Chandler Hovey Park, Crocker Park, Fort Sewall, Fountain

Park, and Upper Seaside Park. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:

- A. First offense in calendar year: \$25.00
- B. Second offense in calendar year: \$40.00
- C. Third or subsequent offense within calendar year: \$50.00

And insert in place of

13-11. Seasonal prohibition of dogs from certain areas [Added 5-4-1992 ATM by Art. 51] No person owning, harboring or having custody or control of a dog shall permit such dog to be on any public cemetery of the Town at any time throughout the year, nor shall such person permit such dog to be on any public beach, athletic area, playground or park of the Town between May 1 and October 1 of each year, provided, however, that this prohibition shall not apply to Chandler Hovey Park, Crocker Park, Fort Sewall, Fountain Park, Upper Seaside Park, and Riverhead Beach. Whoever violates the provisions of this section shall pay a fine in accordance with the following schedule:

- A. First offense in calendar: \$25.00
- B. Second or subsequent offense within calendar year: \$50.00

Sponsored by the Town Clerk.

Article 40 Amend Dog-By-Laws

To See if the Town of Marblehead will vote to amend the Town By Law 13-10. **Licensing and registration of dogs. [Added 5-1-1989 ATM by Art. 52]** License and registration required. All dogs kept, harbored, or maintained by their owner or keepers in the Town of Marblehead shall be licensed and registered if over three months of age. Dog licenses shall be issued by the Town Clerk upon the payment of a license fee of \$15 for each male, male neutered, female, female spayed. The owner or keeper shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog owned or kept by the applicant. **[Amended 5-7-1990 ATM by Art. 18; 5-7-2001 ATM by Art. 32; 5-3-2004 ATM by Art. 54]**

B.

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

C.

Licensing period. The licensing period shall be from April 1 to March 31 of each calendar year.

D.

Penalty. Whosoever violates any of the provisions of this By-Law shall be punished by a fine of \$25 for each offense. Each 10 days that such violation is permitted shall constitute a separate offense.

E.

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

And insert in place thereof the following:

13-10. Licensing and registration of dogs. [Added 5-1-1989 ATM by Art. 52]

A.

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

male, male neutered, female, female spayed. The owner or keeper shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog owned or kept by the applicant. [Amended 5-7-1990 ATM by Art. 18; 5-7-2001 ATM by Art. 32; 5-3-2004 ATM by Art. 54]

B.

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

C.

Licensing period. The licensing period shall be from April 1 to March 31 of each calendar year.

D.

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

E.

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

Sponsored by the Town Clerk.

Article 41 Tax Relief

To see if the Town will grant tax relief to senior citizen with no children in the school system, by removing that portion of the real estate tax that is used by the School Department. Sponsored by William Hawkes, Jr. and others.

Article 42 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 43 Fiscal 2006 School Budget Additional Appropriation

To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund additional expenses of the fiscal 2006 school budget, said sum to be added to Article 47, Item 101, Schools, as voted at Town Meeting in May 2005, or take any action relative thereto. Sponsored by School Committee.

Article 44 Fiscal 2006 Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, to defray the necessary and usual expenses of the several departments of the Town for the fiscal year beginning July 1, 2005, to be added to Article 47 of the May 2005 Annual Town Meeting, or take any other action relative thereto, as sponsored by the Finance Department.

Article 45 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 buildings and the purchase of necessary equipment including computer hardware and software in connection therewith; 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 46 Ratification of Salary By-law

To see if the Town will vote to ratify certain actions taken by the Compensation Committee under the 1955 Salary By-law, Section 3(e) as last amended and amend the classification of positions as follows:

Reclassify positions in the Administrative Pay Schedule:

- a. Public Health Nurse from Group 53 to Group 54.
- b. Director of Public Health from Group 55 to Group 56.

Or take any other action relative thereto, as sponsored by the Compensation Committee.

Article 47 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, as Sponsored by the Board of Selectmen.

Article 48 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 any surplus, in the Water, Sewer, Harbor and Waters and Electric Light Departments for the use of the Assessors in making the tax rate or take any other action relative thereto. Sponsored by the Finance Department.

Article 49 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, 2006, or take any other action relative thereto, as sponsored by the Finance Department.

Article 50 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, 2006, or take any other action relative thereto, as sponsored by the Finance Department.

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 –
OLD TOWN HOUSE

In Precinct 2 - Polling Place –
STAR OF THE SEA COMMUNITY CENTER

In Precinct 3 - Polling Place –
STAR OF THE SEA COMMUNITY CENTER

In Precinct 4 - Polling Place –
STAR OF THE SEA COMMUNITY CENTER

In Precinct 5 - Polling Place –
MARBLEHEAD COMMUNITY CENTER

In Precinct 6 - Polling Place –
MARBLEHEAD COMMUNITY CENTER

In Precinct 7 - Polling Place –
MARBLEHEAD COMMUNITY CENTER

on Monday, the eighth day of May next A.D. 2006 (it being the second 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:

Selectmen, 5 for a term of 1 year

Assessor, 1 for a term of 3 years

Cemetery Commission, 1 for a term of 3 years

Planning Board, 2 for a term of 3 years, 1 for a 1 year un-expired term

Board of Health, 1 for a term of 3 years

Abbot Public Library Trustees, 2 for a term of 3 years

Housing Authority, 1 for a term of 5 years

Marblehead Municipal Light Commissioner, 2 for a term of 3 years

Moderator, 1 for a term of 1 year

Recreation & Park Commissioner, 5 for a term of 1 year

School Committee, 1 for a term of 3 years

Water & Sewer Commission, 1 for a term of 1 year

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 By-laws 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 ____ **day of February 2006.**

JUDITH R. JACOBI, Chairman

JACKIE BELF-BECKER

HARRY C. CHRISTENSEN, JR.

JAMES E. NYE

JEFFREY N. SHRIBMAN

Selectmen of Marblehead

A True Copy

Attest: _____, Constable