

**Town of Marblehead
Annual Town Meeting
Monday May 2, 2011
&
Tuesday, May 3, 2011**

With A quorum met the Moderator called the 2011 Annual Town Meeting to order at 7:47 pm

Recognized Charlie Delfaro, Harbormaster and Wayne Attridge Board of Health Director for their service to the Town of Marblehead as they are retiring before next year's Town Meeting.

Recognized Paul Dulac Superintendent and Libby Moore Principal Veterans Middle School on their retirement

Recognize Bill Woodfin, Selectman and Patricia Blackmer, School Committee as they are not seeking re-election

ARTICLE 1 Articles in Numerical Order

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

ARTICLE 2 Reports of Town Officers and Committees

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

ARTICLE 3 Assume Liability

Voted: That the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws as most recently amended by Chapter 5, Acts of 1995, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts for the improvement, development, maintenance and protection of tidal and 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 therefore to the Commonwealth.

ARTICLE 4 Accept Trust Property

Voted: That this Article be indefinitely postponed

ARTICLE 5 Lease Town Property

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

ARTICLE 6 Unpaid Accounts

Voted: to appropriate \$280. 00 for the payment of any unpaid accounts brought forward from previous years.

ARTICLE 7 Proposed Acceptance of Section 18 of MGL Chapter 32B

Voted: To accept the provisions of Section 18 of Chapter 32B of the Massachusetts General laws.

ARTICLE 8 Walls and Fences

Voted: That this Article be indefinitely postponed

ARTICLE 9 Revolving Funds

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

1. Historical Commission Gift Shop Revolving Fund in the amount of \$13,000 in fiscal 2012 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 2012 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 2012 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 2012 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 2012 for the use of the Police Chief to be taken from revenues in connection with tuition, fees, reimbursements, miscellaneous sales, gifts and donations of the RAD program; said appropriation to be used for the expense of said program including salaries and expenses including equipment.

6. School Tuition Revolving Fund in the amount of \$40,000 in fiscal 2012 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 2012 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 2012 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 2012 for the use of the Sewer and Water Commission; to be taken from revenues in connection with receipts collected from money received as a result of permitting fees; said fund to be expended for the aid in removal of sump pumps currently tied into the sewer system.

10. Special Education Revolving Fund in the amount of \$450,000 in fiscal 2012 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 2012 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 10 Purchase of Equipment of Several Departments

Voted: That the sum of \$624,615.00 be appropriated, and to meet this appropriation; \$110,000.00 to be transferred from Sewer Retained Earnings, \$135,000.00 is to be transferred from Water Retained Earnings and \$379,615.00 is to be raised by taxation. To include the following:

Police Department

2 Police Vehicles

Tree Department

1 Brush Chipper

Building Department

Repair Bucket Truck

School Department

1 School Bus

Sewer Department (2)

1 Dump Truck

Highway Department

1 Paint Machine

1 Dump Truck w/Sander

Replace Fuel Pumps

Park Department

1 Utility vehicle

Water Department (1)

1 Dump Truck

1 Utility Vehicle

1. From Sewer Retained Earnings
2. From Water Retained Earnings

ARTICLE 11 Capital Improvements for Public Buildings

Voted: That the sum of \$182,300.00 be appropriated. \$160,000.00 to be raised by taxation and \$22,300.00 to be taken from the sale of lots fund.

Abbot Hall

Clock Tower Survey

Park Department

Tennis Courts

Old Town House

Reconstruction of Ramp

Abbot Library

Drainage & Foundation Improvements

Fire Department

New Turnout Gear

New Roof Headquarters

Composite Cylinders SCBA

Wire Inspector

Fire Alarm Circuit Upgrade

Cemetery Department

Grave Lot Expansion

Fencing

ARTICLE 12 Proposed Reclassification and Pay Schedule (Administrative)

Voted: To amend the Classification and Wage Salary Plan by changing certain job titles where indicated and reclassifying certain positions in the Administrative Schedule: to waive Section 8 of the 1955 Salary By-Law as last amended by striking out the pay schedule as it relates to administrative personnel, substitute in place thereof the following new pay schedule as it relates to said personnel:

ADMINISTRATIVE SALARY SCHEDULE						
Effective July 1, 2011 - 2%						
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5
59	Town Administrator	1697.57	1838.13	1978.68	2119.19	2259.74
58		1528.13	1654.82	1781.50	1908.19	2034.88
57	Dir Finance/Town Accountant Police Chief Fire Chief Supt Water/Sewer	1376.11	1490.15	1604.13	1718.18	1832.19
56	Assistant Assessor Director Public Health Director Library	1236.78	1339.69	1442.64	1545.56	1648.51
55	Harbormaster Supt Recreation/Park	1113.25	1205.88	1298.54	1391.17	1483.82

	Building Commissioner Director Public Works Assistant Supt Water/Sewer Engineering & Conservation Adm Assistant Director Accounting Director Council on Aging Town Planner					
54	Assistant Director Revenue Assistant Director Library Asst Director/Public Works Public Health Nurse Plumbing Inspector Wire Inspector	1002.39	1085.12	1167.90	1250.64	1333.38
53	Superintendent Cemetery Local Inspector Building Recreation Supervisor Assistant Wire Inspector Office Manager Sewer/Water Payroll Administrator Asst Director/Tree Warden	902.61	977.05	1051.48	1125.93	1200.34
52	Assistant Revenue Officer Health Inspector Veterans Agent/Sealer Assistant Harbormaster Accounting & Website Assistant Administrative Aid Selectmen	847.19	905.80	964.37	1022.99	1081.55
51	Dog Officer Accounting Assistant	804.43	856.70	908.96	961.23	1013.49
50	Administrative Clerk	723.69	772.80	821.86	870.96	920.08
49		652.43	696.36	740.31	784.24	828.23

ARTICLE 13 Pay Schedule and Reclassification (Traffic Supervisors)

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 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.

ARTICLE 14 Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

Voted: To amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; strike out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the 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.

ARTICLE 15 Compensation - Town Officers

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

Town Clerk	\$69,602.44
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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 16 Water Department Construction

Voted: To appropriate a sum of \$440,928.00 to be expended by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary to take any other action relative thereto.

ARTICLE 17 Sewer Department Construction

Voted: To appropriate a sum \$450,585.00 to expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for sewerage disposal, pump stations, original pumping equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants, surveys, including revenue studies and other general Sewer Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary to take any other action relative thereto.

ARTICLE 18 Storm Drainage Construction

Voted: To appropriate a sum of \$324,000.00 or the construction or reconstruction of sewers for surface drainage purposes, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore, to be expended by the Water and Sewer Commission.

ARTICLE 19 Water and Sewer Commission Claims

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

ARTICLE 20 Surface Drainage Construction

Voted: To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of storm sewers for surface drainage purposes, including engineering services in connection therewith, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, and land or easements necessary therefore; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto

ARTICLE 21 Financial Assistance for Conservation

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

ARTICLE 22 North Shore Regional Vocational School District

Voted: That this Article be indefinitely postponed

ARTICLE 23 Essex North Shore Agricultural and Technical School District

Voted: That this Article be indefinitely postponed

ARTICLE 24 Available Funds appropriate to Reduce Tax Rate

Voted: That the sum of \$4,925,434.00 be appropriated for the use of the assessors in making the Tax Rate.

From Free Cash	\$4,595,434.00
From Electric Surplus	<u>330,000.00</u>
	\$4,925,434.00

ARTICLE 25 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 25 Expenses of Several Departments

Items 2 3 4 5 6 Selectmen

Voted: That the sum of \$453,834.00 be and hereby is appropriated for the Selectmen as follows:

Item 2 Officials Expense	\$ 5,500.00
Item 3 Salaries & Wages	341,171.00
Item 4 Expense	98,163.00
Item 5 Zoning Board Legal Services	7,000.00
Item 6 Out of State Travel	<u>2,000.00</u>
	\$453,834.00

ARTICLE 25 Expenses of Several Departments

Items 7 8 9 Finance Committee

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

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

ARTICLE 25 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 25 Expenses of Several Departments

Items 12 13 Finance Department

Voted: That the sum of \$887,436.00 be and hereby is appropriated for the Finance Department as follows:

Item 12	Salaries & Wages	\$ 640,231.00
Item 13	Expense	<u>246,205.00</u>
		\$ 887,436.00

ARTICLE 25 Expenses of Several Departments

Items 17 18 19 20 Assessor

Voted: That the sum of \$212,651.00 be and hereby is appropriated for the Assessor as follows:

Item 17	Officials Expense	\$ 300.00
Item 18	Salaries & Wages	178,166.00
Item 19	Expense	33,785.00
Item 20	Local Travel	<u>400.00</u>
		\$212, 651.00

ARTICLE 25 Expenses of Several Departments

Items 29 30 Town Counsel

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

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

ARTICLE 25 Expenses of Several Departments

Item 35 Parking Clerk

Voted: That the sum of \$10,484.00 be and hereby is appropriated for the Parking Clerk Department as follows:

Item 35	Expense	\$ 10,484.00
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ARTICLE 25 Expenses of Several Departments

Items 39 40 Town Clerk

Voted: That the sum of \$164,556.00 be and hereby is appropriated for the Town Clerk as follows:

Item 39	Salaries & Wages	\$155,519.00
Item 40	Expense	<u>9,037.00</u>
		\$164,556.00

ARTICLE 25 Expenses of Several Departments

Items 43 44 Election and Registration

Voted: That the sum of \$39,865.00 be and hereby is appropriated for the Election and Registration as follows:

Item 43	Salaries & Wages	\$ 18,000.00
Item 44	Expense	<u>21,865.00</u>
		\$ 39,865.00

ARTICLE 25 Expenses of Several Departments

Item 50 Planning Board

Voted: That the sum of \$1,675.00 be and hereby is appropriated for the Planning Board as follows:

Item 50	Expense	\$1,675.00
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ARTICLE 25 Expenses of Several Departments

Items 55 56 57 Public Buildings

Voted: That the sum of \$190,016.00 be and hereby is appropriated for the Public Buildings as follows:

Item 55	Salaries & Wages	\$ 88,516.00
Item 56	Expense	101,100.00
Item 57	Local Travel	<u>400.00</u>
		\$190,016.00

ARTICLE 25 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 25 Expenses of Several Departments

Item 60 Town Audit

Voted: That the sum of \$40,000.00 be and hereby is appropriated for the Town Audit to be expended by the Board of Selectmen.

ARTICLE 25 Expenses of Several Departments

Items 62 63 64 Police Department

Voted: That the sum of \$3,244,978.00 be and hereby is appropriated for the Police Department as follows:

Item 62	Salaries & Wages	\$3,047,579.00
Item 63	Expense	187,399.00
Item 64	Indemnification of Officers	<u>10,000.00</u>
		\$3,244,978.00

ARTICLE 25 Expenses of Several Departments

Items 68 69 Fire Department

Voted: That the sum of \$2,999,472.00 be and hereby is appropriated for the Fire Department as follows:

Item 68	Salaries & Wages	\$ 2,856,544.00
Item 69	Expense	<u>143,308.00</u>
		\$2,999,472.00

ARTICLE 25 Expenses of Several Departments

Items 73 74 75 Building Inspection

Voted: That the sum of \$456,257.00 be and hereby is appropriated for Building Inspection as follows:

Item 73	Salaries & Wages	\$443,502.00
Item 74	Expense	9,755.00
Item 75	Local Travel	<u>3,000.00</u>
		\$456,257.00

ARTICLE 25 Expenses of Several Departments

Item 80 Sealer of Weights and Measures

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

Item 80 Expense \$250.00

ARTICLE 25 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

ARTICLE 25 Expenses of Several Departments

Item 101 School Department

Voted: That the sum of \$28,838,012.00 be and hereby is appropriated for the School Department.

ARTICLE 25 Expenses of Several Departments

Items 105 106 107 Engineer

Voted: That the sum of \$119,724.00 be and hereby is appropriated for the Engineer as follows:

Item 105 Salaries & Wages \$108,829.00

Item 106 Expense 10,395.00

Item 107 Local Travel 500.00

\$119,724.00

To meet this appropriation, \$6,000.00 is to be transferred from Wetland Filing Fees and \$113,724.00 to be taken from Taxation.

ARTICLE 25 Expenses of Several Departments

Items 112 113 Highway

Voted: That the sum of \$821,368.00 be and hereby is appropriated for the Highway as follows:

Item 112 Salaries & Wages \$734,284.00

Item 113 Expense 87,084.00

\$821,368.00

ARTICLE 25 Expenses of Several Departments

Item 116 Maintain Streets & Sidewalks

Voted: That the sum of \$33,750.00 be and hereby is appropriated to maintain streets and sidewalks and said work to be done under the direction of the Director of Public Works and said sum of money to be expended by the Director of Public Works.

ARTICLE 25 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 25 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 25 Expenses of Several Departments

Items 126 127 128 Waste Collection

Voted: That the sum of \$1,958,521.00 be and hereby is appropriated for the Waste Collection as follows:

Item 126 Salaries & Wages \$ 288,354.00

Item 127 Expense 1,668,655.00

Item 128 Local Travel 1,512.00

\$ 1,958,521.00

ARTICLE 25 Expenses of Several Departments

Items 132 133 Drains

Voted: That the sum of \$105,800.00 be and hereby is appropriated for the Drains as follows:

Item 132 Salaries & Wages	\$ 100,650.00
Item 133 Expense	<u>5,150.00</u>
	\$ 105,800.00

ARTICLE 25 Expenses of Several Departments

Items 141 142 143 Cemetery

Voted: That the sum of \$327,921.00 be and hereby is appropriated for the Cemetery as follows:

Item 141 Officials Expense	\$ 300.00
Item 142 Salaries & Wages	305,775.00
Item 143 Expenses	<u>21,846.00</u>
	\$327,921.00

To meet this appropriation, \$277,921.00 is to be raised by taxation, and \$50,000.00 to be transferred from Cemetery Perpetual Care.

ARTICLE 25 Expenses of Several Departments

Items 148 149 Tree

Voted: That the sum of \$289,494.00 be and hereby is appropriated for the Tree Department as follows:

Item 148 Salaries & Wages	\$237,916.00
Item 149 Expense	<u>51,578.00</u>
	\$289,494.00

ARTICLE 25 Expenses of Several Departments

Items 153 154 155 157 158 Health Department

Voted: That the sum of \$154,494.00 be and hereby is appropriated for the Health Department as follows:

Item 153 Officials Expense	\$ 400.00
Item 154 Salaries & Wages	134,939.00
Item 155 Expense	13,055.00
Item 157 Local Travel	2,100.00
Item 158 HAWC	<u>4,000.00</u>
	\$154,494.00

ARTICLE 25 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 25 Expenses of Several Departments

Items 164 165 Council on Aging

Voted: That the sum of \$197,277.00 be and hereby is appropriated for the Council on Aging as follows:

Item 164 Salaries & Wages	\$193,818.00
Item 165 Expense	<u>3,459.00</u>
	\$197,277.00

ARTICLE 25 Expenses of Several Departments

Items 175 176 177 178 Veterans Benefits

Voted: That the sum of \$78,700.00 be and hereby is appropriated for the Veterans Benefits as follows:

Item 175 Salaries & Wages	\$ 57,357.00
Item 176 Expense	1,243.00
Item 177 Local Travel	1,100.00
Item 178 Benefits	<u>19,000.00</u>
	\$ 78,700.00

ARTICLE 25 Expenses of Several Departments

Items 185 186 187 Library

Voted: That the sum of \$991,798.00 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185 Salaries & Wages	\$746,403.00
Item 186 Expense	245,295.00
Item 187 Local Travel	<u>100.00</u>
	\$991,798.00

ARTICLE 25 Expenses of Several Departments

Items 190 191 192 Park Department

Voted: That the sum of \$777,561.00 be and hereby is appropriated for the Park and Recreation as follows:

Item 190 Salaries & Wages	\$559,878.00
Item 191 Expense	171,590.00
Item 192 Facility Expense	<u>46,093.00</u>
	\$777,561.00

ARTICLE 25 Expenses of Several Departments

Item 210 Memorial & Veterans Day

Voted: That the sum of \$1,950.00 be and hereby is appropriated for Memorial and Veterans Day, said sum of money to be expended by the Board of Selectmen.

ARTICLE 25 Expenses of Several Departments

Items 214 215 Maturing Bonds and Interest

Voted: That the sum of \$4,314,596.25 be and hereby is appropriated for the Maturing Bonds and Interest as follows:

Item 214 Maturing Debt	\$ 2,525,000.00
Item 215 Interest	<u>1,789,596.25</u>
	\$4,314,596.25

To meet this appropriation \$238,956.00 is to be transferred from Bond Premium reserved for appropriation and \$4,075,640.25 is to be raised by taxation.

ARTICLE 25 Expenses of Several Departments

Item 217 Contributory Retirement

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

ARTICLE 25 Expenses of Several Departments

Item 218 Medicare

Voted: That the sum of \$480,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

ARTICLE 25 Expenses of Several Departments

Item 219 Workmen's Compensation

Voted: That the sum of \$285,000.00 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 25 Expenses of Several Departments

Item 221 Group Insurance

Voted: That the sum of \$11,454,905.00 be and hereby is appropriated for Group Insurance to be expended by the Finance Director.

ARTICLE 25 Expenses of Several Departments

Item 222 Other Insurance

Voted: That the sum of \$475,888.00 be and hereby is appropriated for Other Insurance, to be expended by the Board of Selectmen.

ARTICLE 25 Expenses of Several Departments

Item 223 Salary Reserve

Voted: That the sum of \$195,242.00 be and hereby is appropriated for Salary Reserve, to be expended by the Board of Selectmen.

ARTICLE 25 Expenses of Several Departments

Item 224 Non-Contributory Retirement

Voted: That the sum of \$116,324.00 be and hereby is appropriated for Non-Contributory Retirement, to be expended by the Finance Director/Town Accountant.

ARTICLE 25 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 25 Expenses of Several Departments

Items 227 228 230 Sewer Department

Voted: That the sum of \$3,318,037.00 be and hereby is appropriated for the Sewer Department as follows:

Item 227 Salaries & Wages	\$ 597,054.00
Item 228 Expense	555,651.00
Item 230 South Essex Sewer District	<u>2,165,332.00</u>
	\$ 3,318,037.00

To meet this appropriation, \$3,318,037.00 is to be transferred from sewer receipts.

ARTICLE 25 Expenses of Several Departments

Items 231 232 235 Water Department

Voted: That the sum of \$2,939,632.00 be and hereby is appropriated for the Water Department as follows:

Item 231 Salaries & Wages	\$ 585,669.00
Item 232 Expense	537,807.00
Item 235 Metropolitan Water	<u>1,816,156.00</u>
	\$2,939,632.00

To meet this appropriation, \$2,939,632.00 is to be transferred from water receipts.

ARTICLE 25 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 25 Expenses of Several Departments

Items 238 239 241 Harbor Department

Voted: That the sum of \$901,183.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238 Salaries & Wages	\$342,776.00
Item 239 Expense	308,407.00
Item 241 Outlays	<u>250,000.00</u>
	\$901,183.00

To meet this appropriation, \$651,183.00 is to be transferred from harbor receipts and 250,000.00 will be from Harbor Retained Earnings.

ARTICLE 26 Supplemental Expenses of Several Departments

Voted: That this Article be indefinitely postponed

ARTICLE 27 Handicapped Parking

Voted: To amend the By-Laws of the Town of Marblehead by adding the following new Article to Chapter 119 thereof:

Article V: Parking Spaces Reserved for Disabled Veterans or Handicapped Persons

§ 119-5 Standing or Leaving of Vehicles Prohibited

The standing or leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons, including cross-hatch areas adjacent thereto, if any, is prohibited except where such vehicle is owned or operated by a disabled veteran or handicapped person or is transporting handicapped person(s), and only where such vehicle is properly identified as such as specified in G.L. c. 40, § 21(23). Parking in such a manner so as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way shall also be prohibited. The foregoing prohibition shall apply to all public and private ways and in all places where the public has a right of access as invitees or licensees.

§ 119-6 Violations and Penalties

The penalty for violation of this Article V shall be not less than \$100 nor more than \$300 per occurrence. The Board of Selectmen is further authorized to provide for the removal of vehicles as may be required hereunder, in accordance with G.L. c. 40, § 22D, and the violator shall be liable for all charges incurred for the removal and storage of such vehicle in addition to the foregoing penalty.

§ 119-7 Enforcement

Violations of this Article V may be processed pursuant to G.L. c. 40, § 21D, and shall be in the amount set forth above. Enforcement under the noncriminal disposition process shall be carried out by the Police Chief and /or by duly-sworn police officers, who shall have full enforcement powers.

ARTICLE 28 Old Town House

Counted Vote:

In favor 571 Against 45

2/3 Vote Achieved

Voted: That the sum of \$667,793.00 be appropriated to be expended by the Board of Selectmen to fund the final design, public bidding and construction for the improvements to the Old Town House, including but not limited to making the building universally accessible; to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under

M.G.L. Chapter 44, or any other enabling authority; and further provided that said appropriation shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C(Proposition 2 ½).

**ARTICLE 29 Devereux Beach, Non Smoking Area– Amendment
Vote Failed**

To strike “Playground” from Article 29.

ARTICLE 29 Devereux Beach, Non Smoking Area

Voted: That the Town vote to amend the By-Laws of the Town of Marblehead by adding a new article IV to Chapter 119 thereof, entitled “No-Smoking Areas,” Section 119-8, entitled “Devereux Beach,” stating that the “Smoking of tobacco products in the playground area of Devereux Beach is prohibited.” This article shall be enforced by the Board of Health, pursuant to duly promulgated regulation as may be adopted by it consistent herewith.

**ARTICLE 30 Remove Position of Police Chief from Civil Service
Counted Vote:**

In Favor 428 Against 161

Voted: To petition the General Court to pass AN ACT EXEMPTING THE POSITION OF POLICE CHIEF OF THE TOWN OF MARBLEHEAD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Section 1: The position of Police Chief in the Town of Marblehead shall be exempt from the provisions of Chapter 31 of the General Laws and related regulations applicable thereto.

Section 2: The provisions of Section 1 of this act shall not impair the civil service status of the present incumbent Police Chief holding such status on the effective date of this act.

Section 3: This act shall take effect upon its passage.

ARTICLE 31 Police Chief Selection Process

Voted: To rescind Chapter 45, Article I, Section 45-1 of the General Bylaws which now reads: The Board of Selectmen shall appoint the Chief of Police in accordance with the applicable provisions of the General Laws of the Commonwealth and amendments thereto and the applicable valid rules and regulations issued under said chapter and amendments thereto. Unless otherwise required by the applicable provisions of said chapter, amendments, rules and regulations, no member of the Board of Selectmen shall be eligible for appointment to such office.
Shall be rescinded and in place thereof the following shall be inserted:

45-1 Police Chief

45-1-1 Appointment

45-1-1-1.1 Committee Composition

In the event there is an opening for the position of Police Chief, the Board of Selectmen shall exercise its authority as the Appointing Authority and appoint the Police Chief based upon the recommendation of the Police Chief Screening Committee (the “Committee”). Such Committee shall be comprised of seven (7) members appointed by the Board of Selectmen and representing the following municipal and/or community groups:

Town Administrator
School Department
Fire Department
Police Department

Council on Aging
Citizenry
Public Safety Professional

45-1-1-2 Recommendation Timeframe

- The Committee shall advertise for the position of Police Chief through any medium deemed appropriate by the Committee, including but not limited to the Town's municipal website and at least one newspaper of wide circulation throughout the Commonwealth.
- Applicants shall have at least forty-five (45) days from the date of initial publication to submit applications to the Board of Selectmen.
- At the close of the application period, the Board of Selectmen shall provide the Committee with all application response materials received.
- Within ten (10) days following the close of the application period, the Committee shall meet in accordance with G.L. c. 30A, § 21 to review all applications and determine by vote, the top 5 applicants.
- Within ten (10) days following the vote, the Committee shall interview the top five (5) applicants as determined by the Committee.
- Within ten (10) days of the completion of all interviews, the Committee shall determine the top three applicants and confirm with the Applicants that they are interested in moving forward in the selection process.
- The Committee shall thereafter submit forthwith a written recommendation to the Board of Selectmen indicating the top three (3) applicants.

45-1-1-3 Evaluation Criteria

The Recommendation Committee shall evaluate the applicants using criteria including but not limited to the following:

Character
Education
Prior Experience as a Police Officer
Prior Experience as a Police Chief
Prior Employment Record
Recommendations (Personal and Professional)

45-1-1-4 Board of Selectmen Process

Within twenty-one (21) days of the receipt of the Committee's recommendation, the Board of Selectmen shall interview the Candidates and conduct further review and investigation that the Board deems necessary and appropriate.

45-1-1-5 Candidate Selection

The Board of Selectmen shall select a top candidate for the position of Police Chief. Within ten (10) days of the Board's vote, the Chairman shall contact the top applicant and notify him or her of the Board's selection. The top applicant shall have forty-eight (48) hours to accept the position of Police Chief, subject to contract negotiations. Thereafter the Board of Selectmen and the selected candidate shall enter into contract negotiations and submit to any other applicable preliminary hiring requirements. In the event the top applicant does not accept the position of Police Chief within the forty-eight (48) hour acceptance period, the Chairman of the Board of Selectmen shall contact the next ranked applicant and offer him or her the position of Police Chief. In the event that all three (3) top applicants refuse the position of Police Chief or the Board determines that none of the applicants meet the needs of the community at that time, then the Committee shall re-advertise for the position of Police Chief and follow the process as noted in section 45-1-1-2 above.

45-1-1-6 Physical Examination

Prior to commencement of employment, the newly appointed Police Chief must submit to a physical examination in accordance with Section 106-1 of the Town's General Bylaws

45-1-2 Term

The appointed Police Chief shall serve for three years subject to reappointment at the discretion of the Board of Selectmen.

45-1-3 Duties

The duties of the Police Chief shall be those established by the Board of Selectmen from time to time.

45-1-4 Employment Contract

The Board of Selectmen shall prepare an employment contract with the Police Chief covering the terms and conditions of the Chief's employment.

45-1-5 Non-eligibility

No member of the Board of Selectmen shall be eligible for appointment to the position of Police Chief.

45-1-6 Applicability

This by-law shall apply only to a Police Chief who is appointed subsequent to the time that the position of Police Chief is removed from Civil Service.

45-1-7 Effective Date

This by-law shall take effect if and when the General Court passes Special Legislation for the Town of Marblehead allowing the position of Police Chief to be exempted from the provision of Civil Service.

At 10:15pm voted to adjourn the meeting to Tuesday May 3th at 7:45PM at the Veteran's Middle School Performing Arts Center.

With a quorum met the Moderator reconvened the 2011 Annual Town Meeting at 7:46 PM.

ARTICLE 32 Old Landfill Remediation/ Construct New Solid Waste Facility

Counted Vote:

For 668 Against 52

2/3 Vote Achieved

Voted: To appropriate a sum of \$15,102,000.00 be expended by the Board of Health for the permitting, public bidding and construction of a cap for the area(s) encompassing the old landfill in accordance with and as required by applicable statutes and regulations, deconstructing the old Transfer Station, constructing stormwater controls, constructing and/or moving water and sewer mains, and constructing a new Transfer Station, new Recycling Drop-Off Area, new Swap Shed, and new Yard Waste Processing Area, and funding the acquisition of all related real property easements or other interests in real property and including engineering, testing, legal and related costs and fees; to meet said appropriation authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, and further provided that said appropriation shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½).

ARTICLE 33 Landfill Regulatory Compliance Activities

Counted Vote

For 640 Against 29

2/3 Vote Achieved

Voted: That the sum of \$770,600.00 be appropriated to be expended by the Board of Health for continued water quality monitoring, soil gas monitoring, risk assessment, and any other engineering and any other services related to determining the extent of clean up or remediation necessary in

connection with the old landfill; such amount to be raised by taxation, \$114,600.00 of which shall be raised subject to the limitations on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½), and \$656,000.00 be subject to a Proposition 2 ½ capital outlay expenditure override; provided, however, that the appropriation in the amount of \$656,000.00 shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½) the amount of \$656,000.00 required for said capital outlay expenditure.

**ARTICLE 34 Stony Brook Road Clean Up Real Property Purchase and/or Taking
Counted Vote**

For 648 Against 21

2/3 Vote Achieved

Voted: That the Board of Selectmen is hereby authorized to purchase, acquire or take by eminent domain, the property and/or building(s) located at the following:

- 56 Stony Brook Road, and more particularly described in a deed found at Book 12823 Page 8 recorded at the Essex South Registry of Deeds containing 10,026 square feet +/-;
- A portion of 55 Stony Brook Road as more particularly described in a deed found at Book 11888 Page 451 and recorded in the Essex South Registry of Deeds that portion shown on a plan entitled “55 Stony Brook Road Taking or Acquisition Area” by Kleinfelder SEA and dated January 2011 and which area contains 7,582 sq ft +/-;
- A temporary construction easement on a portion of 52 Stony Brook Road as more particularly described in a master deed found at Book 27351 Page 3 that portion being shown on a plan entitled “52 Stony Brook Road Area of Remediation” by Kleinfelder SEA, dated January 2011 said area indicated as Area of Remediation;

And the sum of \$1,820,808.00 be appropriated for said purchase or taking, along with all legal costs, costs of remediation, costs of settlement of claims or potential claims all in connection with the clean-up related to the historic operations of the former landfill to meet said appropriation authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow said sum under M.G.L. c. 44, or any other enabling authority, provided that said appropriation and borrowing authority shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for payment of principal and interest on said borrowing from the limitations on total taxes imposed by M.G.L. c. 59, Section 21C (Proposition 2 ½).

**ARTICLE 35 Stony Brook Road Clean-up, Funding for Real Property Taking and Remediation
Counted Vote**

For 640 Against 18

Voted: That the sum of \$1,251,769.00 to be expended by the Board of Selectmen and the Board of Health to fund the purchase or taking of the property and building(s), the remediation of the property and building(s) and to fund the settlement of claims or potential claims, related to, the property located at 57 Stony Brook Road, and more particularly described in a deed found at Book 22473 Page 485 recorded at the Essex South Registry of Deeds containing 18,430 square feet +/-, which said purchase or taking by eminent domain was approved in Article 23 of the 2010 Annual Town Meeting, all as part of the clean-up related to the historic operations of the former landfill and including all associated engineering and legal costs; and to meet said appropriation authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow said sum under M.G.L. c. 44, or any other enabling authority, provided that said appropriation shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for payment of principal and interest on said borrowing from the limitations on total taxes imposed by M.G.L. c. 59, Section 21C (Proposition 2 ½).

**ARTICLE 36 Zoning Bylaw, Lot Width Requirement – Amendment
Vote Failed**

Vote to amend the Marblehead Zoning Bylaw, by changing the definition of Lot Width in Section 200-7, *which presently reads:*

The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines. At no point between the front lot line and the rear lot line shall the lot be narrower than 75% of the required lot frontage. (see §200-16E, Minimum lot width.)

To read instead: (bold text added)

The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines. At no point between the front lot line and the rear lot line shall the lot be narrower than **60%** of the required lot frontage. (See §200-16E, Minimum lot width)

And by changing Section 200-16(E), *which presently reads:*

Minimum lot width. 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 instead:

Minimum lot width. The width of a lot shall not at any point be less than **60%** 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)

ARTICLE 36 Zoning Bylaw, Lot Width Requirement

Counted Vote

For 474 Against 218

Voted: That this article be indefinitely postponed.

To amend the Marblehead Zoning Bylaw by changing the minimum lot width requirement to apply within the Single Residence districts only to that portion of a lot between the front lot line and the required front yard setback, by changing the definition of Lot Width in Section 200-7, *which presently reads:*

The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines. At no point between the front lot line and the rear lot line shall the lot be narrower than 75% of the required lot frontage. (see §200-16E, Minimum lot width.)

To read instead:

The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines. At no point between the front lot line and the rear lot line shall the lot be narrower than 75% of the required lot frontage, except that within the Single Residence districts, this limitations shall apply only between the front lot line and the minimum front yard setback (See §200-16E, Minimum lot width)

And by changing Section 200-16(E), *which presently reads:*

Minimum lot width. 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 instead:

Minimum lot width. 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, except that this limitation shall apply

only between the front lot line and the minimum front yard setback within the Single Residence districts. (See the definition of “lot width” in § 200-7)

**ARTICLE 37 Zoning Bylaw, Lot Frontage Requirement
Not Considered by Town meeting
Ruled out of Order**

**ARTICLE 38 Schools Construction and/or Renovation Program
Voted:** That this article be indefinitely postponed.

**ARTICLE 39 Marblehead-Glover/Eveleth Project
Counted Vote:**

For 605 Against 38

Voted: That the Town of Marblehead appropriate the sum of twenty-five million, four hundred and fifty thousand dollars and no/100's (\$25,450,000.00) for the design, project management and construction of a new elementary school for 425 students at the Glover School site, located at 7-9 Maple Street, parcel number 40 4 0; which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the Glover School Building Committee, and to meet said appropriation the Treasurer is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the town of Marblehead acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town of Marblehead incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Marblehead; provided further that any grant that the Town of Marblehead may receive from the MSBA for the Project shall not exceed the lesser of (1) forty percent (40%) of eligible, approved project costs as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c. 59, Section 21C (Proposition 2 ½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Marblehead and the MSBA.

Voted to Adjourn at 10:21 PM