

**Town of Marblehead
Annual Town Meeting
Monday, May 2, 2016**

With a quorum met the Moderator called the 2016 Annual Town Meeting to order at 7:29PM

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

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 owned by the Town on such terms as they may determine, or take any other action relative thereto.

Article 6 Unpaid Accounts

Voted: That this article be indefinitely postponed

Article 7 Revolving Funds

Voted: To Create the following new revolving funds as required by M.G.L. C.44, s 53E ½ as recommended by the Board of Selectmen.

1. Street Opening Revolving Fund in the amount of \$40,000 in fiscal 2017 for the use of the Director of Public Works to be taken from revenues from street opening permits; said appropriation to be used for expenses associated with opening various public ways for the purposes of utility work and expended by the Director.
2. Vaccine Revolving Fund in the amount of \$8,000 in fiscal 2017 for the use of the Board of Health to be taken from receipts from flu related clinics; said appropriation to be used for expenses of operating said clinics; and expended by the Board of Health.

And to continue the authorization of the following revolving funds

1. Historical Commission Gift Shop Revolving Fund in the amount of \$15,000 in fiscal 2017 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 \$600,000 in fiscal 2017 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, \$10.00 of out of town parking fees charged on weekends to be used for capital improvements at Devereux Beach and various recreational fund raising events; said appropriation to be used for the expense of said activities including equipment, capital improvements and promotions; and expended by the Commission.

3. Council on Aging Revolving Fund in the amount of \$250,000 in fiscal 2017 for the use of the Council on Aging Director 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 Director.
4. Dog Officer/Animal Control Officer Revolving Fund in the amount of \$20,000 in fiscal 2017 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. Commercial Waste Revolving Fund in the amount of \$450,000 in fiscal 2017 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.
6. Conservation Fines Revolving Fund in the amount of \$25,000 in fiscal 2017 for the use of the Conservation Commission to be taken from revenues in connection with receipts collected from fines assessed by the commission; said funds to be expended for the study or implementation of remediation of wetland violations and the study or environmental remediation of municipal properties and for the care and maintenance of lands under the control and jurisdiction of the conservation.
7. Sump Pump Improvement Revolving Fund in the amount of \$25,000 in fiscal 2017 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.
8. Special Education Revolving Fund in the amount of \$610,000 in fiscal 2017 for the use of the School Committee; revenues to be taken from tuition collected for special education students tuition 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.
9. Storm Water By-Law Revolving Fund in the amount of \$10,000 in fiscal 2017 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 8 Purchase of Equipment of Several Departments

VOTED: That the sum of \$434,615.00 be appropriated, and to meet this appropriation; \$55,000.00 is to be transferred from Sewer Retained Earnings, and \$379,615.00 is to be raised by taxation. To include the following:

Highway Department

2 Small Dump Truck w/Plow

Fire Department

1 Pickup Truck w/Plow

Tree Department

1 Small Dump Truck w/Plow

Park Department

1 Utility Truck w/Plow

Police Department

1 Police Patrol Vehicle

Sewer Department

1 4x4 Truck w/Utility Body

Building Department

1 Inspection Vehicle

Article 9 Capital Improvements for Public Buildings

Voted: That the sum of \$260,000.00 be appropriated.

Police Station

Replace Security Camera's around Building

Community Center

Upgrade Phone System

Upgrade Monitoring & Security System

School Department

Upgrade & Replace Main Distribution & Sub Panels Bell School

Heating Repairs & Improvements

Building Management. Software, Install Controllers

Tower Way

External Lighting Upgrade

Hobbs Building

Repair & Paint Building

Fire Department

Repair Ceilings

Article 10 Walls and Fences

Voted: That the sum of \$7,500.00 be appropriated for the construction and reconstruction of walls and fences for the protection of highways and property, including engineering services in connection therewith; and that the Board of Selectmen is authorized to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore.

Article 11 Ocean Avenue Sidewalk, Seawall and Rip Rap Repair

Voted: That the sum of \$96,500.00 be appropriated to be expended by the Board of Selectmen for repairing and/or replacing the sidewalk, seawall and rip rap on Ocean Avenue adjacent to the land located at 231 Ocean Avenue, including engineering and legal costs, construction, permitting and all other activities and costs necessary to carry out the work; and determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

Article 12 Amend General Bylaws to Reduce Quorum at Town Meeting

Voted: That this article be indefinitely postponed.

Article 13 Landfill Regulatory Compliance Activities

Voted: That the sum of \$114,600.00 be appropriated to be expended by the Board of Health for continued water quality monitoring, soil gas monitoring, risk assessment, engineering, and any other services related to the old landfill;

Article 14 Water Department Construction

Voted: That the sum of \$893,505.00 be appropriated, to be taken from Water Retained Earnings by the Water and Sewer Commission for the construction, reconstruction and extending of water mains, replacement of water meters, appurtenances, engineering, consultants, surveys including revenue studies and other general Water Department purposes, and to authorize the Board of Water and Sewer Commissioners to acquire by purchase, eminent domain or otherwise any lands or easements necessary.

Article 15 Sewer Department Construction

Voted: That the sum of \$455,880.00 be appropriated, to be taken from Sewer Retained Earnings to be expended by the Water and Sewer Commission for the construction or reconstruction of sewers for sanitary purposes and for 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.

Article 16 Storm Drainage Construction

Voted: That the sum of \$332,000.00 is appropriated from taxation for the construction, reconstruction, permitting and maintenance of storm sewers for surface drainage and general Drain Department purposes, including engineering services in connection therewith, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefore, and to raise the money for such purposes by the issue of bonds or notes or in any other manner, to be expended by the Water and Sewer Commission.

Article 17 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.

Article 18 Financial Assistance for Conservation

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

Article 19 Ratification of Salary By-Law

Voted: To ratify certain actions taken by the Compensation Committee under Chapter 43 Section 3(e) as last amended and amend the classification of positions as follows:

Add positions to the Administrative Pay Scale:

- a. Head, Public Services Library, Grade 53
- b. Head, Technical Services Library, Grade 53

Delete Position on the Administrative Pay Scale:

- a. Assistant Director Library, Grade 54

Reclassify Position on the Administrative Pay Scale:

- a. Office Manager Water/Sewer from Grade 53 to Grade 54

Article 20 Proposed Reclassification and Pay Schedule (Administrative)

Voted: To amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to strike out the pay schedule as it relates to Administrative personnel and to increase the pay for administrative by 2.5% effective July 1, 2016.

Article 21 Proposed Pay Schedule and Reclassification (Traffic Supervisors)

Voted: To increase the pay for the Marblehead Traffic Supervisors, 2.5% effective July 1, 2016.

Article 22 Proposed Reclassification and Pay Schedule (Seasonal and Temporary Personnel)

Voted: To waive section 8 of the 1955 Salary By-Laws as last amended by striking out the pay schedules they relate to Seasonal and Temporary Personnel to increase pay 2.5% effective July 1, 2016.

Article 23 Compensation - Town Officers

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

Town Clerk

\$76,848.32

Said amount to be in full compensation for services as Town Clerk. All fees received by the Town Clerk in their official capacity to be accounted for to the Town Revenue Office . 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 24 Essex North Shore Agricultural and Technical School District

Voted: To approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2016 and appropriate the sum of \$276,467.00 for the Town's assessment of the same.

Article 25 Allocation of Bond Premium to Debt Excluded Project Costs

Counted Vote:

In Favor 773 Against 2

2/3 Vote Achieved

That the Town appropriate \$754,495.62 the aggregate net premium paid to the Town upon the sale of bonds issued to pay costs of the drainage, landfill and Abbot Hall Clock Tower projects, each of which are the subject of a Proposition 2½ debt exclusion, to pay costs of such projects being financed by such bonds, and to reduce the amount authorized to be permanently financed for such projects by the same aggregate amount, as allocable to each project.

Article 26 Available Funds Appropriate to Reduce Tax Rate

Voted: That the sum of \$6,355,000.00 be appropriated for the use of the Assessors in making the Tax Rate.

From Free Cash	\$ 6,025,000.00
From Electric Surplus	330,000.00
	\$ <u>6,355,000.00</u>

Article 27 Expenses of Several Departments

Voted: As Printed in the Finance Committee Report

Article 28 Supplemental Expenses of Several Departments

Voted: That this article be indefinitely postponed.

Article 29 Acceptance of MGL Chapter 31 Section 58A, Police and Fire Maximum Age Restrictions

Voted: That the Town accept the provisions of Massachusetts General Law Chapter 31, Section 58A, or take any other action relative thereto.

Article 30 Amend Historic Districts Commission Special Act

Unanimously Voted: To authorize the Board of Selectmen to petition the General Court of the Commonwealth, pursuant to the Provisions of Section 8 of Article 89 of the Amendments to the State Constitution and all other applicable laws to amend Chapter 101 of the Acts of 1965, An Act Establishing the Old and Historic District Commission of the Town of Marblehead, Section 4, by omitting the requirement that all of the membership of the commission reside in an historic district and by amending section 8 to allow a longer period of time upon which to make a determination of estates effected, as follows:

AN ACT AMENDING CHAPTER 101 OF THE ACTS OF 1965, AN ACT ESTABLISHING THE OLD AND HISTORIC DISTRICT COMMISSION OF THE TOWN OF MARBLEHEAD.

Be it enacted by the Senate and House of Representatives in the General Court assembled and by authority of the same as follows:

SECTION 1. Amend Chapter 101 of the Acts of 1965, An Act Establishing the Old and Historic Districts Commission of the Town of Marblehead as follows:

a. by omitting the second part of the second sentence in Section 4. Which now reads; "Each member shall be a resident of the town of Marblehead and shall reside in an historic district established under this act."

To read instead; **"Each member shall be a resident of the town of Marblehead and shall reside in the historic district established under this act except the Board of Selectmen may appoint no more than one member from outside of an historic district."**

b. by changing the second word in Section 8 which now reads: "Within ten days...."

To read instead; **"Within twenty-one (21) days..."**

SECTION 2. This Act shall take effect upon its passage.

SECTION 3. The General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 31 Abandon Portion of Public Way

Counted Vote:

In Favor 800 Against 15

2/3 Vote Achieved

To abandon a certain portion of Colgate Road as a public way as more fully set forth on the plan entitled "Rights Plan" and dated April 7, 2015 by Hayes Engineering, and indicated as "Portion to be Abandoned" including 10,541 sq. ft. +/-

Article 32 Sell Town Property

Counted Vote:

In Favor 800 Against 15

2/3 Vote Achieved

To authorize the Board of Selectmen to sell a portion of Colgate Road as more fully set forth on the plan entitled "Rights Plan" and dated April 7, 2015 by Hayes Engineering, and indicated as "Portion to be Abandoned" including 10,541 sq. ft. +/-.

Article 33 Purchase of Pumper Truck for Fire Department

Counted Voted:

In Favor 725 Against 12

Voted: That the sum of \$620,000.00 be appropriated to be expended by the Board of Selectmen for the purpose of purchasing a pumper fire truck and related equipment for the fire department; that to meet said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. c 44, s. 7(9), or any other enabling authority, and to issue bonds or notes of the Town therefor; 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 limitation on taxes imposed by M.G.L. c. 59, s. 21C(proposition 2/12)

Article 34 Gerry School Feasibility Study

Counted Vote:

In Favor 680 Against 18

Voted: That the Town of Marblehead appropriate the sum of \$750,000.00 for the purpose of paying costs of undertaking a feasibility study to analyze in-depth the design options and costs for renovation and /or reconstruction of the Elbridge Gerry School, which study shall explore and investigate the advantages and/or disadvantages of district reorganization options, for the Elbridge Gerry School, located at 50 Elm St., in Marblehead, Massachusetts, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Elbridge Gerry School Building Committee. To meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from MSBA shall be the sole responsibility of the Town, and further provided, that the appropriation hereunder 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. c. 59, s. 21C(Proposition 2/12), and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

Article 35 Expenses for Holiday Decorations

Counted Vote:

In Favor 313 Against 17

That this article be indefinitely postponed.

At 10:50 PM the Moderator dissolved the 2016Annual Town Meeting.