

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



# TOWN WARRANT

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 80 Atlantic Avenue, Our Lady Star of the Sea Community Center, Rear Parking Lot, Marblehead, MA, on Saturday, the seventeenth day of October next A.D. 2020 (it being the third Saturday in October) at 9:00 o'clock in the morning 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, or take any other action relative thereto. Sponsored by the Board of 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, or take any other action relative thereto. Sponsored by the Board of Selectmen.

## **Article 3 Assume Liability**

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

## **Article 5 Lease Town Property**

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

## **Article 6 Contracts in Excess of Three Years**

To see if the Town will authorize the Board of Selectmen, pursuant to G. L. c. 30B § 12, to enter into contracts in the best interest of the Town in excess of three (3) years but not more than ten (10) years. Sponsored by the Board of Selectmen.

## **Article 7 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 therefore; 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 8 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 9 Transfer Funds to the Special Education Stabilization Account**

To see if the Town will vote to raise, appropriate or otherwise transfer funds to the Special Education Reserve Fund; or take any other action relative thereto. Sponsored by the Finance Director.

#### **Article 10 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 11 Medicaid Reimbursement Money**

To see if the Town will vote to transfer funds from Free Cash to the FY2021 Special Education Stabilization account, or take any other action relative thereto. Sponsored by the Finance Director

#### **Article 12 Parking Tickets – Increased Fee for Snow Emergency**

To see if the Town will vote to allow the Board of Selectmen to petition the General Court to amend Chapter 37 of the Acts of 2004 and allow the Board of Selectmen to establish fines related to parking violations during a snow emergency at no more than \$100 and if not paid within 21 days \$105, or take any other action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 13 End Current Winter Overnight Parking Ban**

To see if the Town will end the current winter overnight parking ban in favor of a plan that is more current with practices of other town/cities in the area and beneficial to all Marblehead citizens. The current ban is especially difficult/expensive for town citizens who do not have off-street parking at their residence. Several nearby cities / towns have come up with plans that have proven to work well for all citizens providing city workers substantial time to plow while not leaving residents racing for vacant off-street parking spots on days without snow issues. Some examples include Salem, which does temporary bans and allows citizens to only park on one side of the street. These are just examples that may or may not be ideal to Marblehead but provide creative ways of dealing with the same winter plow issues and seem to work well for all citizens. As plows are only needed a handful of days during the winter it seems excessive to have a ban for the entire winter and seems appropriate that Marblehead could find a solution that makes more sense for everyone while still keeping streets safe during winter. Sponsored by Karen McMahon and others.

#### **Article 14 Financial Assistance for Conservation**

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

#### **Article 15 Ratification of Salary Bylaw**

To see if the Town will vote to ratify certain actions taken by the Compensation Committee under Chapter 43 Section 3(e) as last amended and amend the classification table by reclassifying certain positions, or take any other action relative thereto. Sponsored by the Compensation Committee.

#### **Article 16 Library**

To see if the Town will vote to appropriate, borrow or otherwise raise sufficient funds for the design and renovation, repair and restoration of the Abbot Public Library, 235 Pleasant Street, or take any other action relative thereto. Sponsored by the Abbot Public Library Board of Trustees.

#### **Article 17 Pumper Truck**

To see if the Town will vote to appropriate a sum of money for the purchase of a pumper truck for the Fire Department, and 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 18 Village/Vine/Pleasant**

To see if the Town will vote to accept as a gift the real property to be used for general municipal purposes under the custody and control of the Board of Selectmen and which is owned by J B Capital, Book 35181, Page 7 of the Essex South Registry of Deeds, located at 195 Pleasant Street, Town of Marblehead Assessors map 109 and lot 9 containing 1208 square feet +/- as generally shown on the sketch plan dated December 11, 2019 and which is on file with the Town Clerk; and further that the Board of Selectmen shall also be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of The Town of Marblehead, to effect the receipt of said gift or take any other action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 19 Village /Vine /Pleasant Taking for Road Improvements**

To see if the Town will vote to authorize the Board of Selectmen to purchase, acquire or take by eminent domain, permanent and/or temporary easements in the parcels or portions of parcels of land located along Vine and Pleasant Streets as follows:

195 Pleasant Street  
199 Pleasant Street  
200 Pleasant Street  
198 Pleasant Street  
194 Pleasant Street  
186-188 Pleasant Street

182 Pleasant Street  
180 Pleasant Street  
185 Pleasant Street  
189 Pleasant Street  
191 Pleasant Street

1 Vine Street  
5 Vine Street  
7 Vine Street

all more or less as shown on a plan dated December 11, 2019 titled "Marblehead Pleasant Street / Village Street / Vine Street, Preliminary Right of Way Property Plan on file with the Town Clerk, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Marblehead and to be used for municipal purposes; and further appropriate a certain amount, by transfer or otherwise for said purchase or taking along with all associated legal and engineering costs necessary and for the miscellaneous improvements and incidental costs associated with the road improvement project; pass any vote or take any action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 20 Reduction of Speed Limits**

To see if the Town will vote to adopt the provisions of G.L. c. 90, §17C to allow the Board of Selectmen to set speed limits of 25 mph in all areas in Town, unless otherwise posted, defined by state law as "thickly settled or business districts" which are not on a state highway, and further vote to adopt the provisions of G.L. c. 90, §18B to allow the Board of Selectmen to establish 20 mph Safety Zones in certain areas in Town, or take any action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 21 Council on Aging – Reduce Number of Board Members from 9 to 7**

To see if the Town will vote to amend the Town of Marblehead General Bylaws Chapter 24-12 by reducing the number of members from 9 to 7 as follows (Underline new ~~striketrough~~ removed):

"Upon acceptance of this By-Law the Board of Selectmen shall appoint the Council on Aging consisting of ~~nine~~ seven members."

or take any action relative thereto. Sponsored by the Board of Selectmen and the Council on Aging, Board of Directors.

#### **Article 22 Hotel Tax**

To see if the Town will vote to accept G. L. c. 64G, § 3A, authorizing the imposition of a local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental, or motel located within the Town of Marblehead at a rate of up to 6% of the total amount of rent for each such occupancy; and

G. L. c. 64G, § 3D(a), authorizing the imposition of a community impact fee upon the transfer of occupancy of professionally managed short-term rental units located within the Town of Marblehead at a rate of 3% of the total amount of rent for each such occupancy; and

G. L. c. 64G, § 3D(b), authorizing the imposition of a community impact fee upon the transfer of occupancy of short-term rental units in two-family or three-family dwellings that includes the

short-term rental operator's primary residence within the Town of Marblehead at a rate of 3% of the total amount of rent for each such occupancy, or pass any vote or take any action relative thereto. Sponsored by the Finance Director.

#### **Article 23 Meals Tax**

To see if the Town of Marblehead will accept G.L. c. 64L, § 2(a) to impose a local meals excise tax, or take any action relative thereto. Sponsored by the Finance Director.

#### **Article 24 Land Acquisition 45 - 49 Pleasant Street**

To see if the Town will vote to authorize the Board of Selectmen to purchase, acquire or take that certain piece of land including .8 acres of land owned by John R. Simmons Family LTD Partnership and located at 45- 49 Pleasant Street (Assessor Map 134 Lot 64 & 85 ) and to appropriate a sum of money in order to purchase, take or otherwise acquire said land and 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 25 Leaf Blowers**

To see if the Town of Marblehead will vote the following Bylaws for any device whose primary function is to blow leaves, grass clippings or vegetated matter:

1. Electric and battery-powered may be used all year subject to time of day\*
2. Gas-powered may be used only from October 1<sup>st</sup> through June 1<sup>st</sup>
3. All leaf blowers meet current EPA standard and cannot emit noise greater than 65 decibels
4. On one 10,000 sq. ft. parcel of property only one leaf blower can be used
5. Multiple leaf blowers can be used on larger properties at a distance of 10,000 linear feet
6. Leaf blowers must keep a distance of 50 feet from animals or persons
7. Prohibited from blowing toward open windows or doors
8. Prohibited from blowing onto adjacent property, street, catch basins, vehicles or gutters
9. Prohibited from use in construction dust, plaster dust, dry sand, silt or clay
10. Employees must use ear protection provided by employer at no cost to employee

Exclusions: Gas-powered leaf blowers may be used any season for public safety and emergency situation. One day exemptions can be obtained for special situations.

Enforcement and fines: The Marblehead Police or the Marblehead Public Health Department Inspector shall have the authority to issue a warning upon first violation. \$100.00 fine for each subsequent violation. Warnings and fines will be issued to the property owner.

\*Time of Day: Monday thru Friday from 7:00 a.m. to 6:00 p.m. all users

Saturday from 9:00 a.m. to 5:00 p.m. all users

Sunday and legal holidays from 9:00 a.m. – 5:00 p.m. only residents of the property

Sponsored by Beth Grader and others.

#### **Article 26 Demolition by Neglect**

To see if the Town will vote to amend the Town of Marblehead General Bylaws by adding a new Chapter 111 as follows:

Chapter 111: Demolition by Neglect.

§111-1: Authority.

This Chapter is adopted pursuant to the Old and Historic Marblehead Districts Act, Chapter 101 of the Massachusetts Acts of 1965 (the "Act") and, more particularly, pursuant to the purposes set forth in Sections 2 and 5(b) of the Act, and in furtherance of the authority set forth in Section 5(a) and 5(c) of the Act which establish, among other things, the duty of the Old and Historic Districts Commission (the "Commission") to pass upon the removal of any building within the districts so established as well as alterations to those buildings, structures and the exterior architectural features of those buildings and structures. This Chapter is also adopted pursuant to the Home Rule Amendment, Art. 89, § 6, of the Amendments to the Massachusetts Constitution to prevent irreparable harm from the demolition of historical buildings and structures.

§111-2: Purpose.

This Chapter is enacted for the purpose of preserving and protecting Significant Buildings and Structures and to encourage owners of such buildings and structures to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings and structures rather than demolish them. To achieve these purposes, this Chapter empowers the Commission to work with the Building Commissioner and advise the Building Commissioner with respect to the issuance of permits for the demolition of Significant Buildings and Structures and with respect to such buildings and structures suspected of being Demolished by Neglect.

§111-3: Definitions.

- A. The term "Commission" as used in this Chapter shall mean the Marblehead Old & Historic Districts Commission.
- B. The term "Demolition by Neglect" as used in this Chapter shall mean the process of ongoing damage to the fabric, viability and/or functionality of an occupied or unoccupied building, or structure, leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice and wind through the roof, walls, or apertures.
- C. The term "Significant Building or Structure" as used in this Chapter shall mean all buildings and structures, as defined in Chapter 110-7(B), including the exterior architectural features of those buildings and structures, which are subject to the jurisdiction of the Commission.

§111-4: Determination of Demolition by Neglect.

- A. If the Commission has reason to believe, through visual inspection or other means, that a Significant Building or Structure may be undergoing Demolition by Neglect, then the Commission shall notify the Building Commissioner and the owner, and the Commission and the Building Commissioner shall jointly hold a public hearing to i) confirm whether or not the building or structure is a Significant Building or Structure and ii) determine whether or not it is undergoing Demolition by Neglect, which shall require the

concurrence of the Building Commissioner. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building or structure by the Building Commissioner.

- B. Notice of the Public Hearing shall be published in a newspaper of general circulation at least two times at least 14 days in advance of said hearing. Notice of the public hearing shall be provided to the property owner by certified mail at least 14 days prior to said public hearing.

#### §111-5: Demolition by Neglect Prohibited.

- A. No Significant Building or Structure shall be Demolished by Neglect. Notwithstanding, nothing herein is intended to or shall alter the Commission's authority under Chapter 110.
- B. If the Commission and the Building Commissioner both determine that the Significant Building or Structure is undergoing Demolition by Neglect, the Commission and the Building Commissioner shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building or structure and/or prevent further deterioration.
- C. In the event that the Commission and the Building Commissioner both determine that they are not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Commission shall state in writing the findings of fact in support of such determination of violation of this Chapter and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to correct within a time to be specified in the written decision. The Commission's determination may be appealed to the Board of Selectmen by a written application filed by an aggrieved party within ten (10) business days following receipt of the Commission's order. A hearing on the appeal shall be held within sixty (60) days of the written application. If no appeal is filed, or, if an appeal is filed, upon a finding that the Significant Building or Structure is undergoing Demolition by Neglect, the Commission and the Building Commissioner may take such action as is permitted under the following section, including seeking a court order that specific repairs be undertaken to secure the Significant Building or Structure against the elements, vandals and vermin, to halt further deterioration, and to stabilize it structurally.
- D. Upon completion of all repairs that have been agreed upon between the owner and the Commission and the Building Commissioner or that have been ordered by the Commission and the Building Commissioner, or that have been ordered by the court, and upon certification by the Building Commissioner that said repairs have been completed, the Commission shall certify that the Significant Building or Structure is no longer undergoing Demolition by Neglect.

#### §111-6: Enforcement and remedies.

- A. Subject to Sections 4 and 5, the Commission and the Building Commissioner are each authorized to issue written orders and to institute any and all proceedings available in law

or equity as they deem necessary and appropriate to obtain compliance with the requirements of this Chapter, or to prevent a violation thereof.

§111-7: Demolition on account of threat to public safety.

Notwithstanding any other provision of this Chapter, nothing herein shall be construed to prevent the demolition of any structure or portion thereof which the Building Commissioner certifies is required by the public safety because of an unsafe or dangerous condition; and nothing herein is intended to alter, amend or regulate any matters governed by State Code.

§111-8: Adoption of Regulations.

The Commission shall have the authority, following a duly noticed public hearing, to adopt regulations pursuant to the provisions hereof to further the purposes hereunder.

§111-9: Severability.

If any section, paragraph or part of this Chapter be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Or take any other action relative to. Sponsored by the Old and Historic Districts Commission.

**Article 27 Amend the Bylaws of the Old and Historic District Commission Chapter 110  
Old and Historic Districts (bold text added)**

To see if the Town will vote to amend the Town of Marblehead Bylaws section 110 as follows (**bold and underline** text added and ~~cross-out~~ deleted):

1). Amend §110-4 Structures and features not requiring certificates of appropriateness. Paragraph D.

D. Arbors, trellises, ~~terraces, patios~~, flagpoles, yardarms, screens, screen doors, storm doors, storm windows, radio or television antennas, weather vanes, wind direction or wind speed vanes, masts, derricks, and cranes.

2). Amend §110 -7 Definitions Paragraph B.:

The term "structure" shall mean and include any product or piece of work built up or composed of parts joined together in some definite manner, other than a building or a sign including but not limited to walls, terraces, **patio** walks or driveways, parking areas, tennis courts and swimming pools.

Or any action relative thereto. Sponsored by the Old and Historic District Commission

**Article 28 Add provision to section 110-4 "Structures and features not requiring certificates of appropriateness" for the Old and Historic Marblehead District Commission.**

To see if the Town will add a provision related to section 110-4 "Structures and features not requiring certificates of appropriateness" for the Old and Historic Marblehead District Commission bylaw as follows:



Section 100-4 M. Air conditioners, condensers and related equipment (including window units, wall units and free-standing units) shall be deemed to be installed equipment and not structures or features. The Commission shall encourage but not require that installed equipment be installed in locations which have little or no impact on the historical appearance of the building. Sponsored by Peter Butler and others.

#### **Article 29 Sustainable Marblehead – Greenhouse Gas Emissions**

To see if the Town will support the goal of bringing town-wide greenhouse gas emissions to net zero by 2040. Further, to see if the town meeting will request the Town to commit to making annual reductions in greenhouse gas emissions starting immediately, and to reporting annually on progress made toward achieving this goal, or take any other action relative thereto.

Explanation. In view of the rapidly accelerating pace of climate change, the damage it has already inflicted, and the threat it poses to the Town of Marblehead and to the health and safety of future generations, this would comply with the Town Meeting 2018 commitment to “using 100% carbon-free energy including in electricity production, building energy use, and transportation.” Sponsored by Eileen Mathieu and others.

#### **Article 30 Sustainability Coordinator**

In accordance with the Town of Marblehead’s commitment to achieving 100% carbon-free energy in electricity production, building energy use, and transportation by 2040, to see if the Town will further vote to raise and appropriate or transfer from available funds, the sum of \$50,000, or any other sum, and request the Town to hire a Director of Sustainability and Energy Efficiency, on an ongoing basis, who will be responsible for helping the Town transition to carbon-free sources of energy and securing grants to finance energy use reduction, clean energy, and sustainability initiatives, or take any action relative thereto. Sponsored by Eileen Mathieu and others.

#### **Article 31 Stabilization Account**

To see if the Town will vote to accept the provisions of G.L. c. 40 §5B and establish a General Stabilization Fund and further to transfer an amount of money into said fund, or take any action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 32 Security Required for Certain Contracts**

To see if the Town will vote to amend the Chapter 63 Finance and Contracts of the Town of Marblehead General Bylaws, Paragraph 63-5 - Security Required for Certain Contracts, *which presently reads*; “Unless otherwise waived by Town Counsel, every contract exceeding the sum of \$10,000, except contracts for the purchase of motor vehicles for less than \$50,000, shall be accompanied by security, by bond or otherwise, conditioned upon the faithful performance of the same.” *By striking the paragraph in its entirety*, or take any other action relative thereto. Sponsored by the Board of Selectmen.

#### **Article 33 Deed Restriction Pickett House**

To see if the Town will authorize the Board of Selectmen to enter into an affordable housing restriction and any other related documents for the property located at 10 Franklin Street, a/k/a “The Pickett House”, in order that the property may be included on the Town’s subsidized housing inventory, or take any action relative thereto. Sponsored by the Board of Selectmen.

**Article 34 Amend Bylaw, Signs**

To see if the Town will amend the Bylaw section 148-7 (A) Signs, (1), (B) Size, by changing the total s.f. in relationship to Window signs from 10 s.f. to n/a., or take any other action relative thereto. Sponsored by John G. Attridge and others.

**Article 35 Supplemental Appropriation for the Schools**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the School Department's operating budget for FY2021, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

**Article 36 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, 2019, or take any other action relative thereto. Sponsored by the Finance Director.

You are directed to serve this Warrant by posting attested copies thereof at Abbot Hall and ten (10) other conspicuous places in Town as required by the Bylaws not later than ten (10) 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  
23 day of September 2020.

DocuSigned by:  
*Jackie Belf-Becker*  
F889F67A5C34B8  
JACKIE BELF-BECKER, Chair

DocuSigned by:  
*David DePew*  
9528552AE7854ED  
DAVID DEPEW

DocuSigned by:  
*M. C. Moses Grader*  
53BE28BFA5F410  
M. C. MOSES GRADER

DocuSigned by:  
*James E. Nye*  
8BCEB77CB0707463  
JAMES E. NYE

A TRUE COPY

ATTEST:

*Robin A. McLean*

Town Clerk of Marblehead

Selectmen of Marblehead

A True Copy

Attest:

9.24.20

, Constable

*Paul Mink*

