

**Town of Marblehead
Annual Town Meeting
Our Lady Star of the Sea Community Center
80 Atlantic Ave
Rear Parking Lot**

May 3, 2021

With a quorum met the Moderator called the 2021 Annual Town Meeting to order at 7:05PM

ARTICLE 1: ARTICLES In Numerical Order

Voted: To adopt an order requiring ARTICLES in the Warrant to 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: To 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.

ARTICLE 4: Accept Trust Property

Voted: To Indefinitely postpone this ARTICLE.

ARTICLE 5: Lease Town Property

Voted: 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.

ARTICLE 6: Contracts In Excess Of Three Years

VOTED: To 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.

ARTICLE 7: Departmental Revolving Funds

VOTED: To authorize the total expenditures for the following revolving funds pursuant to G.L. c44 Section 53E ½ for the fiscal year beginning July 1, 2021 to be expended in accordance with Chapter 63 - 9 of the town bylaws.

FUND	SPENDING LIMIT
Animal Control	\$20,000
Council on Aging	\$250,000
Board of Health, commercial waste disposal	\$550,000
Board of Health, vaccines	\$10,000
Highway, street opening fees	\$150,000
Sump pump improvement	\$10,300
Historical Commission Gift Shop	\$15,000
Recreation and Parks	\$800,000
Marblehead Public Schools, Special Education	\$1,200,000
Conservation fines	\$75,000
Storm Water bylaw	\$10,000
Hobbs Memorial Building	\$0.00

That the Town amend Chapter 63, section 63-9, of the Town of Marblehead General Bylaws by adding a new section 63-9(E)(12) as follows:

12. Hobbs Memorial Building Revolving Fund

a. There shall be a separate fund called the Samuel Hobbs Memorial Building Revolving Fund authorized for use by the Board of Selectmen.

- b. The Finance Director/Town Accountant shall establish the Samuel Hobbs Memorial Building Revolving Fund as a separate account and credit to the fund all of the revenues received by the Samuel Hobbs Memorial Building in connection with receipts from the Samuel Hobbs Memorial Building.
- c. During each fiscal year, the Board of Selectmen may incur liabilities against and spend monies from the Samuel Hobbs Memorial Building Revolving Fund for expenses related to operating maintenance and repair of the building.
- d. The Samuel Hobbs Memorial Building Revolving Fund shall operate for the fiscal year that begins on July 1, 2021.

ARTICLE 8: Purchase Of Equipment Of

Voted: That the sum of \$239,429.42 be appropriated for the purchase of two Ford Interceptor Hybrids for the Police Department, one Ford Interceptor Hybrid and repair of the fire rescue boat for the Fire Department, one Ford F350 pick-up for the Cemetery Department, one brush cutter head for the Tree Department and one Ford F350 pick-up for the School Department, and to meet this appropriation; \$45,559.20 is to be transferred from Cemetery Perpetual Care Funds and \$193,870.22 is to be raised by taxation.

ARTICLE 9: Lease Purchase

Unanimously Voted: Pursuant to Chapter 44 Section 21c to authorize the Board of Selectmen to enter into lease agreement for the lease and purchase of a Ford 550 Dump Truck for the Recreation and Park Department for a period of three (3) years; a Sidewalk Trackless for the Highway Department for a period of three (3) years; but in any event not in excess of the useful life of the property to be procured on such term and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreement and to fund the first year of the lease as well as previously voted leases with a \$191,596 appropriation, with \$27,696 transferred from the Waste Department revolving fund and \$163,900 to be raised by taxation for the payment required in the first fiscal year.

ARTICLE 10: Capital Improvements Public Buildings

Voted: That the Town allow the receipt of funds from the sale of surplus property, namely the Gerry school into the receipt of surplus property special revenue fund and further To appropriate and transfer the following amounts from the sale of surplus property special revenue fund in the amount of \$857,189.00 to be expended for capital items in FY2022 as follows:

PUBLIC WORKS

Street Repaving

ANIMAL CONTROL BUILDING

Animal Shelter needs open penetrations from basement blocked

BUILDING DEPARTMENT

Paint Old Town House

Paint and Minor Repairs to OKOS Building

FINANCE

Replace town computers to upgrade from Windows 7 to Windows 10

Upgrade IT Servers Town wide(grant match)

FIRE STATION - HEADQUARTERS

Protective Turnout Gear

Attack hose and supply lines replacement

FIRE STATION - FRANKLIN STREET

Window Replacement

RAIL TRAIL

Final Redesign Plans for crossing improvements

TOWNWIDE

Shoe Shed Signal Communications Radio Box Alarm

MARY ALLEY

New Exterior Doors and Locks

New Alarm System with Coverage

RECREATION AND PARK

Seaside Park Tennis Courts (Resurface)

POLICE STATION

Roof Replacement - Lobby and Detectives Offices

Repair Exterior Trim and Paint Building

SCHOOL DEPARTMENT

High School - Replace Main Fire Alarm Panel

High School - Install Card Swipe System

Veterans - Replace Fire Alarm System

Veterans - Install Card Swipe System

Hardwired CO Detectors to alarm panel - 4 schools

SEAWALLS

Seawall Ongoing Maintenance and Repair

TOWER WAY GARAGE

Exhaust system for Mechanics Garage

ARTICLE 11 : Walls And Fences

Voted: To Indefinitely Postpone this ARTICLE.

ARTICLE 12: Water Department Construction

Unanimously Voted: To appropriate the sum of \$768,853.00 from Water Retained Earnings for the construction, reconstruction, permitting 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 land or easement necessary.

ARTICLE 13: Sewer Department Construction

Unanimously Voted: To appropriate the sum of \$917,246.00 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 sewage disposal, pump stations, original pumping equipment, metering equipment, safety equipment, replacement of said equipment, engineering, consultants and 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 14: 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 15: Storm Drain Construction

Voted: To appropriate \$314,000.00 from taxation for the construction, reconstruction, permitting and maintenance of storm sewers for surface drainage purposes, including engineering services in connection therewith, and for general Drain Construction purposes, including the purchase or lease of equipment, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easement necessary; to be expended by the Department of Public Works.

ARTICLE 16: 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 and appropriate the sum of \$652,392.00 for the town's assessment of the same to be expended by the School Committee.

ARTICLE 17: Available Funds Appropriated To Reduce The Tax Rate

Voted: That the sum of \$9,122,102.00 be appropriated for the use of the Assessors in making the Tax Rate.

From Free Cash	\$	8,792,102.00
From Electric Surplus		330,000.00
	\$	<u>9,122,102.00</u>

ARTICLE 18: Unpaid Accounts

Unanimously Voted: That the Town transfer the following amounts from the following ARTICLES, Revolving Funds, Grants, Donation Funds, Trust Funds, or ARTICLE 21, of the June 2020 Annual Town Meeting - Expenses of Several Departments, to:

Recreation and Parks Expense	\$2,800.00
School Expense	\$3,398.30
111F Expense	\$944.84

ARTICLE 19: Transfer Funds To Special Education Stabilization Account

Voted: To indefinitely postpone this ARTICLE.

ARTICLE 20: Collective Bargaining (Fire)

Voted: To waive Section 8 of the 1955 Salary By-Laws as last amended by striking out the pay schedule as it relates to Fire Department Personnel and substitute in place thereof the following new pay schedule as it relates to said personnel.

FY2022 FIRE SALARY SCHEDULE							
Effective 7/1/2021 - 2%							
						10+ Years	15+ Years
Group	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
01	Firefighters	1,055.45	1,097.66	1,141.57	1,187.23	1,228.78	1,271.80
02	Lieutenants	1,219.04	1,267.80	1,318.51	1,371.26	1,419.25	1,468.92

03	Captains	1,407.98	1,464.30	1,522.87	1,583.79	1,639.22	1,696.59
----	----------	----------	----------	----------	----------	----------	----------

and appropriate the sum on \$142,101.60 to be raised by taxation, said appropriation to be distributed to the fire budget by the Finance Director

Provided, however, these schedules shall not be effective and no increase shall be paid until the full signed intergrated contract between the International Association of Firefighters and the Town is executed and delivered to the Town.

ARTICLE 21: Collective Bargaining (Police)

Voted: To indefinitely postpone this ARTICLE.

ARTICLE22: Collective Bargaining (Iue/Cwa – Local 1776)

Voted: To indefinitely postpone this ARTICLE.

ARTICLE 23: Expense Of Several Departments

Voted: That the Town will raise and appropriate or transfer from available funds the amount of \$102,962,926.57 as follows:

- Available funds = **\$11,360,979.88**
- Tax levy = **\$91,601,946.69**

That the budget as set forth in ARTICLE 23 for the expenses of several departments in the amount of \$102,962,926.57 be adopted.

ARTICLE 23: Expense 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
--------	-------------------	--------

ARTICLE 23: Expense Of Several Departments

Items 2, 3, 4, 5, 6 Selectmen

Voted: That the sum of \$ 498,910.48 be and hereby is appropriated for the Selectmen as follows:

Item 2	Officials Expense	5,500.00
Item 3	Salaries	372,108.48
Item 4	Expense	92,302.00
Item 5	Zoning Board Legal Services	27,000.00
Item 6	Out of State Travel	2,000.00

ARTICLE 23: Expense Of Several Departments

Items 2, 3, 4, 5, 6 Selectmen

Voted: That the sum of \$ 498,910.48 be and hereby is appropriated for the Selectmen as follows:

Item 2	Officials Expense	5,500.00
Item 3	Salaries	372,108.48
Item 4	Expense	92,302.00
Item 5	Zoning Board Legal Services	27,000.00
Item 6	Out of State Travel	2,000.00

ARTICLE 23: Expense Of Several Departments

Items 7, 8, 9 Finance Committee

Voted: That the sum of \$ 5,760.00 be and hereby is appropriated for the Finance Committee as follows:

Item 7	Salaries	0.00
--------	----------	------

Item 8	Expense	5,585.00
Item 9	Local Travel	175.00

ARTICLE 23: Expense 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 23: Expense Of Several Departments
Items 12, 13 Finance Department

Voted: That the sum of \$ 986,260.00 be and hereby is appropriated for the Finance Department as follows:

Item 12	Salaries	662,605.00
Item 13	Expense	323,655.00

ARTICLE 23: Expense Of Several Departments
Items 17, 18, 19, 20 Assessor

Voted: That the sum of \$ 262,903.79 be and hereby is appropriated for the Assessor as follows:

Item 17	Officials Expense	300.00
Item 18	Salaries	224,353.79
Item 19	Expense	37,750.00
Item 20	Local Travel	500.00

ARTICLE 23: Expense Of Several Departments
Items 29, 30 Town Counsel

Voted: That the sum of \$ 102,000.00 be and hereby is appropriated for the Town Counsel as follows:

Item 29	Salaries	2,000.00
Item 30	Expense	100,000.00

ARTICLE 23: Expense Of Several Departments
Item 35 Parking Clerk

Voted: That the sum of \$ 12,650.00 be and hereby is appropriated for the Parking Clerk Department as follows:

Item 35	Expense	12,650.00
---------	---------	-----------

ARTICLE 23: Expense Of Several Departments
Items 39, 40 Town Clerk

Voted: That the sum of \$ 208,124.00 be and hereby is appropriated for the Town Clerk Department as follows:

Item 39	Salaries	197,987.00
Item 40	Expense	10,137.00

ARTICLE 23: Expense Of Several Departments
Items 43, 44 Election and Registration

Voted: That the sum of \$ 42,381.00 be and hereby is appropriated for the Election and Registration Department as follows:

Item 43	Salaries	18,206.00
Item 44	Expense	24,175.00

ARTICLE 23: Expense 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
---------	---------	----------

ARTICLE 23: Expense Of Several Departments
Items 55, 56, 57 Public Buildings

Voted: That the sum of \$ 224,522.00 be and hereby is appropriated for the Public Buildings Department as follows:

Item 55	Salaries	118,088.00
Item 56	Expense	106,034.00
Item 57	Local Travel	400.00

ARTICLE 23: Expense 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 23: Expense Of Several Departments
Item 60 Town Audit

Voted: That the sum of \$ 54,500.00 be and hereby is appropriated for the Town Audit to be expended by the Board of Selectmen.

ARTICLE 23: Expense Of Several Departments
Items 62, 63, 64 Police Department

Voted: That the sum of \$ 4,281,828.00 be and hereby is appropriated for the Police Department as follows:

Item 62	Salaries	4,094,438.00
Item 63	Expense	182,390.00
Item 64	Indemnification of Officers	5,000.00

ARTICLE 23: Expense Of Several Departments
Items 68, 69, 70 Fire Department

Voted: That the sum of \$ 4,349,411.00 be and hereby is appropriated for the Fire Department as follows:

Item 68	Salaries	4,142,792.00
Item 69	Expense	201,619.00
Item 70	Fire Alarm Expense	5,000.00

ARTICLE 23: Expense Of Several Departments
Items 73, 74, 75 Building Inspection

Voted: That the sum of \$ 538,051.12 be and hereby is appropriated for the Building Inspection Department as follows:

Item 73	Salaries	487,242.12
Item 74	Expense	44,809.00
Item 75	Local Travel	6,000.00

ARTICLE 23: Expense 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 23: Expense Of Several Departments
Item 86 Animal Inspector

Motion

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 23: Expense Of Several Departments
Item 101 School Department

Voted: That the sum of \$ 41,839,543.00 be and hereby is appropriated for the School Department.

Item 101	Schools	41,839,543.00
----------	---------	---------------

ARTICLE 23: Expense Of Several Departments
Items 105, 106 Engineer

Voted: That the sum of \$ 179,864.00 be and hereby is appropriated for the Engineer as follows:

Item 105	Salaries	169,219.00
Item 106	Expense	10,645.00

To meet this appropriation \$9,000 is to be transferred from Wetland Filing Fees and \$170,864.00 to be taken from Taxation.

ARTICLE 23: Expense Of Several Departments
Items 112, 113 Highway, Drain, Tree

Voted: That the sum of \$ 1,492,662.00 be and hereby is appropriated for the Highway, Drain and Tree Departments as follows:

Item 112	Salaries	1,331,850.00
Item 113	Expense	160,812.00

ARTICLE 23: Expense Of Several Departments
Item 116 Maintain Streets & Sidewalks

Voted: That the sum of \$ 14,425.00 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 23: Expense 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 23: Expense 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 23: Expense Of Several Departments
Items 126, 127, 129 Waste Collection

Voted: That the sum of \$ 2,412,239.00 be and hereby is appropriated for Waste Collection as follows:

Item 126	Salaries	403,752.00
Item 127	Expense	1,893,887.00
Item 129	Landfill Monitoring Expense	114,600.00

ARTICLE 23: Expense Of Several Departments
Items 141, 142, 143 Cemetery

Voted: That the sum of \$ 400,473.56 be and hereby is appropriated for the Cemetery Departments as follows:

Item 141	Officials Expense	300.00
Item 142	Salaries	373,947.56
Item 143	Expense	26,226.00

To meet this appropriation \$ 374,473.56 is to be raised by taxation, and \$26,000 to be transferred from Cemetery Perpetual Care.

ARTICLE 23: Expense Of Several Departments
Items 153, 154, 155, 157, 158 Health Department

Voted: That the sum of \$ 231,150.52 be and hereby is appropriated for the Health Department as follows:

Item 153	Officials Expense	400.00
Item 154	Salaries	205,998.00
Item 155	Expense	19,120.52

Item 157	Local Travel	1,632.00
Item 158	HAWC	4,000.00

ARTICLE 23: Expense Of Several Departments
Item 162 Mental Health

Voted: That the sum of \$ 60,000.00 be and hereby is appropriated for Mental Health as follows:

Item 162	Contractual Services	60,000.00
----------	----------------------	-----------

ARTICLE 23: Expense Of Several Departments
Items 164, 165 Council On Aging

Voted: That the sum of \$ 292,657.88 be and hereby is appropriated for the Council on Aging as follows:

Item 164	Salaries	280,667.88
Item 165	Expense	11,990.00

ARTICLE 23: Expense Of Several Departments
Items 175, 176, 177, 178 Veterans Benefits

Voted: That the sum of \$115,569.00 be and hereby is appropriated for Veterans Benefits as follows:

Item 175	Salaries	68,226.00
Item 176	Expense	1,243.00
Item 177	Local Travel	1,100.00
Item 178	Benefits	45,000.00

ARTICLE 23: Expense Of Several Departments
Items 185, 186, 187 Library

Voted: That the sum of \$ 1,172,202.12 be and hereby is appropriated for the Abbot Public Library as follows:

Item 185	Salaries	904,192.12
Item 186	Expense	268,010.00
Item 187	Local Travel	0.00

ARTICLE 23: Expense Of Several Departments
Items 190, 191, 192 Recreation And Park Department

Voted: That the sum of \$ 836,831.50 be and hereby is appropriated for the Recreation and Park Department as follows:

Item 190	Salaries	619,148.50
Item 191	Expense	171,590.00
Item 192	Facility Expense	46,093.00

ARTICLE 23: Expense Of Several Departments
Item 210 Memorial And Veterans Day

Voted: That the sum of \$ 7,050.00 be and hereby is appropriated for Memorial and Veterans Day, to be expended by the Board of Selectmen.

Item 210	Memorial & Veterans Day	7,050.00
----------	-------------------------	----------

ARTICLE 23: Expense Of Several Departments
Items 214, 215 Maturing Bonds And Interest

Voted: That the sum of \$ 9,439,700.77 be and hereby is appropriated for Maturing Bonds and Interest as follows:

Item 214	Maturing Debt	5,375,000.00
Item 215	Interest	4,064,700.77

ARTICLE 23: Expense Of Several Departments

Item Utility Reserve

Voted: That the sum of \$ 100,000.00 be and hereby is appropriated for the Utility Reserve, to be expended by the Board of Selectmen.

**ARTICLE 23: Expense Of Several Departments
Item 217 Contributory Retirement**

Voted: That the sum of \$ 3,822,649.00 be and hereby is appropriated for the Contributory Retirement Fund.

**ARTICLE 23: Expense Of Several Departments
Item 218 Medicare**

Voted: That the sum of \$ 730,000.00 be and hereby is appropriated for Medicare, to be expended by the Finance Director.

**ARTICLE 23: Expense Of Several Departments
Item 219 Worker's Compensation**

Voted: That the sum of \$397,169.00 be and hereby is appropriated. \$360,000.00 to be added to the Worker's Compensation Trust Fund and \$37,169.00 to be added to the 111F Trust Fund (and allowed to accumulate from year to year) to be expended by the Finance Director to pay expenses of Worker's Compensation and 111F Injury Claims.

**ARTICLE 23: Expense Of Several Departments
Item 220 Training Expense**

Voted: That the sum of \$15,000 be and hereby is appropriated for Training Expense, to be expended by the Selectmen.

**ARTICLE 23: Expense Of Several Departments
Item 221 Group Insurance**

Voted: That the sum of \$ 14,475,406.43 be and hereby is appropriated for Group Insurance, to be expended by the Finance Director.

**ARTICLE 23: Expense Of Several Departments
Item 222 Other Insurance**

Voted: That the sum of \$523,476.80 be and hereby is appropriated for Other Insurance, to be expended by the Board of Selectmen.

**ARTICLE 23: Expense Of Several Departments
Item 223 Salary Reserve**

Voted: That the sum of \$ 260,770.00 be and hereby is appropriated for Salary Reserve, to be expended by the Board of Selectmen.

**ARTICLE 23: Expense Of Several Departments
Item 224 Noncontributory Retirement**

Voted: That the sum of \$ 63,468.60 be and hereby is appropriated for Noncontributory Retirement, to be expended by the Finance Director.

**ARTICLE 23: Expense 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 23: Expense Of Several Departments
Item 226 Other Post Employment Benefits**

Voted: That the sum of \$250,000 be and hereby is appropriated to be added to the Other Post Employment Benefits Trust Fund (and allowed to accumulate from year to year) to be expended by the Finance Director.

**ARTICLE 23 Expense Of Several Departments
Item 229 Stabilization Fund**

Voted: That the sum of \$250,000 be and hereby is appropriated to be added to the Stabilization Fund, created by ARTICLE 31 of the October 17, 2020 Special Town Meeting, (and allowed to accumulate from year to year) to be expended by the Finance Director.

**ARTICLE 23: Expense Of Several Departments
Items 227, 228, 230 Sewer Department**

Voted: That the sum of \$4,814,426.00 be and hereby is appropriated for the Sewer Department as follows:

Item 227	Salaries	866,734.00
Item 228	Expense	797,874.00
Item 230	South Essex Sewer	3,149,818.00

District

To meet this appropriation \$4,814,426.00 is to be transferred from sewer receipts.

ARTICLE 23: Expense Of Several Departments
Items 231, 232, 235 Water Department

Voted: That the sum of \$ 5,315,423.00 be and hereby is appropriated for the Water Department as follows:

Item 231	Salaries	877,221.00
Item 232	Expense	761,887.00
Item 235	Metropolitan Water	3,676,315.00

To meet this appropriation \$ 5,315,423.00 is to be transferred from water receipts.

ARTICLE 23: Expense Of Several Departments
Items 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 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 23: Expense Of Several Departments
Items 238, 239, 241 Harbor Department

Voted: That the sum of \$ 968,379.00 be and hereby is appropriated for the Harbor Department as follows:

Item 238	Salaries	409,803.00
Item 239	Expense	438,576.00
Item 241	Outlays	120,000.00

To meet this appropriation \$848,379.00 is to be transferred from harbor receipts and \$120,000.00 to be transferred from Harbor Retained Earnings.

ARTICLE 24: 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 25: 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:

FY2022 ADMINISTRATIVE SALARY SCHEDULE									
Effective July1, 2021									
Grade	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
11	Fire Chief	1,918.38	2,000.60	2,082.82	2,165.03	2,247.25	2,329.47	2,411.68	2,493.90
	Superintendent W/S								

	Director Public Health								
	Police Chief								
	Town Engineer								
	Finance Director								
10	Town Planner	1,598.65	1,667.17	1,735.68	1,804.20	1,872.71	1,941.22	2,009.74	2,078.25
	Director Public Works								
	COA Director								
	Superintendent (Park & Rec)								
	Director Library								
	Building Commissioner								
	Town Accountant								
	Harbormaster								
	Asst Assessor								
9	Recreation Supervisor	1,489.54	1,553.38	1,617.22	1,681.06	1,744.89	1,808.73	1,872.57	1,936.41
	Treasurer/Collector								
	Assit Superintendent - W/S								
	Superintendent (Cemetery)								
	Deputy Harbormaster								
	Asst Director Public Works								
8	Asst Electrical Inspector	1,324.04	1,380.78	1,437.53	1,494.27	1,551.02	1,607.76	1,664.51	1,721.25
	Tree Warden								
	Office Manager								
	Assistant Harbormaster								

	Wire Inspector								
	Plumbing Inspector								
	Head Technical Services								
	Head Public Services								
7	Public Health Nurse	1,176.92	1,227.36	1,277.80	1,328.24	1,378.68	1,429.12	1,479.56	1,530.00
6	Health Inspector	1,149.22	1,198.47	1,247.72	1,296.97	1,346.22	1,395.48	1,444.73	1,493.98
	Local Building Inspector								
	Payroll Administrator								
	Local Building Inspector								
5	Veterans Agent/Sealer	1,069.04	1,114.85	1,160.67	1,206.49	1,252.30	1,298.12	1,343.93	1,389.75
	Admin Aid								
	Dog Officer								
4	Acctg & Website Asst	1,021.83	1,058.32	1,094.81	1,131.31	1,167.80	1,204.30	1,240.79	1,277.28
	Asst Acct								
2	Admin Clerk	926.83	959.93	993.03	1,026.13	1,059.23	1,092.33	1,125.43	1,158.53

ARTICLE 26: Proposed Reclassification And Pay Schedule (Traffic Supervisors)

VOTED: To increase the pay for Marblehead Traffic Supervisors, 2% effective July 1, 2021.

ARTICLE 27: 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 as they relate to Seasonal and Temporary Personnel and substitute in place thereof the following new pay schedules as they relate to said employees:

FY2022 TEMPORARY PERSONNEL PAY SCHEDULE								
EFFECTIVE JULY 1, 2021 - 2%								
GP	TITLE	DEPT	1	2	3	4	5	
26	Heavy Equipment Operator	Hwy, HM, Waste Water & Sewer	814.47	862.24	910.05	957.83	996.16	
25	Senior Clerk	Finance	733.31	779.03	824.74	870.45	916.18	

24	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assr,Sel,Fire, Wtr Swr, Public Bldg COA Library Sel	689.41	733.31	777.21	821.10	864.95
23	Special Clerk-Rev General Laborer III	Finance Health	649.15	689.85	730.54	771.23	811.95
22			623.62	655.10	686.69	718.18	749.78
21	Temporary Laborer Temp Special Labor I	Cem, COA Library	612.62	635.45	658.33	681.20	704.05
20			599.84	607.14	614.44	621.77	629.06
14	Sr Staff Engineer	Eng	852.20	891.89	933.63	977.45	1023.42
13	Tech Ser Librarian Adult Librarian Child Librarian Young Adult Librarian	Lib Lib Lib Lib	814.40	852.20	891.89	933.63	977.45
12	Asst Dog Officer	Pol-Dog Off	778.44	814.40	852.20	891.89	933.63
11	Sanitarian	Hlth	744.04	778.44	814.40	852.20	891.89
10			711.45	744.04	778.43	814.40	852.20
9	Special Labor C Library Para-Prof Recreation Assistant	Lib Lib Rec/Park	680.30	711.45	744.04	778.44	814.40
8			650.60	680.30	711.45	744.04	778.44
7	Special Clerk	Hlth, Assr, COA	650.60	680.30	711.45	744.04	

	Library Tech Lib Tech or Tec Adm	Cem,Swr/Wtr Lib Lib					
6	Chauffeur Site Manager	COA	650.60	680.30	711.45		
5	Sr Library Asst General Clerk Building Attendant	Lib Finance Rec/Park	650.60	680.30			
4			622.30	650.60			
3	Unclassified Labor Data Entry Oper -		595.52	622.30			
2	Library Assistant	Library	569.89	595.52			
1	Temporary Clerk		545.53	569.89			

ARTICLE 27

FY2022 SEASONAL PERSONNEL PAY SCHEDULE					
EFFECTIVE JULY 1, 2021 - 2%					
GP	TITLE	DEPT	1	2	3
27	Sr Seasonal Harbor Asst	Harbor	833.91	885.97	938.14
26			782.69	831.61	880.50
25	Beach Supervisor	Rec/Park	733.31	778.88	824.74
	Head Lifeguard	Rec/Park			
	Recreation Program Director	Rec/Park			
	Park Police	Rec/Park			
24	Summer Acct Assistant	Finance	689.41	733.31	777.21
	Summer Programmer Asst	Finance			
	Seasonal Harbor Asst	Harbor			

23	Summer Acct Trainee	Finance	649.15	689.85	730.54
	Summer Programmer Trainee	Finance			
	General Laborer III	Hwy/PW/Waste			
	Recreation Specialist	Rec/Park			
	Recreation Leader, Sailing	Rec/Park			
22	General Laborer B	Sewer/ Water	623.62	655.10	686.69
	Recreation Leader	Rec/Park			
	Lifeguard	Rec/Park			
	Seasonal Custodian	Public Bld/Insp			
	Parking Enforcement Asst	Police			
	Seasonal Archival Intern	Selectmen			
21	Seasonal Laborer	Cemetery	612.62	635.45	658.33
	General Laborer B	Health			
	Data Entry Clerk	Public Bldg/Insp			
	Seasonal Pump-Out Assistant	Harbor			
20	Summer Clerical	Finance,Rec/Park,Harbor	599.84	607.14	614.44
	Beach Maintenance Person	Rec/Park			
	Parking Gate & Beach Attendant	Rec/Park			
	Forestry Worker	Rec/Park/Tree			
	Grounds Caretaker	Rec/Park/Tree			
	Recreational Instructor	Rec/Park			
	Seasonal Labor	Rec/Park/Tree			
2	General Labor C		569.89	595.52	
B	Custodian	Lib	448.74	471.16	494.82
	Summer Asst	Dog Off			

ARTICLE 28: Compensation - Town Officers

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

Town Clerk \$84,095.36

Said amount to be in full compensation for services as Town Clerk. All fees received by the Town Clerk in her 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 Pay Schedule	Town Clerk
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 29 Pay Schedule And Reclassification (Administrative)

VOTED:

- A. To amend Chapter 43 of the General Bylaws, Classification of Personnel, paragraph 8, Adjustments, as follows:

Currently reads: *All future adjustments in salaries and wages affecting every employee covered by the plan shall be made on a percentage basis in order to preserve the equity of the rate structure.*

To read instead: *All future adjustments in salaries and wages affecting every employee covered by the plan shall be made in a manner which preserves the equity of the rate structure.*

and

- B. To transfer the sum of \$127,129.50 from the Salary Reserve Fund to fund and make effective a new schedule for the Administrators.

ARTICLE 29 Pay Schedule and Reclassification (Administrative)

VOTED:

- A. To amend Chapter 43 of the General Bylaws, Classification of Personnel, paragraph 8, Adjustments, as follows:

Currently reads: *All future adjustments in salaries and wages affecting every employee covered by the plan shall be made on a percentage basis in order to preserve the equity of the rate structure.*

To read instead: *All future adjustments in salaries and wages affecting every employee covered by the plan shall be made in a manner which preserves the equity of the rate structure.*

and

- B. To transfer the sum of \$127,129.50 from the Salary Reserve Fund to fund and make effective a new schedule for the Administrators.

ARTICLE 30 Affordable Housing/Tax Title Foreclosures

UNANIMOUSLY VOTED: To appropriate the sum of \$44,400.00 from Free Cash to be paid to the Affordable Housing Trust which is a 10% portion of the proceeds received from the sale of tax foreclosure properties.

ARTICLE 31 Release Funds from Transportation network

VOTED: That the sum of \$7,811.00 is appropriated for improvements to the rail trail, to be transferred from the Transportation Network Receipts Reserved for Appropriation Account.

ARTICLE 32 : PUMPER TRUCK

UNANIMOUSLY VOTED: That the Town appropriate \$750,000.00 to pay costs of purchasing and equipping a new pumper truck for the Fire Department, and for the payment of all other costs incidental and related thereto, and that 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 G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. This vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

ARTICLE 33: AMEND THE BYLAW / DEMOLITION BY NEGLECT

VOTED: That the Town vote to amend the Town of Marblehead General Bylaws by adding a new Chapter 111, Demolition by Neglect, 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 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.

ARTICLE 34: AMEND THE BYLAW / AMEND OLD AND HISTORIC DISTRICT COMMISSION CHAPTER 110 VOTED:

That the Town vote to amend the Town of Marblehead General Bylaws by Chapter 110, 110-4 and 110-7 as follows:

- 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.

ARTICLE 35: Abbot Public Library Counted Vote Yes 396 No 30

That the Town appropriate \$8,500,000.00 to pay costs of renovating, remodeling, reconstructing, originally equipping and replacing infrastructure at the existing Town building known and identified at Abbot Public Library, including the payment of all costs incidental and related thereto, and that 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 G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes

of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs. This vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**ARTICLE 36: JOSEPH BROWN CONSERVATION AREA - ADVISORY ONLY
COUNTED VOTE YES 255 NO 131**

To change the name of "Black Joe's Pond" to "Joe Browns Pond" and to replace the two signs at the Norman Street and Steer Swamp Entrance which currently reads "Black Joe's Pond named for Joseph Brown Revolution Veteran" and "Steer Swamp Conservation Area" with a single sign for "Steer Swamp: Joseph Brown Conservation Area"

**ARTICLE 37: TRANSPARENCY & ACCOUNTABILITY
VOTE FAILED**

**ARTICLE 38: PEACE AND GOOD ORDER
VOTE FAILED**

**ARTICLE 39: BOARD OF SELECTMEN
VOTED:** To indefinitely post pone this ARTICLE

**ARTICLE 40: DIVERSITY
VOTE FAILED**

**ARTICLE 41: COMMON SENSE SIDEWALK SNOW REMOVAL BYLAW
COUNTED VOTE: YES 146 NO 148 VOTE FAILED**

**ARTICLE 42: 3 YEAR STAGGERED TERM FOR SELECTMEN
VOTE FAILED**

ARTICLE 43: MWRA Local Water System Assistance Program, Interest Free Loan, Water Distribution Improvements

VOTED: To appropriate \$1,022,400 to pay costs of constructing and reconstructing the water distribution system, including all incidental or related costs, and that 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 G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor, whether through the Massachusetts Water Resources Authority ("MWRA") Local Financial Assistance Program or any other federal or state loan programs, and to authorize the Town to apply for, accept and expend any federal or state grants or loans that may be available for the project. Any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

**ARTICLE 44: Compensation
VOTED:** To indefinitely postpone this ARTICLE.

**ARTICLE 45: TRANSFER OF PROPERTY
UNANIMOUSLY VOTED:** to change of use from school purposes to electric light purposes and then transfer the care and custody and control of Town-owned land, parcel 146-33-0, listed in the Assessing Department records as 21 Lincoln Avenue, from school department purposes to the Marblehead Municipal Light Department for light department purposes.

**ARTICLE 46: AMEND GENERAL BYLAW, STORMWATER
VOTED:** To amend the Town of Marblehead General Bylaws section 195, Stormwater Management and Erosion Control, as follows (**underline and bold** is new language and ~~cross-out~~ is removed language)

Item 1

§ 195-1 Purpose, **amend** as follows:

- A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; flooding; and overloading or clogging of **the municipal storm sewer system, including**

catch basins and storm drainage systems. The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment, and pollutants from illicit connections and discharges to municipal storm ~~sewer drain~~ systems as major sources of water pollution, impacting drinking water supplies, natural habitats and recreational resources. **In order to comply with state and federal statutes and regulations, r**Regulation of activities that result in the disturbance of land and the creation of stormwater runoff, and regulation of illicit connections and discharges to the municipal storm ~~sewer drain~~ system is necessary for the protection of the water bodies and groundwater resources within the Town of Marblehead, to safeguard the health, safety and welfare of the general public and protect the natural resources of the Town. [Amended 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**

B. The objectives of this by-law are to:

- (1) Protect water resources;
- (2) Require practices that eliminate soil erosion and sedimentation;
- (3) Control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
- (4) Require practices to manage and treat stormwater runoff generated from new development and redevelopment;
- (5) Protect groundwater and surface water from degradation;
- (6) Promote infiltration and the recharge of groundwater;
- (7) Prevent pollutants from entering the municipal storm ~~sewer drain~~ system; **[Amended 5-3-2021 ATM by Art. 46]**
- (8) Ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
- (9) Ensure adequate long-term operation and maintenance of structural stormwater best management practices;
- (10) Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at construction sites that may cause adverse impacts to water quality
- (11) Prohibit illicit connections and unauthorized discharges to the municipal storm ~~sewer drain~~ system; [Added 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**
- (12) **Establish the authority to enforce and r**Remove all such illicit connections; [Added 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**
- (13) Comply with state and federal statutes and regulations relating to stormwater discharges **and ensure low impact development site planning and design strategies are implemented as defined in the latest Massachusetts Stormwater Handbook**; and [Amended 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**
- (14) Establish the Town of Marblehead's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring and enforcement. [Added 5-6-2019 ATM by Art. 35]

Item 2

§ 195-2 Definitions, **add** or **amend** as follows:

AUTHORIZED ENFORCEMENT AUTHORITY

The Conservation Commission and its employees or agents **are** designated to enforce this by-law. For permits pursuant to §195-7, where the Conservation Commission does not have jurisdiction over the land disturbance activity, the Planning Board is designated as the authorized enforcement authority. For illicit connections and discharges, the Board of ~~Water & Sewer Commissioners~~ **Selectmen** is designated as the authorized enforcement authority. [Amended 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**

ILLICIT CONNECTION

Any non-stormwater surface or subsurface drain or conveyance, which allows an illicit discharge into the storm ~~sewer drain~~ **system**, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law. Connections to the municipal storm ~~sewer drain~~ system which constitute illicit discharges as defined below which exist at the time of enactment of this regulation are considered illicit connections. [Added 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**

ILLICIT DISCHARGE

Any direct or indirect discharge to the municipal storm ~~sewer drain~~ system that is not composed entirely of stormwater, except as exempted in § 195-7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit, or resulting from firefighting activities exempted pursuant to § 195-7 of this regulation. [Added 5-6-2019 ATM by Art. 35] **[Amended 5-3-2021 ATM by Art. 46]**

~~MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)~~

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a **separate storm sewer** (drainage) system, streets, gutters, curbs, ditches, inlets, piped **separate storm sewers** (storm drains), pumping facilities, retention or detention basins, natural or man-made or altered drainage channels, open channels, reservoirs and other **separate storm sewers** or drainage structures that together comprise the storm **sewer drainage** system owned or operated by the Town of Marblehead. **[Amended 5-3-2021 ATM by Art. 46]**

NEW DEVELOPMENT

Any construction activities, land alterations or activities that are part of a larger common plan on an area that has not previously been developed to include impervious cover. [Amended 5-3-2021 ATM by Art. 46]

QUALIFIED PERSON

A person designated by the authorized enforcing authority knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit and state and federal statutes and regulations. [Amended 5-3-2021 ATM by Art. 46]

REDEVELOPMENT

Any construction, development, rehabilitation, expansion, demolition, land alteration, improvement of impervious surfaces, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites that does not meet the definition of new development. [Amended 5-3-2021 ATM by Art. 46]

SITE

Any lot or parcel of land or area of property where land-disturbing activities are, were or will be performed, **including but not limited to the creation of new impervious cover and improvements of existing impervious cover. [Amended 5-3-2021 ATM by Art. 46]**

Item 3

§ 195-4 Applicability, **amend** as follows:

This by-law **or the regulations promulgated thereunder** shall apply to all land-disturbing activities within the jurisdiction of the Town of Marblehead. Except as permitted by the authorized enforcement authority, or as otherwise provided in this by-law, no person shall perform any activity that results in land disturbance of 40,000 square feet or more, including 40,000 square feet of area which is comprised of smaller, individual parcels within the same project or unconnected areas which comprise 40,000 square feet or more in the aggregate. **[Amended 5-3-2021 ATM by Art. 46]**

A. Regulated activities. Regulated activities shall include, but not be limited to:

- (1) Land disturbance of 40,000 square feet or more, whether or not associated with construction or reconstruction of structures;
- (2) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land;
- (3) Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff;
- (4) Construction of a new **municipal separate storm sewer system**, drainage system, or alteration of any existing drainage system or conveyance serving a drainage area of 40,000 square feet or more; **[Amended 5-3-2021 ATM by Art. 46]**
- (5) Any other activity altering the surface of an area exceeding 40,000 square feet or more that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm **sewer drain** system, or wetlands; or **[Amended 5-3-2021 ATM by Art. 46]**
- (6) Construction or reconstruction of structures where 40,000 square feet or more of roof drainage is altered.

B. Erosion and sedimentation control requirement. A project which includes land disturbance of less than 40,000 square feet shall be considered to be in conformance with this by-law if soils or other eroded matter have been or will be prevented from being deposited onto adjacent properties, rights-of-way, the public storm **sewer drainage** system or wetlands and watercourses. The design, installation and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the regulations adopted pursuant to this by-law. **[Amended 5-3-2021 ATM by Art. 46]**

C. Illicit discharges and illicit connections. Illicit discharges and connections shall include, but not be limited to: all flows of non-stormwater into the municipally owned storm **sewer drain** system, a watercourse, and any waters of the commonwealth located within the boundaries of the Town of Marblehead. [Added 5-6-2019 ATM by Art. 351] **[Amended 5-3-2021 ATM by Art. 46]**

Item 4

§ 195-5 Administration, **amend** as follows:

The authorized enforcement authority shall administer, implement and enforce this by-law or the regulations promulgated thereunder. Any powers granted to or duties imposed upon the authorized enforcement authority through this by-law may be delegated in writing by the authorized enforcement authority to its employees and/or agents. **[Amended 5-3-2021 ATM by Art. 46]**

Item 5

§ 195-7 Permits/prohibitions, **amend** paragraph A (3) and (5) and paragraph B as follows:

- (3) **Design requirements** and ~~information~~ requests. **Stormwater management systems shall be designed to be at least as stringent as the latest Massachusetts Stormwater Handbook design requirements. Additionally, the stormwater management system shall meet the US EPA Total Phosphorus and TSS design requirements for new development and redevelopment per the Federal NPDES permit. If there is a conflict between the latest Massachusetts Stormwater Handbook and the US EPA Total Phosphorus and Total Suspended Solids requirements, the more stringent requirements apply.** The authorized enforcement authority may request such additional information as is necessary to enable the authorized enforcement authority to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this by-law. **[Amended 5-3-2021 ATM by Art. 46]**
- (5) Coordination with other boards. On receipt of a complete application for a land disturbance permit, the authorized enforcement authority shall distribute one copy each to the Planning Board, the Water and Sewer Commission, the Board of Health, ~~and the Building Commissioner,~~ **and the Department of Public Works as designated by the Board of Selectmen** for review and comment. Said agencies and persons shall, in their discretion, investigate the case and report their recommendations to the authorized enforcement authority. The authorized enforcement authority shall not hold a hearing on the land disturbance permit until it has received reports from said agencies or until said agencies have allowed 20 days to elapse after receipt of the application materials without submission of a report thereon. **[Amended 5-3-2021 ATM by Art. 46]**

B. Illicit discharges and illicit connections shall be prohibited.

- (1) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into any storm ~~sewer drain~~ system, into a watercourse, or into waters of the United States and/or commonwealth. **[Amended 5-3-2021 ATM by Art. 46]**
- (2) Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm ~~sewer drain~~ system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection. **[Amended 5-3-2021 ATM by Art. 46]**
- (3) Obstruction of the municipal storm ~~sewer drain~~ system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm ~~sewer drain~~ system without prior approval from the Marblehead **Department of Public Works as designated by the Board of Selectmen** ~~Water and Sewer Commission.~~ **[Amended 5-3-2021 ATM by Art. 46]**

Item 6

§ 195-11 Inspection and site supervision, **amend** as follows:

- B. Inspection. The authorized enforcement authority or its designated agent shall **designate a qualified person to complete** ~~make~~ inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and/or any conditions of approval. One copy of the approved plans and conditions of approval, signed by the authorized enforcement authority, shall be maintained at the site during the progress of the work. To facilitate inspections, the permittee shall notify the agent of the authorized enforcement authority within 24 hours after each of the following events: **[Amended 5-3-2021 ATM by Art. 46]**

- (1) Erosion and sediment control measures are in place and stabilized;
- (2) Rough grading has been substantially completed;
- (3) Final grading has been substantially completed;
- (4) Bury inspection, prior to backfilling of **the municipal separate storm sewer system and/or** any underground drainage or stormwater conveyance structures; **[Amended 5-3-2021 ATM by Art. 46]**

Item 7

§ 195-14 Enforcement, **amend** as follows:

B. Orders

- (4) Upon discovery of illicit discharges or illicit connections, the authorized enforcement authority may issue a written order to enforce the provisions of this by-law or the regulations promulgated thereunder, which may include: **[Added 5-6-2019 ATM by Art. 35]**
 - a. Elimination of illicit connections or discharges to the municipal storm ~~sewer drain~~ system; **[Amended 5-3-2021 ATM by Art. 46]**
 - b. Performance of monitoring, analyses, and reporting;
 - c. That unlawful discharges, practices, or operations shall cease and desist; and
 - d. Remediation of contamination in connection;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. Implementation of source control or treatment BMPs.

If the enforcing person determines that abatement or remediation of contaminations is required and is the responsibility of the property owner, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Marblehead may at its option, undertake such work, and expenses times three thereof shall be charged to the violator.

Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Marblehead, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the **Department of Public Works as designated by the Board of Selectmen** ~~Marblehead Water & Sewer Commission~~ within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the **Department of Public Works as designated by the Board of Selectmen** ~~Marblehead Water & Sewer Commission~~ affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the thirty-first day at which the costs first become due. **[Amended 5-3-2021 ATM by Art. 46]**.

ARTICLE 47: USE OF GAS-POWERED LEAF BLOWERS

VOTED: To indefinitely postpone this ARTICLE

ARTICLE 48 : SUPPLEMENTAL APPROPRIATION FOR THE SCHOOLS

VOTED: To indefinitely Post pone this ARTICLE.

ARTICLE 49 : SUPPLEMENTAL EXPENSES OF SEVERAL DEPARTMENTS

VOTED: To indefinitely Post pone this ARTICLE.

At 11:00PM the Moderator dissolved 2021 Town Meeting