



Town of Marblehead

2022 Annual Town Warrant

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

You are hereby required and directed in the name of the Commonwealth of Massachusetts to warn and give notice to the inhabitants of Marblehead, qualified to vote in elections and in town affairs, to meet at the Marblehead Veterans Middle School Auditorium, Duncan Sleigh Square, 217 Pleasant Street, Marblehead, MA, on Monday, the second day of May next A. D. 2022 (it being the first Monday in May) at 7:00 o'clock in the afternoon to act on the following articles in the Warrant for said meeting as follows:

Article 1 Articles in Numerical Order

To see if the Town will vote to adopt an order requiring articles in the Warrant to be taken up in their numerical order, 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 Unpaid Accounts

To see if the Town will vote to appropriate or transfer from available funds a sum of money to provide for the payment of any unpaid accounts brought forward from previous years, or take any other action relative thereto. Sponsored by the Finance Director.

Article 7 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 8 Departmental Revolving Funds

To see if the Town will vote to fix the maximum amount that may be spent during FY 2023 beginning July 1, 2022 for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 § 53E 1/2, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 9 Purchase of Equipment of Several Departments

To see if the Town will raise and appropriate any sums of money for the purchase and/or lease of equipment for several departments of the Town, to authorize the Board of Selectmen to trade old equipment as part of the purchase price 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 10 Lease Purchase

To see if the Town will vote pursuant to G.L. c. 44 §21C, to authorize the Board of Selectmen to enter into lease purchase agreements for the lease and purchase of vehicles and certain capital for a period of time not in excess of the useful life of the property to be procured on such terms 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 said lease purchase through an annual appropriation in the Capital Budget or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 11 Capital Improvements for Public Buildings

To see if the Town will vote to raise and appropriate a sum of money for remodeling, reconstructing and making extraordinary repairs to existing Town or School buildings, infrastructure, and the purchase of necessary equipment including computer hardware and software 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 12 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 13 Storm Drainage Construction

To see if the Town will vote to appropriate, borrow or otherwise fund a sum of money for the construction, reconstruction, permitting and maintenance of storm sewers for surface drainage, including engineering services in connection therewith, and for general Drain Department 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 easements necessary therefore, and to raise the money for such purposes by the issue of bonds or notes or in any other manner, to be expended by the Department of Public Works; or to take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 14 Water Department Construction

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

Article 15 Sewer Department Construction

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

Article 16 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 or sewer systems, or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Article 17 Collective Bargaining (Fire)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2023 with the International Association of Firefighters AFL/CIO CLC Local 2043, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 18 Collective Bargaining (Police)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2023 with MASS

C.O.P., AFL-CIO, Local 437, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 19 Collective Bargaining (IUE/CWA – Local 1776)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2023 with Local 1776 of the IUE/CWA, AFL-CIO, or take any action relative thereto. Sponsored by the Board of Selectmen.

Article 20 Proposed Reclassification and Pay Schedule (Administrative)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Administrative Pay Schedule; to strike out the pay schedule as it relates to Administrative personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 21 Proposed Pay Schedule and Reclassification (Traffic Supervisors)

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Traffic Supervisors Pay Schedule; to waive the pay schedule as it relates to Traffic Supervisor personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

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

To see if the Town will vote to amend Chapter 121 of the Bylaws, Classification and Wage Salary Plan, by changing certain job titles where indicated and reclassify certain positions in the Seasonal and Temporary Personnel Pay Schedules; strike out the pay schedules as they relate to seasonal and temporary personnel, substitute in place thereof the new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 23 Compensation - Town Officers

To see if the Town will vote to revise the compensation of the Town Clerk as the Town by vote may determine and to transfer from available funds and/or appropriate a sum of money to make said revision effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 24 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 25 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 26 Essex North Shore Agricultural and Technical School District

To see if the Town will vote to approve the gross operating and maintenance budget of the Essex North Shore Agricultural and Technical School District for the fiscal year commencing July 1, 2022 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Article 27 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 28 Release Funds from Transportation Network

To see if the Town will vote to appropriate or transfer from the reserve for appropriation Fund 27 for the purpose of implementing Transportation Infrastructure Enhancement Fund related to improvements to the rail trail, or take any other action relative thereto. Sponsored by the Finance Director.

Article 29 Available Funds Appropriate to Reduce Tax Rate

To see if the Town will vote to appropriate free cash balance in the hands of the Town Treasurer, including any surplus or part of surplus in the Electric Light Department for use of the Assessors in making the tax rate, or take any other action relative thereto. Sponsored by the Finance Director.

Article 30 Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the necessary and usual expenses of the several departments of the Town for the fiscal year beginning July 1, 2022, or take any other action relative thereto. Sponsored by the Finance Director.

Article 31 Summer Break from gas powered leaf blowers

1. Gas powered leaf blowers can be used from October 15th thru June 15th
2. A representative chosen by the Board of Selectmen may implement the use of GPLB's in a Town emergency situation at any time
3. This bylaw shall be effective on June 15, 2022

Sponsored by Beth Grader and others.

Article 32 Land Acknowledgement

To see if the Town will vote to adopt a land acknowledgement to be published on the town website with a shortened version to be read at the beginning of certain official meetings and which recognizes the following: Whereas: The Town of Marblehead is built on land

that was originally inhabited by Native Americans and, Whereas: it is understood that the Naumkeag band of the Massachusetts and Pawtucket Tribes called this land home and, Whereas: we strive to be inclusive in our understanding of the history of this town. Sponsored by the Task Force Against Discrimination.

Article 33 Allocation of Land for Off-Road Bike Park

To see if the Town will vote to allocate a portion of land under the care and custody of the School Committee, as shown on the Town of Marblehead Assessor's Map 159 and Lot 20, located at the corner of Green and Beacon Streets; for the purpose of building and operating an off-road bike park overseen by an appropriate town department or commission, provided that the park shall be constructed of natural materials; all funds and labor for construction and maintenance shall be contributed by donations and volunteers; and the park shall remain open to walkers and other passive users. Sponsored by Rick Smyers and others.

Article 34 Mooring Fees in Marblehead Waters.

To see if the Town will vote to amend Chapter 190, Section 190-5 (C) of the Town of Marblehead General Bylaws as follows (~~cross through~~ text represents deleted language and **bold and underline** font represents proposed amendment.): The Harbormaster shall collect from the applicant a mooring permit fee of ~~\$8.00~~ **\$10.00** per foot for Marblehead Harbor, Little Harbor, and Dolibers Cove. All other locations in Marblehead anchorage shall be assessed ~~\$7.00~~ **\$9.00** per foot. Working commercial fishermen shall have their permit fee abated to a rate of ~~\$3.50~~ **\$4.25** per foot upon approval of the Harbormaster. Such fee shall be assessed on a per-foot basis, measured from the stem in a straight line aft to the stem of the vessel. Booms, boomkins or pulpits are exempt from the measurement. The minimum mooring permit fee shall be \$10. Said fee shall be collected before a mooring permit is issued. All fees collected by the Harbormaster shall be paid to the Town of Marblehead. All permits shall expire on the first day of February following the year of issue, or take any action relative thereto. Sponsored by the Harbors and Waters Board.

Article 35 Adoption of Diversity Statement

To see if the Town will vote to adopt the Task Force Against Discrimination's Diversity Statement, utilizing best practices for high visibility placement. Sponsored by Megan Sweeney and others.

Article 36 Procedures of Operation and Organizational Structures Instructions

To see if the Town will vote to instruct the Town Administrator to oversee the development, common structure and adoption of Procedures of Operation and Organizational Structures for all appointed and elected Boards or Committees. Each entity shall modify the template, approve and submit the final version to the Town Administrator annually. Sponsored by Megan Sweeney and others.

Article 37 Work Associated with New Transfer Station Building

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Health for the permitting, public bidding, site work, utility work, deconstruction of the old Compactor Pit and construction of the new Transfer Station, scale house, staff support buildings and swap shed, and all other activities and costs necessary to carry out the work including legal, engineering and architecture work; and determine whether this

appropriation shall be raised by borrowing or otherwise; or take any other action relative to. Sponsored by the Board of Health.

Article 38 Work Associated with Existing Transfer Station Building

To see if the Town will vote to appropriate a sum of money to be expended by the Board of Health for the permitting, public bidding, site work, utility work, restoration of the old Compactor Pit, construction of a new scale house, staff support buildings and swap shed and all other activities and costs necessary to carry out the work including legal, engineering and architecture work; and determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative to. Sponsored by the Board of Health.

Article 39 Order of Candidates Names on Ballot

In order to ensure fair elections that provide a level playing field and encourage more citizens to run for elected office in the Town of Marblehead, the order of candidates listed on the ballot shall be determined by random drawing of names by the Town Clerk for each race. Prior to printing of the ballots the Town Clerk will hold a lottery for each race where names of all qualified candidates will be entered. The order of the names drawn shall be the order in which the names appear on the ballot. Any candidate for re-election shall be designated as such on the ballot. Each candidate, or her or his representative, shall have the opportunity to be present at such drawing. Sponsored by Barbara A. Grenier and others.

Article 40 Change name of Board of Selectmen to Select Board in General Bylaws.

To see if the Town will vote to amend the Town of Marblehead General Bylaws by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments related to the non-gendered reference to effectuate the purposes hereof; or take any action relative thereto. Sponsored by Board of Selectmen.

Article 41 Change name to of Board of Selectmen to Select Board in Zoning Bylaws

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments related to the non-gendered reference to effectuate the purposes hereof; or take any action relative thereto. Sponsored by Board of Selectmen.

Article 42 Replace pronouns and nomenclature throughout our bylaws to gender-neutral terms

To see if the Town will vote to amend the Town of Marblehead General Bylaws to make them gender neutral, or take any action relative thereto. Sponsored by Board of Selectmen.

Article 43 Replace pronouns and nomenclature in Zoning Bylaws to gender-neutral terms

To see if the Town will vote to amend the Town of Marblehead Zoning Bylaws to make them gender neutral, or take any action relative thereto. Sponsored by Board of Selectmen.

Article 44 Open Meeting Law Compliance

To see if the Town will vote to require all town boards and committees to fully implement best practices related to 940 CMR 29.10 of the Massachusetts Open Meeting Law governing remote participation by ensuring the use of hybrid meeting platforms for all body members and for the public at all public meetings. Recordings of all such meetings must be made easily accessibly along with official minutes linked from the Town Website after the meeting at no cost to the public. Sponsored by Rosalind Nadeau and others.

Article 45 Utility Easement Lucretia and Joseph Brown School

To see if the Town will vote to authorize the Board of Selectmen to enter into an easement regarding utility services for the Lucretia and Joseph Brown School, in the location as noted on a plan which is on file in the Town Clerk's office, or take any other action relative thereto. Sponsored by the School Building Committee.

Article 46 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 beginning in FY2023, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

Article 47 Supplemental Expenses of Several Departments

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the Town's General Government operating budget beginning in FY2023, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the Finance Director.

Article 48 School Capital Needs

To see if the Town will vote to appropriate a sum of money for the purpose of making renovations and extraordinary repairs, including all professional feasibility studies, design, architectural and engineering fees to the Brown, Glover, Village, Veterans Middle and High School and their respective school grounds, and to purchase technology software and equipment and to raise the money for these purposes by the issue of bonds or notes, by the transfer of an unused/prior appropriation and borrowing authority for such purposes, or in any other manner, or take any other action relative thereto. Sponsored by the School Committee.

Given under our hands at Marblehead aforesaid this
16th day of February 2022.

JACKIE BELF-BECKER, Chair

M. C. MOSES GRADER

ERIN M. NOONAN

JAMES E. NYE

ALEXA J. SINGER

Selectmen of Marblehead



A True Copy

Attest:

_____, Constable