

**Town of  
Marblehead  
Annual Town Meeting  
May 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup>, 2023**

**With a quorum met the Moderator called the 2023 Annual Town Meeting to order at 7:00PM**

**Article 1 Articles in Numerical Order**

**Voted:** That the Town 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:** That the Town 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 General Laws and authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth.

**Article 4 Accept Trust Property**

**Voted:** That this article be indefinitely postponed

**Article 5 Lease Town Property**

**Voted:** That the Town 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.

**Article 6 Unpaid Accounts**

**Unanimously Voted:** The Town approve from FY23 available funds \$26,788.00 to provide for the payment of the unpaid accounts brought forward from previous year FY22 as set forth below:

School Department	\$ 4,686.00
Select Board	\$ 4,560.00
Finance Department	\$ 4,891.00
Sewer Department	\$ 300.00
Water Department	\$ 100.00
Council on Aging	\$ 90.00
Highway Department	\$ 290.00
Park Department	\$ 1,170.00
Park Revolving Fund	\$ 1,440.00
Harbors and Waters	\$ 599.00
Town Clerk	\$ 8,662.00
<b>Total Unpaid Bills</b>	<b>\$26,788.00</b>

**Article 7 Contracts in Excess of Three Years**

**Voted:** That the Town vote 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 8 Revolving Fund**

**Voted:** That the Town authorize the total expenditures for the following revolving funds pursuant to G.L. c44 Section 53E ½ for the fiscal year beginning July 1, 2023 to be expended in accordance with Chapter 63 - 9 of the

town bylaws and Amend Chapter 63, section 63-9, of the Town of Marblehead General Bylaws by adding a new subsection 63- 9(E)(13) as follows:

13. School Transportation Revolving Fund

a. There shall be a separate fund called the School Transportation Revolving Fund authorized for use by the School Committee.

b. The Finance Director/Town Accountant shall establish the School Transportation Revolving Fund as a separate account and credit to the fund all of the revenues received by the School Committee in connection with transportation expenses for the pay to ride bus program. Said revenues shall be collected from parent fees associated with said program.

c. During each fiscal year, the School Committee may incur liabilities against and spend monies from the School Transportation Revolving Fund for expenses related to school transportation operations not to exceed five hundred thousand (\$500,000) for FY2024.

d. The School Transportation Revolving Fund shall operate for the fiscal year that begins on July 1, 2023, or take any other action relative thereto.

FUND	SPENDING LIMIT
Park Revolving Fund	\$1,500,000.00
Historic Commission Gift Shop	\$25,000.00
Council on Aging	\$150,000.00
Animal Control	\$12,000.00
Street Opening	\$1488,200.00
Commercial Waste Collection	\$1,488,200.00
Conservation Fines	\$75,000.00
Hobbs Memorial Building	\$3,744.00
Vaccine Revolving	\$10,000.00
Special Education	\$500,000.00
Sump Pump	\$10,000.00
Storm Water bylaw	\$-
<b>TOTAL</b>	<b>\$3,761,944.00</b>

**Article 9 Purchase of Equipment of Several Departments**

**Voted:** That the Town will raise and appropriate sum of \$388,488.00 be appropriated for the purchase and or lease of equipment for several departments of the Town, to authorize the Select Board 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.

Engine 3 Refurbish	\$62,369.00
Hose and Equipment	\$30,524.00
Station Alerting System	\$96,375.00
Ford Escape	\$30,000.00
Electric Lawnmower	\$31,180.00
Community Center Boiler	\$48,000.00
Radio Replacement	\$47,030.00

Veterans School Exterior Lighting	\$29,700.00
Veterans School Gymnasium	\$13,310.00

**Article 10 Lease Purchase**

**Hand Count Yes 668 No 17**

**Voted:** That pursuant to Chapter 44 Section 21c to authorize the Select Board to enter into lease agreement 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 Select Board deem in the best interests of the Town; and to authorize the Select Board to take all actions necessary to administer and implement such agreement and to fund said lease purchase through and annual appropriation in the Capital budget. And to pay for the first year of the lease, that the Sum of \$467,553.00 be appropriated and to meet this appropriation; \$26,079.00 to be transferred from Waste Revolving Fund and \$441,474.00 is to be raised by taxation. To include the following;

**Police Department**

2 Ford Explorers AWD 4DR and Uplifting	\$39,597.00
2 Ford Interceptor Hybrid Cruisers	\$45,000.00

**Waste Department**

1 John Deere Wheel Loader	\$25,079.00
1 Backhoe	\$19,600.00

**School Department**

1 School Bus	\$24,605.00
1 Pickup Truck	\$19,920.00
1 Large School Bus	\$36,000.00

**Recreation & Park Department**

1 Ford F-450 Truck	\$23,084.00
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**Public Works Department**

1 Tree Chipper Truck	\$30,409.00
1 Trackless MT7 Tractor	\$68,155.00
1 Plow Truck	\$67,105.00
1 Aerial Bucket lift Truck	\$68,000.00

**Article 11 Capital Improvements Public Buildings**

**Voted:** That the Town raise and appropriate \$287,451.00 and transfer \$14,585.00 from cemetery trust account 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 as follows:

Cemetery Department	Garage Lighting	\$14,585.00
Fire Department	Replacement of doors at Fire Station	\$40,076.00
Department of Public Works	DPW Storage Yard	\$40,000.00
Department of Public Works	Crew Room and Electrical upgrades	\$21,000.00
Department of Public Works	Upper garage floor reinforcement	\$39,375.00
Building Department	Mary Alley Building floor repairs	\$52,500.00
School Department	High School – Replace main entry doors	\$60,375.00
School Department	Village School & Glover school playground resurfacing	\$34,125.00

**Article 12 School Capital Needs**

**Voted:** That this article be indefinitely postponed

**Article 13 Walls and Fences**

**Voted:**

That the Town raise and appropriate \$50,000 construction and 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.

**Article 14: Storm Drainage Construction**

**Voted:** That \$400,000 is appropriated from taxation for the construction, reconstruction, permitting, and maintenance of storm sewers for surface drainage purposes, including engineering services in connection



11	Fire Chief, Public Health, Police Chief, Town, Superintendent W/s, Engineer, Finance Director, Public Works	1,995.89	2,081.42	2,166.97	2,252.50	2,338.03	2,423.58	2,509.11	2,594.66
	Annual Salary	103,786.10	108,233.89	112,682.22	117,130.01	121,577.80	126,026.13	130,473.92	134,922.26
10	Town Planner, COA Director, Asst. Public Works Dir., Superintendent Park & Rec. Dir Library, Build. Commissioner, Asst. Assessor, Town Accountant Superintendent (Cemetery)	1,663.24	1,734.3	1,805.80	1,877.08	1,948.37	2,019.6	2,090.92	2,162.21
	Annual Salary	86,488.60	90,195.36	95,901.58	97,608.34	101,315.11	105,021.87	108,728.09	112,434.85
9	Rec Supervsr, Treasurer/collectr, Payroll Manager, Deputy Harbor master, Ass. Super W&S	1,549.72	1,616.14	1,682.55	1,748.98	1,815.39	1,881.80	1,948.22	2,014.63
	Annual Salary	80,585.40	84,039.35	87,492.76	90,946.72	94,400.13	97,855.34	101,307.50	104,760.91
8	Tree Warden, Office Manager w&s, Head Tech Svcs, Head Public Svcs, Asst Treasurer/collector	1,377.53	1,436.56	1,495.60	1,554.64	1,613.67	1,672.71	1,731.76	1,790.79
7	Public Health Nurse	1,224.47	1,276.95	1,329.43	1,381.90	1,434.38	1,486.86	1,539.34	1,591.81
	Annual Salary	63,672.27	66,401.51	69,130.20	71,858.90	74,587.60	77,316.83	80,045.53	82,774.22
6	Vet. Agent/sealer/Dep. Harbmstr, Adm Assistant, Dog Officer	1,112.23	1,159.90	1,207.56	1,255.23	1,302.89	1,350.56	1,398.23	1,445.90
	Annual Salary	57,835.94	60,314.55	62,793.15	65,271.76	67,750.36	70,228.97	72,708.12	75,186.72
4	Asst, Harbmstr	1,063.11	1,101.07	1,139.05	1,177.01	1,214.98	1,252.95	1,290.92	1,328.88
	Annual Salary	55,281.76	57,255.84	59,230.46	61,204.54	63,179.16	65,153.24	67,127.86	69,101.93

2	Admin Clerk	964.27	998.71	1,033.15	1,067.59	1,102.03	1,136.46	1,170.90	1,205.33
	Annual Salary	50,151.88	51,932.74	53,723.60	55,514.46	57,305.13	59,096.17	60,887.03	62,677.35

**Article 20 Proposed Reclassification and Pay Schedule (Traffic Supervisors)**

**Voted:** To increase the pay for Marblehead Traffic Supervisors, 2% effective July 1, 2023.

**Article 21 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.

**FY2024 Seasonal Personnel Pay Schedule  
Effective July 1, 2023 -2%**

GP	Title	Dept	1	2	3
27	Sr. Seasonal Harbor Asst	Harbor	846.44	878.88	952.23
26			794.45	844.11	893.72
25	Beach Super.,Head Life Guard, Rec Program Dir., Park Police	Rec/Park	744.33	790.58	837.13
24	Summer Acct Asst. Summer Program asst Seasona Harbor Asst. Leader, Sailing	Finace, Harbor	699,77	744.33	788.89
23	Summer Programmer Trainee, General Laborer III, Rec Specialist, Rec Leader, Sailing	Finance, HWY/PW/Waste, Rec/park	658.90	700.22	741.52
22	General Laborer B Rec Leader Lifeguard Seasonal Custodian Parking Enforcement Asst. Season Arhival intern	Sewer.Waterm Rec/Park, Public Bldg/insp, Police, Select Board	632.99	664.95	697.01
21	Seasonal Laborer General Laborer B Data Entry Clerk Seasonal Pump out Asst	Cemetery, Health, Pub. Bldg.Ins, Harbor	621.82	645.00	668.22
20	Summer Clerical Beach Maint. Person Parking Gate/beach Attendent Forestry Worker Grounds Caretaker Rec. Instructor Seasonal Labor	Finance, Rec/Park, Harbor Rec/Park/Tree	608.85	616.26	623.67
2	General Labor C		578.45	604.47	--
B	Summer Asst.	Lib, Dog Off	455.48	478.24	502.26

**FY2024 Temporary Personnel Pay Schedule  
Effective July 1, 2023**

GP	Title	Dept	1	2	3	4	5
26	Heavy Equipment Operator	Hwy, HM, Waste, Water/Sewer	826.70	875.19	923.72	975.34	1,011.12
25	Senior Clerk	Finance	744.33	790.74	837.13	883.53	929.94
24	General Clerk Vol/Comm Res Coord Prgm/Vol Coord E-911 Dispatch	Assessor, Select Board, Fire, WS Pub. Bldg, COA, Library	699.77	744.33	788.89	833.44	877.94
23	Special Clerk Rev General Laborer III	Finance, Health	658.91	700.22	741.51	782.82	824.15
22			632.99	664.95	697.02	728.97	761.04
21	Temp Laborer Temp Special Labor 1	Cemetery, COA, Library	621.82	640.83	668.22	691.44	714.63
20			608.85	616.26	623.67	631.11	638.50
14	Sr. Staff Engineer	Engineering	865.00	905.29	947.66	992.14	1,038.80
13	Tech. Ser lib. Adult Librarian Child Librarian Yng Adult Librarian	Library	826.64	865.00	905.29	947.66	992.14
12	Asst. Dog Offier	Police – Dog Off.	790.13	826.64	865.00	905.29	947.66
11	Sanitarian	Health	755.22	790.13	826.64	865.00	905.29
10			722.14	755.22	790.12	826.64	865.00
9	Special Labor C Library Para Prof Rec. Asst.	Library, Rec/Park	690.52	722.14	755.22	790.12	826.64
8			722.14	755.22	790.12	826.64	865.00
7	Special Clerk Library Tech Rec Asst.	Health, Assessor, COA, Cemetery, Water/Sewer, Library	660.37	690.52	722.14	755.22	
6	Chauffeur Sit Manager	COA	660.37	690.52	722.14		
5	Sr. Library Asst. General Clerk Building Attendant	Library, Finance, Rec/Park	660.37	690.52			
4			631.65	660.52			
3	Unclassified Labor Data Entry Oper		604.47	631.65			
2	Library Assistant	Library	578.45	604.47			
1	Temporary Clerk		553.73	578.45			

**Article 22 Compensation - Town Officers**

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

**Town Clerk**

**\$88,342.00**

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.

**Article 23 Ratification of Salary ByLaw**

**Voted:** That the Town ratifies the actions taken by the Compensation Committee under Chapter 43 Section 3(e) as last amended and amend the classification table by reclassifying or creating certain positions. To reclassify the following Positions on the Administrative Pay Scale as previously approved by the Compensation Committee:

- a. Created Lead Equipment Operator in Cemetery Department Grade 3.
- b. Tree Warden Position from part-time Grade 8 to full-time Grade &.
- c. Created Office Assistant in Water and Sewer Department Grade 2.
- d. Reclassification from Full Time Chauffeur to Transportation Coordinator in Council on Aging Grade 3.

**Article 24 Amend General Bylaws for New Human Resources Department**

**Voted:** To amend Chapter 106 of the General Bylaws and add a new Article X as Follows:

**106-24 Appointment**

The Select Board shall appoint a Director of Human Resources for a period not to exceed three(3) years. The Director shall have the authority to appoint such employees as the Director's work requires, subject as to number and compensation only to the approval of the Select Board.

**106-25 Duties**

The Human Resources Department shall manage the personnel and benefits functions of the Town including but not limited to: formulating implementing personnel policies, employee relations, support for collective bargaining, wages, and salaries administration, recruitment, monitoring workers' compensation, police/fire medical administration, benefits administration for town employees and retirees, overseeing unemployment benefits, and managing personnel records

**Article 25 Financial Assistance Conservation**

**Voted:** That the Town 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 26 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 \$468,762.00 for the town's assessment of the same to be expended by the School Committee.

**Article 27 Transfer Funds to Special Education Stabilization Account**

**Voted:** That the Town vote to Indefinitely Postpone this article

**Article 28 Release Funds from Transportation network**

**Voted:** That the sum of \$5,259.40 is appropriated from improvements to the rail trail, to be transferred from the Transportation Network Receipts Reserved for Appropriation Account.

**Article 29 Available Funds Appropriated to Reduce the Tax Rate**

**Voted:** That the sum of \$8,000,000.00 be appropriated from Free Cash and \$330,000.00 be transferred from Electric Surplus to reduce the FY24 Tax Rate for use of the Assessors.

<b>From Free Cash</b>	\$ 8,000,000.00
<b>From Electric Surplus</b>	330,000.00
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	\$8,330,000.00

**Article 30 Expense of Several Departments - 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 17, 18, 19, 29, 30, 35, 39, 40, 43, 44, 50 55, 56 General Government**

**Voted:** That the sum of \$3,633,061.00 be and hereby is raised and appropriated for the General Government Departments of which \$2,154,307.00 for salaries and \$1,478,754.00 for Expenses for the Fiscal Year Beginning July 1, 2023, as follows:

Salaries	\$2,154,307.00
Expense	<u>\$1,478,754.00</u>
Total General Government	\$3,633,061.00

**Article 30 Expense of Several Departments - Items 62, 63, 68, 69, 73, 74, 80, 86, Public Safety**

**Voted:** That the sum of \$10,536,123.00 be and hereby is appropriated for the Public Safety Departments of which \$10,037,909.00 for Salaries and \$498,214.00 for Expenses for the Fiscal Year beginning July 1, 2023, as follows:

Item 3 Salaries	\$10,037,909.00
Item 4 Expense	<u>\$ 498,214.00</u>
	\$10,536,123.00

**Article 30 Expenses of Several Departments - Item 101 School Department**

**Voted:** That the sum of \$44,837,273.00 be and hereby is appropriated for the School Department.

Item 101	Schools	\$44,837,273.00
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**Article 30 Expenses of Several Departments - Items 105, 106, 112, 113, 116, 117, 126, 127, 128, 141, 143, Public works & Facilities**

**Voted:** That the sum of \$5,225,012.00 be and hereby is appropriated for Public Works & Facilities of which \$2,625,721.00 for Salaries and \$2,599,292.00 for Expenses for the Fiscal Year beginning July 1, 2023, as follows:

Item 105	Salaries	\$2,625,721.00
Item 106	Expense	<u>\$2,599,292.00</u>
Total Public Wors & Facilities		\$5,225,013.00

**Article 30 Expenses of Several Departments - Items 153, 154, 155, 164, 165, 175, 176, 178 Human Services Departments**

**Voted:** That the sum of \$826,623.00 be and hereby is raised and appropriated for the Human Services Department of which \$680,878.00 for Salaries and \$145,745.00 for Expenses for the Fiscal Year beginning July 1, 2023 as follows:

Salaries	\$680,878.00
Expense	<u>\$145,745.00</u>
	\$826,623.00

**Article 30 Expenses of Several Departments - Items 186, 187, 19, 191, 210 Culture and Recreation Departments**

**Voted:** That the sum of \$2,272,804.00 be and hereby is appropriated for the Culture and Recreation Departments of which \$1,752,559.00 for salaries and \$520,245.00 for Expenses for the Fiscal year beginning July 1, 2023 as follows:

Salaries	\$1,752, 559.00
Expense	<u>\$ 520,245.00</u>
Total Culture and Recreation Department	\$2,272,804.00

**Article 30 Expenses of Several Departments - Item 214, 215 Excluded Dept Services**

**Voted:** That the sum of \$11,001,616.00 be and hereby is raised and appropriated through previously voted debt exclusions for the Excluded Dept Service of which \$6,980,000.00 for Principal and \$4,021,616.00 for interest for the Fiscal Year beginning July 1, 2023, as follows:

Maturing Principal Debt	\$ 6,980,000.00
Interest	<u>\$ 4,021,616.00</u>
Total Exluced Debt Services	\$11,001,616.00

**Article 30 Expenses of Several Departments – Item 118, 216, 217, 219, 220 221, 223, 224, 225, 226, 229 Other General Government**

**Voted:** That the sum of \$22,064, 230.00 be and hereby is raised and appropriated for Other General Government Departments for the Fiscal Year Beginning July 1, 2023, as follows:

Total Other General Government \$22,064,230.00

**Article 30 Expenses of Several Departments – Items 227, 228, 230 Sewer Enterprise Fund**

**Voted:** That the sum of \$5,224,655.00 be raised through enterprise receipts and hereby is appropriated for the Sewer Department as follows:

Item 227	Salaries	\$1,023,759.00
Item 228	Expense	971, 396.00
Item 230	South Essex Sewer District	<u>\$3,229,500.00</u>
	Total Sewer	\$5,224,655.00

To meet this appropriation \$5,224,655.00 is to be funded from Sewer Enterprise receipts and the Sum of 83,367.00 is to be transferred from the Sewer Enterprise Fund as Follows: \$78,178.00 to the General Fund for indirect costs and \$5,689.00 to the OPEB Trust Fund.

**Article 30 Expenses of Several Departments – Items 231, 232, 235 Water Enterprise Fund**

**Voted:** That the sum of \$5,818,713.00 be raised and appropriated through water enterprise receipts and hereby appropriated for the Water Enterprise Fund for the Fiscal Year beginning July 1, 2023 as follows:

Item 141	Salaries	\$1,015,712.00
Item 142	Expense	\$ 948,661.00
Item 143	Metropolitan Water	<u>\$3,854,340.00</u>
	Total Water	\$5,818,713.00

To meet this appropriation \$5,818,713.00 is to be funded from Water Enterprise receipts and the sum of \$105,704.00 to be transferred from the Water Enterprise Fund as follows: \$100,015.00 to the General Fund for indirect costs and \$5,689.00 to the OPEB Trust Fund.

**Article 30 Expenses of Several Departments - Item 236 Municipal Light Department**

**Voted:** That the income from sales of electricity to private consumers, from electricity supplied to municipal buildings and electricity supplied for municipal power during the current fiscal year be appropriated for the Municipal Light Plant, the whole to be expended by the manager of the Municipal Lighting Plant, under the direction and control of the Municipal Light Board for the expense of the plant for said fiscal year as defined in Section 57 of Chapter 164 of the General Laws; and said Municipal Light Board is hereby further authorized to pay from income of the plant for the fiscal year such amounts as may be expended for extensions, reconstruction enlargements, or additions and sell or trade apparatus that has worn out its usefulness and is unfit for requirements during the fiscal year.

**Article 30 Expenses of Several Departments - Items 238, 239, 240 Harbor Enterprise Fund**

**Voted:** That the sum of \$1,084,512.00 be raised through harbor enterprise receipts and hereby appropriated for the Harbor Enterprise Fund for the Fiscal Year beginning July 1, 2023, as follows: and hereby is appropriated for the Harbor Department as follows:

Item 238 Salaries	\$473,213.00
Item 239 Expense	\$495,299.00
Item 241 Outlays	<u>\$116,000.00</u>
Total Harbor	\$1,084,512.00

To meet this appropriation, \$968,512.00 is to be funded from harbor enterprise receipts and the sum of \$110,017.00 to be transferred from Harbor Enterprise Fund to the General Fund and \$116,000.00 to be transferred from Harbor Retained Earning to fund capital outlays.

**11:00 Adjourned to Tuesday May 2nd at 7:00PM**

**7:02PM with a quorum met the 2023 Annual Town Meeting Continued**

**Article 31 Supplemental Appropriation for Several Departments**

**Paper Ballot Vote**

**534 Yes 230 No**

To raise and appropriate or transfer from available funds \$2,472,056.00 to supplement the Town's General Government operating Budget beginning FY2024, Contingent upon the passage of Proposition 2 1/2 so called, ballot question.

Department	Expense	Salaries	Total
Building Inspection	71,294.00	--	71,294.00
Council on Aging	8,000.00	17,747.00	25,747.00
Finance	5,680.00	--	5,680.00
Fire	--	216,480.00	216,480.00
General Fund - Other	694,774.00	--	694,774.00
Health and Waste	19,450.00	--	19,450.00
Library	7,500.00	--	7,500.00
Parking Clerk	3,000.00	--	3,000.00
Police	19,550.00	177,223.00	196,773.00
Public Works	10,959.00	63,282.00	74,241.00
School	42,300.00	1,092,217.00	1,134,517.00
Select Board	12,000.00	600.00	12,600.00
Town Counsel	10,000.00	--	10,000.00
<b>Total Override Request</b>	<b>\$904,507.00</b>	<b>\$1,567,549.00</b>	<b>\$2,472,056.00</b>

**Article 32 Supplemental appropriation and Expenses for the Schools**

**Voted:** That this article be indefinitely postponed

**Article 33 Retirement Board Increase Base Amount**

**Voted:** Pursuant to G.L.c. 32 §103(j), to approve the acceptance by the Marblehead Retirement Board of an increase of \$2,000.00 in the maximum base amount which would increase such base amount from \$12,000.0 to a base amount of \$14,000.00 as of July 1, 2023, and which once accepted, may not be revoked, or take any action relative thereto.

**Article 34 Administrative Benefit Amendment**

**Voted:** To amend Chapter 43 of the by-laws to provide the administrative employees (including the Elected Town Clerk) of the Town with updated benefits and to appropriate or transfer from available funds \$18,625.00 to make

such benefits effective or take any other action relative thereto. This eliminated the \$500.00 annual sick incentive as follows:

Non-Union		
Years	Longevity	Sick Inc
5	300	500
10	400	500
15	500	500
20	600	500
25	700	500
30	800	500



Non-Union		
Years	Longevity	Sick Inc
5	1000	0
10	1100	0
15	1200	0
20	1300	0
25	1400	0
30	1500	0

**Article 35 Amend General Bylaws Physical Examinations**

**Voted:** To amend chapter 106 of the General Bylaws as follows (**bold** new and ~~cross-out~~ removed):

**106-1 Physical examination required.**

Any person **for any of the following positions**, before becoming an employee of the Town shall submit to a physical examination by a reputable doctor to be designated by the Select Board.

Those position are:

Firefighters EMTs

Police officers

Any employee that works under the water department, sewer department, drains or department of public works, tree department, highway department.

Recreation and Parks Employees Board of Health Employees Inspectors

Custodial staff

Animal Control Employees Cemetery Employees Harbor Master Employees

And any other position which the Human Resources Director or if there is none, the Town Administrator determines to be in the best interest of the Town to require a physical examination prior to employment with the Town. Or take any other action relative thereto.

**Article 36 Amend General Bylaws: Allow the Use of Electronic Counting Devices**

**Voted:** To amend Chapter 174 of the general Bylaws, §174-10 by adding a new section "C" as follows (**bold new**):

- A. Upon taking the question, if the decision of the moderator is doubted, or a division of the house called for, the moderator shall appoint tellers. The question shall distinctly stated, and those in the affirmative and negative, respectively, shall be requested to vote in the usual manner until they are counted by the tellers, who shall carefully count each side, and make report thereof to the moderator.
- B. Upon the request of at least nine voters present at a meeting, made to the moderator, which shall be distributed to all voters present at the meeting for their use in voting on the question, and shall

be collected by the tellers from all the voters who wish to vote the question, and the tellers, after the ballots are marked and collected, shall carefully count the votes so cast and make report thereof to the moderator.

- C. **The moderator may determine that electronic counting devices may be used for the meeting. Said devices shall be provided to each voter at the meeting. In the event electronic counting devices are used for a meeting, section A and B above shall not apply.**

**Article 37 Accept G.L. c. 41 §110A Saturday Closure/Legal Holiday Town Clerk's Office**

**Voted:** To accept G.L. c41 §110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for the purpose of calculating the time frame for filing matters in that office.

**Article 38 Amend the Date of the Annual Town Election of Town Offices**

**Voted:** To amend Town Bylaw, Chapter 174 Paragraph 1 as follows (**bold new, ~~strikeout~~ removed**):

The Annual Town meeting shall be held on the first Monday of May at 7:00PM each year at the place designated by the Select Board. The annual election for Town officers shall be held on the ~~third~~**second** Tuesday after the first Monday in June each year. The Select Board in the warrant for the election of Town officers shall specify when the polls will be opened and when the polls will be closed in accordance with provisions of Section 6i4 of Chapter 54 of the General Laws and amendments thereto.

**Article 39 Zoning Amendment - Accessory Dwelling Units**

**Voted:** To amend the Zoning Bylaw by:

Adding to Article XIII the following: 200-42 Accessory Dwelling Units

A. Purpose:

This section authorizing the provision accessory dwelling units is intended to:

1. Increase the number of small dwelling rental units available in the Town:
2. Increase the number of affordable rental units available in Town:
3. Increase the range of choice of housing accommodations to meet the needs of households.
4. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households;
5. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.

B. General Requirements.

1. No more than one (1) accessory dwelling unit shall be permitted for each principal dwelling unit.
2. Accessory Dwelling Units are only allowed in or as an accessory to single family dwellings.
3. Accessory Dwelling units are only allowed within or attached to an existing single -family structure or detached accessory building with a permanent foundation and that is accessory to existing single-family structure.
4. At least one (1) owner of the residence in which the accessory Dwelling unit is created shall reside in one (1) of the Dwelling Units, either the principal or accessory unit created therein, as a principal place of residence, for the purpose of this section the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an accessory dwelling unit.
5. The accessory dwelling unit may not be sold or transferred separately and apart from the principal dwelling to which it is an accessory use. The principal Dwelling and accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
6. Short-term rentals, as defined, are prohibited in both the accessory and principal dwelling units.

C. Exterior Appearance and Size.

The accessory dwelling unit shall be designed to maintain the appearance and essential character of a one-family dwelling with accessory structures, subject further to the following conditions and requirements:

1. Where two or more entrances exist on the front facade of a dwelling, one entrance shall appear to be the principal entrance and other entrances appear to be secondary.
2. All stairways to the accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
3. The accessory dwelling unit shall not contain in excess of 1000 square feet of habitable space or exceed 50% of the gross floor area of the principal dwelling, whichever is less.
4. The accessory dwelling unit shall not contain more than two bedrooms.
5. The accessory dwelling unit shall meet all regulations of the Board of Health.
6. The accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.

#### D. Procedure.

The Planning Board shall be the Special Permit Granting Authority (SPGA) for accessory dwelling units. The SPGA shall determine whether to grant, grant with conditions or deny special permits in accordance with the standards in section 4(c) below, if an accessory dwelling unit is proposed which is.

- within an existing single-family structure or detached accessory building or;
  - an addition to an existing single-family structure or detached accessory building or a new accessory structure.
1. Submission Requirements
    - a. A completed application for an Accessory Dwelling unit must be submitted to the planning board.
    - b. A certified plot plan of the proposed accessory dwelling unit, the principal dwelling where it is to be located and all floor plans and elevations.
    - c. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the accessory dwelling unit.
    - d. A description of the units including number of bedrooms, size and layout.
    - e. A notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.
  2. Standards for special permits for ADU's
    - a. Architectural features and design are compatible with the existing neighborhood.
    - b. Vehicular and pedestrian movement is safe and convenient (parking is provided or adequate in neighborhoods curb cuts do not exceed allowed).
    - c. Adverse effects on abutters are minimized (limited or no impact from the street; and privacy).
    - d. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
    - e. The Planning Board may impose any conditions deemed necessary to achieve the purposes of this bylaw including dimensional relief.

#### E. Additional Conditions and Requirements for all Accessory Dwelling Units.

1. The accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
2. There shall be no occupancy of the accessory dwelling unit until the Building Department has issued a Certificate of Occupancy certifying that the principal dwelling and accessory dwelling unit are in compliance with all applicable health and building and fire codes.
3. The Building Permit/Certificate of Occupancy shall be revoked upon determination by the Building Inspector that any condition imposed by the town has not been fulfilled.
4. By filing the Application for a Building Permit for an accessory dwelling unit, all owners consent to an

inspection upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.

5. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter stating that will occupy and one of the dwellings units on the premises as their primary residence. This shall be part of the municipal lien certificate.

#### F. Enforcement and Termination

In addition to the authority of the Building Commission under any other provisions of this bylaw, statute or regulations, the following shall apply:

1. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this bylaw.
2. No building shall be constructed or changed in use or configuration until the Building Commissioner has issued a permit.
3. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
4. The Building Commissioner shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. The accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this bylaw that the owner fails to appeal or cure, upon thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
6. Duty of Owner Upon Termination include:
  - a. The owner shall discontinue the use of the accessory dwelling unit as a separate dwelling unit.
  - b. The kitchen facilities of the accessory dwelling unit shall be removed.
  - c. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed.

#### G Severability

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

#### H Definitions

**Accessory dwelling unit:** An accessory apartment is a second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an accessory structure.

**Affordable Accessory dwelling unit:** Existing detached accessory building: A detached accessory building that is existing as of the effective date of this bylaw and that has a permanent foundation.

**Principal dwelling unit:** A dwelling unit permitted as a principal residential use under 200-11 Classification of Uses, limitation of uses.

**Short-term rental unit:** An owner-occupied, tenant occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, or accessory dwelling unit where: (i) at least 1 room or unit is rented to an occupant or sub- occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner- occupied property shall be considered a single unit if leased or rented as such. For the purpose of this the Accessory

Dwelling Unit bylaw, a short-term rental shall be anything leased for fewer than 90 days.

**Article 40 Franklin Street Fire Station**

**Voted:** That this article be indefinitely postponed

**Article 41 Department of Public Works**

**Voted:** To amend Chapter 45 of the General Bylaws, Article II Section 45-5 as follows: (**Bold new cross out**, removed).

Said department shall be comprised of the Highway Department, ~~and~~ the surface drain construction department, **and the Tree Department.**

**Article 42 Public Shade Trees: Protection**

**Voted:** To amend the General Bylaws, Chapter 177 Town Property, Article IV to add a new Section -9, Set Back Tree Planting as Follows:

§177-9 Set Back Tree Planting

- A. The Town may plant trees within 20 feet of the public right of way, provided that written permission from the adjoining property owner is obtained first consistent with G.L.c 87, sec. 7.
- B. The tree planted under this provision are defined as "public shade trees" and thus protected by all sections of G.L. c. 87.

**Article 43 Adopt G.L. c.59 sec. 5 Clause twenty second H-local Veterans Benefit**

**Voted:** To adopt G.L. c. 59 sec. 5 clause twenty second H, Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who(i) during active duty, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of the filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with presumptive findings of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance.

**Article 44 Change Select Board Terms to 3 Years**

**Hand Count Yes 280 No 265**

**Voted:** To amend the Town Bylaws by inserting a new Article VI, 3 Year staggered term, Section 14 as follows: Change the current term of Select Board from a one year term to a three year staggered Term and to submit a home rule petition to the legislature to change the term from 1 to 3 years, similar to the School Committee and most other local Select Boards. In order to Implement this transition to three year terms, the first highest vote recipient will receive a 3 year term, the second highest vote recipient a 3 year term, the third highest vote recipient 2 year term, the fourth highest recipient a 2 year term and the fifth highest recipient a 1 year term. All future terms will be 3 year staggered terms.

**Article 45 Enhancements to the Comprehensive Annual Financial review (CAFR)**

**Voted:** To adopt enhancements and best practices of public sector reporting of the town audit (CAFR) and oversight of the Town Audit: -By directing the Town's independent auditor to include the final audit report, if any, the independent auditors Management Letter(s), Report on internal control over financial reporting, report on compliance by each major federal program and the report on schedule of expenditures of Federal Awards; - by directing the Town Finance Director to post on the Town's website the independent auditors' said management letter(s) and three reports; -by requiring the independent auditor in an open meeting of the Select Board to discuss results and findings of the CAFR including the said management letter(s) and three reports; and -by the Select Board's establishment of a Town Audit Committee with the Town Administrator serving as an ex-officio member starting FY 2024 or take any other relative action thereto.

**Article 46 100% Carbon-Free energy in Old and Historic Districts**

**Voted:** That this article be indefinitely postponed

**Article 47 Amend General Bylaws use of Gas-Powered Leaf Blowers**

**Not Approved:** to amend the General Bylaws by removing the newly created bylaw, which regulates the use of Gas-Powered leaf blowers as passed in the 2022 Annual Town Meeting.

**Article 48 Amend Chapter 119, Peace and good order Articles VII, Gas Power Leaf Blowers, Enforcement.**

**Counted Vote Yes 246 No 165**

To amend Chapter 75 of the General Bylaws, Gas-powered Leaf Blowers, By adding:  
Section 3, Enforcement

- A. The Marblehead Police Department and the Marblehead Health Department and their respective designees ("Enforcing Authority") shall have the authority to administer and enforce any violation of this bylaw.
- B. The property owner upon whose property the violation shall have occurred shall be responsible for compliance with this bylaw. All warnings and fines shall be issued to the property owner.
- C. In the event the Enforcing Authority witnesses a violation hereof, the Enforcing Authority shall require the person in violation to immediately cease using the gas power leaf blower.
- D. The following penalties shall apply:  
For the first violation, a written warning shall be issued. For the second violation a fine of \$100 shall be issued. For the third and any violation thereafter a fine of \$200 shall be issued. Each violation shall constitute a separate violation.

**10:43PM Adjourned until May 3rd at 7:00PM**

**7:19PM with a quorum met the 2023 Annual Town Meeting Continued**

**Article 49 Creation of a Traffic and Advisory Committee**

**Voted:** To amend the General Bylaws as follows:

Create a Traffic and Advisory Committee

The purpose of this committee is to help implement the Marblehead Complete Streets Policy and evaluate public safety issues involving traffic, roads, and other transportation infrastructure in the town.

The Select board shall appoint by public vote three residents who are not employees of the Town of Marblehead. The Select board shall appoint additional members from Town departments responsible for public. These may include but not be limited to the heads of the following town departments or individuals designated by them: Health Department, School Department, Public works Department, Police Department, Fire Department. The Chair of the board will rotate annually.

The Traffic Advisory Committee will meet at least monthly. One or members will appear before the

Select Board in a timely fashion at least quarterly for the purposes of reporting data and activities and making recommendations.

**Article 50 Amend Town Bylaws Relative to New Subdivisions**

**Voted:** To amend the Town bylaws Article V, Part III, Section 258-17 by inserting, "and (AASHTO) publication "Guide for the planning, design and operation of pedestrian facilities (latest edition)" after"(AASHTO) publication, before, "Major streets should. As far as practicable, provide for the continuation or projection of existing principal streets."

***The Attorney General office decision is that this is a Planning Board regulation not a Bylaw***

**Article 51 Amend Town Bylaws Relative to Relative to Require Certain Boards/Committees to record and post meeting minutes.**

**Voted:** To urge All Boards and Committees which are subject to the Open Meeting law to make their best efforts to produce a recording of their meeting available to the public and link through the Town Website. The recording could be a video capture, a transcript, a sound recording or other.

***This is an urging; the Bylaw was not amended.***

**Article 52 Amend Town Bylaws Relative to 940 CMZR 29.10 of Open Meeting Law**

**Voted:** To urge the Select Board to Recommend that all Town Boards and Committees subject to the Open Meeting Law to make their best efforts to provide a hybrid or remote option for attendance to both members and public.

***This is an urging; the Bylaw was not amended.***

**Article 53 Acceptance of MGL Chapter 53 Section 9A, Nomination Papers**

**Voted:** That is Article be indefinitely postponed.

**Article 54 Standard Operating Procedures Manual**

**Voted:** To create a Standard operating procedure manual that will define for the public the process regularly executed, and the fundamentals employed for decision making by the Select Board, Board of Health, Harbors & Waters Board, and recreation & Parks Commission. The Manual will include but is not limited to defining each Board's Purpose, Membership, Member Qualifications, appointments, Power and duties, organizational structure, communication process, recommendations for Town Meeting and SOP quality.

20:04 The Moderator Dissolved the 2023Annual Town Meeting