

Finance Committee Report



Photo by Cami Iannarelli

ANNUAL TOWN MEETING - MAY 1, 2023
MARBLEHEAD VETERANS MIDDLE SCHOOL
PERFORMING ARTS CENTER
MARBLEHEAD, MASSACHUSETTS

TO THE RESIDENTS OF MARBLEHEAD

The Finance Committee once again respectfully welcomes the opportunity to present this report and to make its recommendations regarding the Town of Marblehead's Fiscal Year 2024 budget and other financial matters to be voted on at the 2023 Annual Town Meeting.

The Finance Committee makes its recommendations to Town Meeting based upon our own review of all available information. While the Committee hopes that our insight is a benefit to Town meeting, and while we further believe that our recommendations are both thoughtful and thorough, it is ultimately up to Town Meeting to review what the proponents of the articles have presented, to weigh the arguments for and against each article, and to vote the most beneficial course of action for our Town.

The Fiscal Year 2024 budget cycle commenced in December when Town Administrator Thatcher Kezer requested "level service" budgets from all departments. After consolidating all "level service" requests and comparing them with forecasted revenues for FY2024, an overall deficit was revealed which was anticipated and communicated in our prior year Finance Committee report. To prepare a balanced budget, Town Administrator Kezer worked closely with individual department heads to identify costs savings to eliminate the deficit – aiming to cut services with the least impact on the Town's operating performance and service delivery. The individual budgets most impacted by the proposed cuts include the School, Police, Fire, and other General Fund budgets, which generally represent some of the Town's largest budgets. The overall FY24 deficit is approximately \$2.5 million.

During the budget season, the Finance Committee formed smaller liaison groups to work with department heads, managers, administrators, and elected officials to review each of their respective "level service" and "reduced service" budgets in a series of posted liaison meetings. The Finance Committee held budget review meetings to discuss and vote on recommendations of the individual department "reduced services" budgets, as those were the budgets required to roll up to a balanced budget. The Finance Committee then held an open public hearing on the Town Warrant and voted to make the recommendations contained in this report to Town Meeting.

The Finance Committee will present to you a "reduced services" balanced budget recommendation included in Article 30. Additionally, for the first time since 2005, the Town is recommending a \$2.5 million Proposition 2 ½ override in Article 31 to bring all town departments back up to their "level service" budget requests. The Finance Committee is supporting this override request, which, if passed, has an annual single-family tax impact of approximately \$252 based on a FY23 median valued home of \$807,400. The vote was 9-0 in favor.

To develop the FY24 budget, the following approach was taken:

- Develop a "reduced services" balanced budget assuming no override.
- Develop a "level services" budget, which requires the passing of a proposition 2 ½ override to fund it.

The following revenue assumptions were made in this effort:

- The statutory 2.5% increase on the Town's tax levy and projected new growth combine to generate approximately 3% more tax revenues to fund municipal services.
- Net State Aid assumes the Governor's preliminary proposal, which represents a small reduction as compared to the previous year.
- Local receipt estimates were increased to near actual levels, reflecting a less conservative and more transparent approach than previous years.

On the expense side, assumptions were made based on level-funded expense budgets, adjusted for contractual obligations. Below is a summary of key cost drivers:

- Salaries and Wages are projected to increase by approximately 3.0% – 4.0%, which includes a 2.0% cost-of-living adjustment and 1.0% - 2.0% related to step and lane contractual increases.
- Health insurance costs, projected to increase by approximately 5.0%, were adjusted to reflect a less conservative and more transparent approach than previous years.
- Energy costs were increased by approximately 30%.
- Pension assessment increased by approximately 8.25%.

At the 2020 Annual Town Meeting, the Town created a general fund Stabilization Fund. The Stabilization Fund was funded in each of the prior two fiscal years at \$250,000 per year. The FY24 “reduced services” balanced budget presented within this report does not include funding of the Stabilization Fund. If the Town votes to support a “level services” budget with a proposition 2½ override, the Town will be appropriating \$250,000 to the Stabilization Fund this year. This practice annually ensures the Town has a sufficient reserve fund balance over time. It also effectively accounts for, protects, and provides increased transparency on the Town’s reserve funds. Once approved, the only way the Town can access these funds is through a 2/3rds vote of Town Meeting.

The Town continues to enjoy a AAA bond rating for the fourteenth consecutive year. This is the result of the Town’s long-term consistency regarding budget oversight, strong cooperation from the departments and schools on service levels within level funding expectations, and proactive management of the largest cost drivers that impact the entire Town. The responsible use of free cash (i.e., not using it to fund recurring expenses) and the commitment to funding reserve accounts (e.g., the Stabilization Fund) also have a direct impact on the Town’s bond rating. These best practices help keep the cost of borrowing funds down and benefit all taxpayers in both the short and long term.

The Town of Marblehead continues to face a structural budget challenge, which has resulted in the FY24 deficit noted above, and will continue to present challenges for years ahead. This challenge exists due to recurring costs, primarily salaries and benefits, structurally outpacing recurring revenues and the constraints of Massachusetts Proposition 2½. According to this law enacted in 1980, Massachusetts cities and towns cannot increase the total property tax levy by more than 2.5% over the prior year unless the increase is approved by voters. The law does permit additional increases as a result of “new growth” in real estate property. For towns like Marblehead that rely mostly on residential property tax revenue and have limited “new growth,” it can be difficult to fully fund recurring expenses. These factors have led to a situation where an operating budget override is required this year to maintain a “level services” budget. Put differently, Marblehead needs an override this year to simply maintain the same Town and School services that residents currently receive.

The Finance Committee is encouraged to see our town leaders acknowledge and work to address the structural budget deficit. Beyond ensuring level-service funding for FY24, if the Article 31 override request passes, it represents a step in the right direction of addressing our financial challenges. The town has a qualified Finance team in place and is investing in new budgetary and accounting software platforms that will be instrumental in developing a more sustainable long-term plan. These new platforms will allow Town Finance to vastly expand its capabilities in budgeting, reporting, and contextualizing Town finances in more useful and transparent ways. The Finance Committee is confident that with the right dedication and attention, the team and tools being put into place will be successful in addressing our financial challenges.

The Town is entering a year in which union contracts will be re-negotiated. Two of the three town-side contracts are up for negotiation, as well as school-side teacher contracts. Additionally, the town is entering a year in which its employee health insurance contract is up for negotiation with the Public Employees Committee (“PEC”). The union contract and health insurance contract negotiations are crucial as these contracts represent a very significant portion of the Town’s operating budget. The Finance Committee encourages Town representatives to reference our structural challenges in these negotiations and make a concerted effort to limit the impact these new contracts will have on the structural deficit.

We would like to thank the members of our current Finance Committee for all of their contributions to another successful budget review process. We’d also like to thank and commend the Select Board, all department heads, municipal employees, appointed and elected boards, and involved citizens for their collaboration. We specifically wish to express our thanks to our new Finance Director Aleesha Nunley Benjamin and the Town’s accounting department for the significant time, resources, and guidance that they dedicated to this budget process. Finally, we would like to thank our new Town Administrator, Thatcher Kezer for his counsel, support, and leadership.

Respectfully submitted,

Alec Goolsby
Chair, Marblehead Finance Committee

Pat Franklin
Vice Chair, Marblehead Finance Committee

Cameron Staples
Vice Chair, Marblehead Finance Committee

Fiscal 2022 RESERVE FUND

The following is an accounting of funds entrusted to the Finance Committee for Fiscal 2022 Reserve Fund use.

Reserve Funds – Fiscal 2022 ending June 30, 2022	\$144,000.00
DEPARTMENTS FUNDS TRANSFERRED TO:	
Select Board Insurance Expense	\$117,000.00
Total Transferred	\$117,000.00
Returned to Treasury	\$27,000.00

Fiscal 2023 RESERVE FUND

The following detail represents funds voted to various departments by the Finance Committee from the Reserve Fund covering the period July 1, 2022, through April 15, 2023.

Annual Town Meeting Appropriation June 30, 2023,	\$144,000.00
DEPARTMENT FUNDS TRANSFERRED TO:	
Finance IT Expense	\$28,433.33
Total Transferred	\$28,433.33
Balance Remaining.....	\$115,566.67

Respectfully Submitted,

MARBLEHEAD FINANCE COMMITTEE

Alec Goolsby, Chair
Pat Franklin, Vice Chair
Cameron Staples, Vice Chair
Timothy Shotmeyer
Terra Samuels
Michael O'Neil
Molly Teets
Eric Knight
Michael Janko

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 Select Board.

Recommendation: No recommendation under this article.

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 Select Board.

Recommendation: No recommendation under this article.

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 Select Board.

Recommendation: That this article be adopted.

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.

Recommendation: That this article be indefinitely postponed.

Comment: There is no trust property to be accepted at this time.

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 Select Board.

Recommendation: That this article be adopted.

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.

Recommendation: That the sum of \$26,788.00 be appropriated as follows:

Comment: This Article allows payment of bills of previous fiscal year 2022 at ATM by 4/5 vote to be approved for payment in fiscal year 2023 per MGL c. 44 § 64 (Payment of bills incurred in excess of appropriations).

Department	Vendor	Fiscal Year	Invoice #	Amount
School	Quadrant	FY22	multiple	90.00
School	NCS Pearson	FY22	multiple	760.00
School	EI US LLC	FY22	multiple	3,836.00
Select Board	Powers & Sullivan	FY22	14658	4,560.00
Finance	Amaral Group	FY22	TAGQ6304-01	3,874.00
Finance	Coppola and Coppola	FY22	2506	1,017.00
Sewer	Quadrant	FY22	multiple	300.00
Water	Quadrant	FY22	multiple	100.00
COA	Quadrant	FY22	multiple	90.00
Highway	Quadrant	FY22	multiple	290.00
Park	Quadrant	FY22	multiple	1,170.00
Park Revolving Fund	Quadrant	FY22	multiple	1,440.00
Harbor and Waters	Quadrant	FY22	multiple	270.00
Harbor and Waters	Boston Yacht Club	FY22	multiple	329.00
Town Clerk	Audio Spectrum	FY22	7818	8,452.00
Town Clerk	RR Donnelley	FY22	152893392	210.00
Total Unpaid Bills				26,788.00

Article 7 Contracts in Excess of Three Years

To see if the Town will authorize the Select Board, 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 Select Board.

Recommendation: That this article be adopted.

Article 8 Departmental Revolving Funds

To see if the Town will vote to:

- a. To fix the maximum amount that may be spent during FY 2024 beginning July 1, 2023 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, and
- b. 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. Sponsored by the Select Board.

Recommendation: That the maximum amount to be spent during FY2024 be as follows:

<u>MGL C44 s 53E1/2</u>		<u>Actual</u>	<u>Voted</u>	<u>Request</u>
Description	Project #	2022	2023	2024
Park Revolving Fund	470	\$816,244	\$1,000,000	\$1,500,000
Historic Comm Gift Shop	471	\$6,945	\$25,000	\$25,000
Council on Aging	473	\$52,273	\$250,000	\$150,000
Animal Control	474	\$14,152	\$20,000	\$12,000
Street Opening	475	\$29,784	\$150,000	\$150,000
Commercial Waste Coll	478	\$550,000	\$1,485,000	\$1,488,200
Conservation Fines	479	\$-	\$75,000	\$75,000
Hobbs Memorial Building	480	\$-	\$7,488	\$3,744
Vaccine Revolving	481	\$9,153	\$10,000	\$10,000
Special Education	486	\$361,465	\$1,000,000	\$500,000
Sump Pump Revolving	495	\$-	\$10,300	\$10,300
Storm Water Bylaw	494	\$-	\$10,000	\$-

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 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. Sponsored by the Select Board.

Recommendation: That the sum of \$388,488 be appropriated, and to meet this appropriation; \$388,488 is to be raised by taxation. To include the following:

Engine 3 Refurbish.....	\$62,369
Hose and Equipment.....	\$30,524
Station Alerting System	\$96,375
Ford Escape	\$30,000
Electric Lawnmower.....	\$31,180
Community Center Boiler	\$48,000
Radio Replacement	\$47,030
Veterans School Exterior Lighting.....	\$29,700
Veterans School Gymnasium	\$13,310

Article 10 Lease Purchase

To see if the Town will vote pursuant to G.L. c. 44 §21C, to authorize the Select Board 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 Select Board deem in the best interest 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 an annual appropriation in the Capital Budget or take any action relative thereto. Sponsored by the Select Board.

Recommendation: 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 Explorer AWD 4DR and Upfitting	\$39,597
Police Department: 2 Ford Interceptor Hybrid Cruisers	\$45,000
Waste Department: 1 John Deere Wheel Loader	\$26,079
Waste Department: 1 Backhoe	\$19,600
School Department: 1 School bus	\$24,605
School Department: 1 Pickup Truck.....	\$19,920
School Department: 1 large School bus	\$36,000
Recreation and Park Department: 1 Ford F-450 Truck	\$23,084
Public Works Department: 1 Tree Chipper Truck	\$30,409
Public Works Department: 1 Trackless MT7 Tractor	\$68,155
Public Works Department: 1 Plow Truck	\$67,105
Public Works Department: 1 Aerial Bucket Lift Truck	\$68,000

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 Select Board.

Recommendation: That the sum of \$302,036.00 be appropriated, and to meet this appropriation; \$287,451 is to be raised by taxation and \$14,585 is to be transferred from the Cemetery Sales of Lots Trust Fund. To include the following:

Cemetery Department: Cemetery garage lighting.....	\$14,585
Fire Department: Replacement of doors at Fire Station.....	\$40,076
Department of Public Works: DPW Storage yard	\$40,000
Department of Public Works: Crew room and electrical upgrades.....	\$21,000
Department of Public Works: Upper garage floor reinforcement.....	\$39,375
Building Department: Mary Allen Building floor repairs	\$52,500
School Department: High School – Replace main entry doors.....	\$60,375
School Department: Village School & Glover School – Playground resurfacing.....	\$34,125

Article 12 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.

Recommendation: That this article be indefinitely postponed.

Comment: This article is not being brought forward by the sponsor.

Article 13 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 Select Board.

Recommendation: That the sum of \$50,000 be appropriated, to be raised through taxation.

Article 14 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 Select Board.

Recommendation: That the sum of \$400,000.00 be appropriated, to be raised by taxation.

Article 15 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.

Recommendation: That the sum of \$600,000.00 be appropriated, to be appropriated from Water Retained Earnings.

Article 16 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.

Recommendation: That the sum of \$1,000,000.00 be appropriated, to be appropriated from Sewer Retained Earnings.

Article 17 MWRA Local Water System Assistance Program, Interest Free Loan, Water Distribution Improvements

To see if the Town will appropriate \$1,022,400.00 for the construction and reconstruction of the water distribution system, including all incidental or related costs; and to pay for said appropriation, to authorize the treasurer with the approval of the Select Board, to borrow said sum pursuant to G.L. c. 44, §§ 7 and 8 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 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, and further, that any premium received by the Town upon the sale of any 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 the amount authorized t

Recommendation: That this article be adopted.

Comment: The approval allows borrowing up to the appropriation amount but does not require that the full level of appropriation be borrowed. The MWRA Local Assistance Program allows participating municipalities to access funding at a zero percent interest rate.

Article 18 Water and Sewer Commission Claims

To see if the Town will vote to authorize the Water and Sewer Commission and the Select Board 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.

Recommendation: That this article be adopted.

Article 19 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 Select Board.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2023.

Comment: The Cost-of-Living adjustment of 2% for non-union administrative positions is equal to that provided for in the union contract. The adjustment is reflected in Article 30 General Fund Operating Budget departmental salaries.

Article 20 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 Select Board.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2023.

Comment: The Cost-of-Living adjustment of 2% for non-union traffic supervisor (crossing guard) positions is equal to that provided for in the union contract. The adjustment is reflected in Article 30 General Fund Operating Budget departmental salaries.

Article 21 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 Select Board.

Recommendation: That this article be adopted with a 2% cost of living increase effective July 1, 2023.

Comment: The Cost-of-Living adjustment of 2% for non-union seasonal and temporary positions is equal to that provided for in the union contract. The adjustment is reflected in Article 30 General Fund Operating Budget departmental salaries.

Article 22 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 Select Board.

Recommendation: That the yearly compensation for the Town Clerk be established at \$88,342.

Article 23 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.

Recommendation: That this article be adopted.

Comment: To reclassify the following positions on the Administrative Pay Scale as previously approved by the Compensation Committee:

- **Created Lead Equipment Operator in Cemetery Department Grade 3.**
- **Tree Warden Position from part-time Grade 8 to full-time Grade 7.**
- **Created Office Assistant in Water and Sewer Department Grade 2.**
- **Reclassification from Full Time Chauffeur to Transportation Coordinator in Council on Aging Grade 3.**

Article 24 Amend General Bylaws for New Human Resources Department

To see if the Town will vote to amend Chapter 106 of the General Bylaws and add a new Article X as follows (**bold new**):

Article X Human Resources Department

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 and 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. Or take any other action relative thereto. Sponsored by the Select Board.

Recommendation: No recommendation under this article.

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.

Recommendation: That this article be adopted.

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, 2023 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Select Board.

Recommendation: That the sum of \$468,762.00 be appropriated, to be raised by taxation.

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.

Recommendation: That this article be indefinitely postponed.

Comment: This article is not being brought forward by the sponsor.

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.

Recommendation: That the sum of \$5,259.40 be appropriated, to be transferred from Transportation Network Receipts Reserved for Appropriation.

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.

Recommendation: That the sum of \$8,330,000.00 be appropriated from the following sources for the use of the Assessors in making the Tax Rate:

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

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, 2023, or take any other action relative thereto. Sponsored by the Finance Director.

Recommendation: That the sum of \$112,524,622 be appropriated, \$89,395,126 to be raised from taxation and other general fund accounts, \$12,127,880 from available funds from the Enterprise Funds, and, for information purposes, \$11,001,616 debt service from prior approved debt exclusions.

FY2024 ARTICLE 30 PROPOSED BUDGET

ITEM	DESCRIPTION	FY2022 EXPENDED	FY2023 APPROVED	FY2024 PROPOSED
Moderator				
1	Officials Expense	100	100	100
		<u>100</u>	<u>100</u>	<u>100</u>
Select Board				
2	Officials Expense	5,500	5,500	-
3	Salaries	380,394	388,773	671,726
4	Expense	97,508	135,602	137,213
		<u>483,402</u>	<u>529,875</u>	<u>808,939</u>
Finance Committee				
7	Salaries	-	-	-
8	Expense	2,139	5,760	3,210
		<u>2,139</u>	<u>5,760</u>	<u>3,210</u>
Reserve Fund				
10	Reserves	-	144,000	144,000
Finance Department				
12	Salaries	681,251	868,659	881,954
13	Expense	452,447	702,846	851,105
		<u>1,133,698</u>	<u>1,571,505</u>	<u>1,733,059</u>
Assessor				
17	Officials Expense	300	300	300
18	Salaries	186,063	221,222	231,291
19	Expense	37,131	54,751	52,300
		<u>223,494</u>	<u>276,273</u>	<u>283,891</u>
Town Counsel				
29	Salaries	2,000	2,000	2,000
30	Expense	120,191	110,000	110,000
		<u>122,191</u>	<u>112,000</u>	<u>112,000</u>
Parking Clerk				
35	Expense	25,339	12,650	12,650
Town Clerk				
39	Salaries	196,279	206,231	212,069
40	Expense	7,749	10,137	11,887
		<u>204,028</u>	<u>216,368</u>	<u>223,956</u>

FY2024 ARTICLE 30 PROPOSED BUDGET

ITEM	DESCRIPTION	FY2022 EXPENDED	FY2023 APPROVED	FY2024 PROPOSED
Election and Registration Department				
43	Salaries	8,894	32,501	28,415
44	Expense	24,096	24,825	33,365
		32,991	57,326	61,780
Planning Board				
50	Expense	1,753	1,675	1,675
Public Buildings Department				
55	Salaries	114,087	126,081	126,252
56	Expense	96,167	121,434	121,549
		210,254	247,515	247,801
VOTE TOTAL GENERAL GOVERNMENT		2,439,389	3,175,048	3,633,061
Police Department				
62	Salaries	4,084,159	4,563,407	4,516,504
63	Expense	241,813	208,490	206,053
		4,325,972	4,771,897	4,722,556
Fire Department				
68	Salaries	4,460,504	4,810,171	4,967,323
69	Expense	207,550	217,174	235,919
		4,668,054	5,027,345	5,203,241
Building Inspection Department				
73	Salaries	493,789	580,019	551,682
74	Expense	53,124	55,102	55,993
		546,913	635,121	607,675
Sealer of Weights and Measures				
80	Expense	-	250	250
Animal Inspector				
86	Salaries	2,400	2,400	2,400
VOTE TOTAL PUBLIC SAFETY		9,543,338	10,437,013	10,536,123
School Department				
101	Schools	41,249,071	43,982,273	44,837,273
VOTE TOTAL SCHOOLS		41,249,071	43,982,273	44,837,273

FY2024 ARTICLE 30 PROPOSED BUDGET

ITEM	DESCRIPTION	FY2022 EXPENDED	FY2023 APPROVED	FY2024 PROPOSED
Engineer				
105	Salaries	167,462	186,498	193,685
106	Expense	6,650	10,645	10,645
		174,113	197,143	204,330
Public Works (Highway, Tree, Drains)				
112	Salaries	1,215,052	1,480,708	1,514,951
113	Expense	224,590	173,891	203,955
116	Maintain Streets and Sidewalks	52,848	49,075	98,141
		1,492,489	1,703,675	1,817,047
117	Snow Removal	302,769	102,510	105,000
Waste Collection				
126	Salaries	405,816	456,392	475,175
127	Expense	1,913,388	1,946,807	2,036,030
128	Landfill Monitoring Expense	111,592	114,600	114,600
		2,430,796	2,517,799	2,625,804
Cemetery Department				
141	Officials Expense	244	300	300
142	Salaries	384,009	424,901	441,909
143	Expense	23,235	26,919	30,621
		407,488	452,120	472,830
VOTE TOTAL PUBLIC WORKS AND FACILITIES		4,807,655	4,973,247	5,225,012
Health Department				
153	Officials Expense	400	400	400
154	Salaries	209,498	223,928	228,739
155	Expense	75,996	84,753	83,952
		285,894	309,081	313,091
Council on Aging				
164	Salaries	282,723	328,006	375,563
165	Expense	11,988	11,990	14,050
		294,711	339,996	389,613
Veterans Benefits				
175	Salaries	71,253	75,096	76,576
176	Expense	1,865	2,343	2,343
178	Benefits	40,341	45,000	45,000
		113,460	122,439	123,919
VOTE TOTAL HUMAN SERVICES		694,065	771,516	826,623

FY2024 ARTICLE 30 PROPOSED BUDGET

ITEM	DESCRIPTION	FY2022 EXPENDED	FY2023 APPROVED	FY2024 PROPOSED
Abbot Public Library				
186	Salaries	839,985	1,008,618	1,054,390
187	Expense	266,138	268,926	269,066
		1,106,123	1,277,544	1,323,456
Recreation and Park Department				
190	Salaries	604,927	660,956	698,169
191	Expense	211,034	217,683	243,629
		815,961	878,639	941,798
Memorial & Veterans Day				
210	Expense	6,998	7,050	7,550
VOTE TOTAL CULTURE AND RECREATION		1,929,082	2,163,233	2,272,804
Maturing Bonds and Interest				
214	Maturing Debt	5,375,000	6,465,000	6,980,000
215	Interest	4,063,701	3,641,619	4,021,616
TOTAL DEBT SERVICE (EXCLUDED)		9,438,701	10,106,619	11,001,616
Other General Government				
118	Street Lighting	139,879	128,820	128,820
216	Utility Reserve	35,063	100,000	100,000
217	Contributory Retirement Fund	3,822,649	4,151,398	4,493,049
218	Medicare	669,038	754,000	791,730
219	Workers Compensation/111F	397,169	397,169	397,169
220	Training	14,907	15,000	15,000
221	Group Insurance	11,451,134	15,244,117	14,652,293
222	Other Insurance	640,395	725,000	757,625
223	Salary Reserve	130,361	173,641	50,000
224	Noncontributory Retirement	3,277	-	-
225	Energy Reserve	-	533,544	428,544
226	Other Post Employment Benefits	250,000	-	250,000
229	Stabilization Fund	250,000	250,000	-
VOTE TOTAL OTHER GENERAL GOVERNMENT		17,803,873	22,472,688	22,064,230
TOTAL GENERAL FUND ACCOUNTS		87,905,174	98,081,636	100,396,742

FY2024 ARTICLE 30 PROPOSED BUDGET

ITEM	DESCRIPTION	FY2022 EXPENDED	FY2023 APPROVED	FY2024 PROPOSED
Sewer				
227	Salaries	837,313	989,482	1,023,759
228	Expense	776,269	894,956	971,396
230	South Essex Sewer District	3,145,294	3,194,971	3,229,500
VOTE TOTAL SEWER ENTERPRISE FUND		4,758,876	5,079,409	5,224,655
Water				
231	Salaries	837,313	979,406	1,015,712
232	Expense	3,676,315	878,809	948,661
235	Mass Water Resource Authority	3,676,315	3,625,940	3,854,340
VOTE TOTAL WATER ENTERPRISE FUND		8,189,943	5,484,155	5,818,713
Light				
236	Operating Expenditures			
Harbor				
238	Salaries	356,146	433,949	473,213
239	Expense	435,389	469,007	495,299
240	Outlays	-	105,000	116,000
VOTE TOTAL HARBOR ENTERPRISE FUND		791,535	1,007,956	1,084,512
TOTAL ENTERPRISES		13,740,354	11,571,520	12,127,880

FY 2024 WARRANT ARTICLE EXPENDITURES	TOTAL	TAX LEVY	SEWER RETAINED EARNINGS	WATER RETAINED EARNINGS	CEMETERY SALES	WASTE REVOLVING
Article 6: Unpaid Accounts	26,787.55					
Article 9: Purchase of Equipment of Several Departments	388,487.50	388,487.50				
Article 10: Lease Purchase	467,553.07	441,474.16				26,078.91
Article 11 Capital Improvements for Public Buildings	302,036.44	287,451.44			14,585.00	
Article 13 Walls and Fences	50,000.00	50,000.00				
Article 14 Storm Drainage Construction	400,000.00	400,000.00				
Article 15 Water Department Construction	600,000.00			600,000.00		
Article 16 Sewer Department Construction	1,000,000.00		1,000,000.00			
Article 26 Essex North Shore Agricultural And Technical School	468,762.00	468,762.00				
Article 34: Administrative Benefit Amendment	18,625.00	18,625.00				
Total FY2024 Warrant Articles	3,722,252.00	2,054,800.00	1,000,000.00	600,000.00	14,585.00	26,079.00

FY 2024 TAX LEVY REVENUES

Property Taxes	81,958,071
Net State Aid	5,516,241
Local Receipts	6,307,231
Other Available Funds	35,000
Funds voted to reduce tax rate	
Free Cash	8,000,000
Municipal Light Surplus	330,000
Water, Sewer, Harbor Gen Govt	305,000
Total Funds voted to reduce tax rate	8,635,000

TOTAL ESTIMATED REVENUES	102,451,543
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FY 2024 TAX LEVY EXPENDITURES

General Fund Accounts	
Tax Levy Budget	89,395,126
Excluded Debt	11,001,616
Total General Fund Accounts	100,396,742
Tax Levy Articles	2,054,800

TOTAL EXPENDITURES	102,451,542
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Article 31 Supplemental Appropriation and 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 FY2024, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the Finance Director.

Recommendation: That the additional operating budget request of \$2,472,056 be appropriated subject to a proposition 2½ operating budget override.

<u>Department</u>	<u>Expense</u>	<u>Salaries</u>	<u>Total</u>
Building Inspection	71,294	-	71,294
Council on Aging	8,000	17,747	25,747
Finance	5,680	-	5,680
Fire	-	216,480	216,480
General Fund - Other	694,774	-	694,774
Health and Waste	19,450	-	19,450
Library	7,500	-	7,500
Parking Clerk	3,000	-	3,000
Police	19,550	177,223	196,773
Public Works	10,959	63,282	74,241
School	42,300	1,092,217	1,134,517
Select Board	12,000	600	12,600
Town Counsel	10,000	-	10,000
TOTAL OVERRIDE REQUEST	\$904,507	\$1,567,549	\$2,472,056

Article 32 Supplemental Appropriation and Expenses 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 FY2024, contingent upon the passage of a Proposition 2½, so called, ballot question, or take any action relative thereto. Sponsored by the School Committee.

Recommendation: That this article be indefinitely postponed.

Comment: This article is not being brought forward by the sponsor.

Article 33 Retirement Board Increase Base Amount

To see if the Town will vote pursuant to G.L. c. 32 §103(j), to approve the acceptance by the Marblehead Retirement Board of an increase of \$2,000 in the maximum base amount which would increase such base amount from \$12,000 to a base amount of \$14,000 as of July 1, 2023, and which once accepted, may not be revoked, or take any action relative thereto. Sponsored by the Marblehead Retirement Board.

Recommendation: That this article be adopted.

Comment: Marblehead is one of only a handful of communities in Massachusetts whose base amount is \$12,000. \$12,000 is the minimum allowable under law. The Retirement Board voted unanimously to increase the base amount by \$2,000 to \$14,000 to be more in line with most comparable communities. There is no financial impact on the FY24 budget as the Retirement Board will extend the State retirement formula funding schedule out a year or two to maintain the Town's current annual payments.

Article 34 Administrative Benefit Amendment

To see if the Town will vote 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 to make such benefits effective or take any other action relative thereto. Sponsored by the Select Board.

Recommendation: That this article be adopted.

Comment: This eliminates the \$500 annual sick incentive to stop encouraging coming to work sick and instead promotes employees to stay by increasing longevity. The Non-Union longevity has not been increased in many years and this would bring the folks in line with the Unions for a cost of \$18,625. Please see change below:

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	New Longevity	No 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

To see if the Town will vote 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:

- **Fire fighters**
- **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. Sponsored by Select Board.

Recommendation: That this article be adopted.

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

To see if the Town will vote to amend Chapter 174 of the General Bylaws, section 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 then be 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 from the floor, the vote shall be taken by written unsigned ballots in form approved by 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 on 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, sections A and B above shall not apply. Or take any other action relative thereto. Sponsored by the Select Board.

Recommendation: That this article be adopted.

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

To see if the Town will vote to accept G.L. c. 41 §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; or take any other action thereto. Sponsored by the Town Clerk.

Recommendation: That this article be adopted.

Article 38 Amend the Date of the Annual Town Election of Town Officers To see if the town will vote 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 7:00 p.m. in each year at a 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 the provisions of Section 64 of Chapter 54 of the General Laws and amendments thereto. Or take any other action relative thereto. Sponsored by the Town Clerk.

Recommendation: No recommendation under this article.

Article 39 Zoning Amendment - Accessory Dwelling Units

To see if the Town will vote to amend the Zoning Bylaw by:

I.) adding to ARTICLE XIII the following: 200-42 Accessory Dwelling Units

A. Purpose.

This section authorizing the provision of 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 encourage the efficient use of the town's housing supply while preserving the character of the town's neighborhoods.
6. 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 Dwellings Units are only allowed in or as an accessory to single family dwellings.
3. Accessory Dwelling units are 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 to be permitted.

5. The accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the 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 permit 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 neighborhood, 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 they will occupy one of the dwelling units on the premises as their primary residence. This shall be part of 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.

II.) Amend 200-Article VI Parking Requirements by adding a new paragraph to read as follows (bold text added):

E. Accessory dwelling units: For Accessory Dwelling Units there shall be one additional parking space per Accessory Dwelling Unit which is in addition to what is required for the principal use.

III.) Amend 200-13 Accessory Uses by adding a paragraph that reads as follows: (bold text added)

F. Accessory Dwelling Units which meet the provisions of section 200-42 of this bylaw.

Amend Article IX 200-36 D. 2 by adding the following (bold text added):

D. Board decision.

(2) Planning Board. After holding a public hearing and after giving due consideration to the standards set forth in § 200-38C or 200-39G **or 200-42** other applicable standards set forth herein, the Planning Board, by a vote of at least four of its members present, may approve the application or approve with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees as the Planning Board may determine. The Planning Board may also deny (§ 200-39, **200-42**) an application.

IV.) Amend 200-11 Classification of Use as follows:

Paragraph (c) as shall be amended follows (**bold text added**):

(c) Two-family dwelling: a detached dwelling with upper and lower dwelling units each designed for and occupied by a single family. **An Accessory Dwelling Unit shall not be considered a two-family dwelling.**

Or take any other action relative thereto. Sponsored by the Planning Board.

Recommendation: No recommendation under this article.

Article 40 Franklin Street Fire Station Renovations

To see if the Town will vote to raise, appropriate or otherwise provide a sum of money to fund improvements to the Franklin Street Fire Station, including but not limited to renovations and reconstruction and related expenses including but not limited to owner's project manager services, engineering, design, legal fees and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Select Board.

Recommendation: That this article be indefinitely postponed.

Comment: This article is not being brought forward by the sponsor.

Article 41 Department of Public Works

To see if the Town will vote 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**. Or take any other action relative to. Sponsored by the Select Board.

Recommendation: No recommendation under this article.

Article 42 Public Shade Trees; Protection

To see if the Town will vote 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.

Or take any action relative to. Sponsored by the Select Board.

Recommendation: No recommendation under this article.

Article 43 Adopt G.L. c. 59 sec. 5 Clause twenty second H – local Veterans benefits

To see if the Town will vote to adopt G.L. c. 59 sec. 5 clause twenty second H, for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the Nation Guard and Veterans whose proximate cause of death was service related or take any other action relative thereto. Sponsored by the Board of Assessors.

Recommendation: That this article be adopted.

Comment: An Exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the Nation Guard and Veterans whose proximate cause of death was service related or take any other action relative thereto. To qualify, you must be a parent of a son or daughter who was killed while in service and the proximate cause of death must be ruled service related by the Veterans Affairs (VA) Office. Surviving parents must have lived in Massachusetts for five (5) consecutive years before filing for an exemption or the military individual must have lived in Massachusetts for not less than six (6) months before entering service. Currently there is one (1) eligible individual for FY24.

This is an exemption of the total tax liability and would fluctuate based on the value of the home and the current fiscal year tax rate. The amount of this exemption in FY 2023 would have been \$10,317. There is no limit as to how many individuals can receive this exemption.

Article 44 Change Select Board Terms to 3 Years

To see if the Town of Marblehead will vote to amend the Bylaw: Change the current term of Select Board from a one-year term to a three-year staggered term similar to the School Committee and most other local Select Boards. In order to implement this transition to three-year terms, in the Town election one year following enactment of the Bylaw amendment, the first highest vote recipient will receive a 3-year term the second highest vote recipient a 3-year term, the third highest recipient a 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.

Sponsored by James Zisson and others.

Recommendation: No recommendation under this article.

Article 45 Article 45 Enhancements to the Comprehensive Annual Financial Review

To see if the Town will vote to adopt enhancements and best practices of public sector reporting of the Town audit and oversight of the Town audit:

- by directing the Town's independent auditor to include in the final audit report, if any, the independent auditor's 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 web site 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 Comprehensive Annual Financial Review 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.

Sponsored by Ronald Grenier and others.

Recommendation: No recommendation under this article.

Article 46 100% carbon-free energy in Old and Historic Districts

To see if the voters of Marblehead, in order to reach the goal of using 100% carbon-free energy in Marblehead that was approved at the 2018 Town Meeting, will vote to advise the Old and Historic Districts Commission to amend their guidelines: to allow the installation of heat pump systems, as long as the condensers are screened, and the line covers are painted to match the siding and not installed on the front facing side of the houses, and to accommodate installation of solar photovoltaic roof tiles.

Sponsored by Mark Adams and others.

Recommendation: That this article be indefinitely postponed.

Comment: This article is not being brought forward by the sponsor.

Article 47 Amend General Bylaws – Use of Gas-Powered Leaf Blowers

To see if the Town will vote to amend the General Bylaws by removing the newly created bylaws which regulate the use of gas-powered leaf blowers as passed in the 2022 Annual Town Meeting, Article 31. Sponsored by Todd R. Norman and others.

Recommendation: No recommendation under this article.

Article 48 Amend Chapter 119, Peace and Good Order Articles VII, Gas Power Leaf Blowers, Enforcement

To see if the Town will vote to amend Chapter 119, Peace and Good Order, Article VII by adding new provisions following the initial paragraph as follows (underline and bold new, cross out removed):

Sec 119-9 Summertime Use of Gas-Powered Leaf Blowers

119- 9 Prohibition:

A. Use of gas power leaf blowers shall be prohibited in the Town of Marblehead from Memorial Day to Labor Day each year. Such leaf blowers shall be permitted during the remainder of the year, subject to such other general rules of the Town are in effect from time to time.

B. A representative chosen by the Select Board may implement the use of ~~GPLB's~~ **gas powered leaf blowers** in a Town emergency situation at any time. (Approved Article 31 2022 ATM)

119-10 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.

C. 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.

Or take any other action relative to. Sponsored by Beatrice Stahl and others.

Recommendation: That this article be adopted.

Article 49 Creation of a Traffic Advisory Committee

To see if the Town will create a bylaw that will establish a Traffic Safety Advisory Committee (“the TSAC”). The purpose of the TSAC will be to implement the Marblehead Complete Streets Policy and evaluate public safety issues involving traffic, roads, and other transportation infrastructure in the town. Monthly meetings will provide a forum for residents to come to the Town with traffic issues and conduct any other business related to its function as described in this article. It will report to the Select Board quarterly. Members will include three residents who are not employees of the town of Marblehead and are appointed by the Select Board. The Select Board will appoint additional members from town departments responsible for public safety issues involving traffic, roads, and other transportation infrastructure. The chair of the TSAC will rotate annually.

Sponsored by Daniel M. Albert and others.

Recommendation: No recommendation under this article.

Article 50 Amend Town Bylaws Relative to New Subdivisions

To see if the Town will vote to amend the Town bylaws Article V, Part III, Section 258-17 by Inserting, “AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities (latest edition)” after “(AASHTO) publication, “A Policy on Geometric Design of Highways and Streets” (latest edition).” Sponsored by Daniel M. Albert and others.

Recommendation: No recommendation under this article.

Article 51 Amend Town Bylaws Relative to Require Certain Boards/Committees to Record and Post Meeting Minutes

To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic District Commission to record their meetings, with recordings and or meeting transcripts easily accessible along with official minutes linked form the Town Website after the meeting.

Sponsored by Rosalind Nadeau and others.

Recommendation: No recommendation under this article.

Comment: At the Finance Committee meeting on April 24, 2023, the sponsor presented amended text planned for submittal at Town Meeting to replace the text of Article 51. The Finance Committee determined that the amended text would result in no financial implications.

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

To see is the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Water Board, Recreation & Parks Commission and Old & Historic Districts Commission 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 or remote platforms for all body members and for the public at all public meetings. Sponsored by Rosalind Nadeau and others.

Recommendation: No recommendation under this article.

Comment: At the Finance Committee meeting on April 24, 2023, the sponsor presented amended text planned for submittal at Town Meeting to replace the text of Article 52. The Finance Committee determined that the amended text would result in no financial implications.

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

To see if the Town will accept the provisions of Massachusetts General Law Chapter 53, Section 9A, or take any other action relative thereto.

Sponsored by Jonathan Lederman and others.

Recommendation: No recommendation under this article.

Article 54 Standard Operating Procedures Manual

To see if the Town will vote to create a Standard Operating Procedures 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 Assurance.

Sponsored by Megan Sweeney and others.

Recommendation: No recommendation under this article.