

Finance Committee Report



Photo By Nick Fader

ANNUAL TOWN MEETING
MAY 7, 2012
MARBLEHEAD VETERANS MIDDLE SCHOOL
PERFORMING ARTS CENTER
MARBLEHEAD, MASSACHUSETTS

TO THE VOTERS OF MARBLEHEAD

The Finance Committee respectfully welcomes the opportunity to present this report and to make a series of recommendations concerning the Fiscal Year 2013 (FY13) budget for the Town of Marblehead, as well as other financial matters to be voted on at the Town Meeting. The Finance Committee is pleased to report that we will present to you a balanced budget recommendation for the seventh consecutive year without proposing a general override of Proposition 2 ½ to achieve that balance.

The budget cycle commenced with a joint meeting of the Board of Selectmen and the Finance Committee on January 4th, 2012. Town Administrator Anthony Sasso and Finance Director John McGinn delivered the “state of the Town” fiscal analysis.

Their breakdown offered a “déjà vu” of positive factors; no budget deficits, consistent free cash growth, strong budget oversight, conservative revenue estimates, and a Town bond rating that remains at AAA. Marblehead remains one of just a handful of 351 Massachusetts communities with the S&P’s highest rating!

The FY13 projections include 2 significant unresolved issues that could further impact the budget process:

1. Resolution of the FY13 state budget and the impact on state aid
2. Collective bargaining agreements between the town and all Marblehead employees expire at the end of FY12

In order to develop the FY13 budget, the following conservative assumptions were made:

- Estimated local receipts are reduced by 6%
- 4% reduction of State Aid
- All existing contractual obligations satisfied in FY13 budget
- Free cash increased by \$1,303,858 over FY12
- The statutory 2 1/2% increase on the Town’s tax levy and new growth combine to generate \$1,523,276 (3.1% more than FY12) in tax revenues available to fund municipal services; Assumes Charter School enrollment of 185 Marblehead students

Accordingly, **for the seventh year**, we were able to ask town departments to prepare level funded budgets that did not require them to propose cuts in personnel or services.

Our budget assumptions have also incorporated the following concerns:

- Over 50% of the Town’s estimated local receipts come from automobile excise taxes. Since FY06, these revenues have declined 8.8%

- The unpredictable nature of utility and fuel costs has produced costs not seen since the historic highs of 2009. Our energy reserve is level funded at \$533,544 and should help cover fluctuations for FY13

Most significantly, Town employees and the Board of Selectmen agreed to, opt into the state-run health insurance program administered by the Group Health Insurance Commission (GIC). With thousands of state and municipal employees in the plans offered by the GIC, the GIC can negotiate better rates with health care insurers, helping to better control costs from year to year.

During the budget season, the Finance Committee formed smaller liaison groups to work with department heads, managers, administrators, and elected officials to review their respective budgets. The Finance Committee then reviewed the budgets, held an open forum on the Town Warrant, and we voted to make our recommendations to the Town.

Assuming Finance Committee recommendations on the various money articles are accepted by the Town Meeting, the FY13 budget, as presented in **Article 30** will be balanced (pending finalization of the Commonwealth's budget and associated local aid figures).

The collaboration among town departments and schools was an essential component of being able to present you with a balanced budget. The Finance Committee would like to commend all department heads, union representatives, appointed and elected boards, and involved citizens for all of their efforts this year.

In closing, we would like to thank our colleagues on the Finance Committee for their devoted efforts during the FY13 budget cycle. Additionally, we must expressly recognize our Secretary, Bob Ross for his enduring support, as well as the Board of Selectmen, retiring Town Administrator Anthony Sasso, Finance Director John McGinn, School Superintendent Dr. Greg Maass, and Business Manager Kevin C. Meagher who each devoted significant time, resources and guidance to this budget process.

Respectfully submitted,

David E Harris Jr.
Chairman, Marblehead Finance Committee

Moses Grader
Vice Chairman, Marblehead Finance Committee

Patricia Moore
Vice Chairman, Marblehead Finance Committee

Fiscal 2011 RESERVE FUND

The following is an accounting of funds entrusted to the Finance Committee for Fiscal 2011 Reserve Fund use.

Reserve Fund -- Fiscal 2011 ending June 30, 2011..... \$144,000.00

DEPARTMENTS FUNDS TRANSFERRED TO:

Planning Board Expense.....	\$3,800.00	
Election & Registration Expense.....	2,190.87	
Fire Expense.....	13,021.03	
Fire Expense.....	16,969.00	
Snow Removal.....	25,000.00	
Tree Salaries.....	880.00	
Veterans Benefits.....	735.00	
Library Expense.....	4,805.51	
Total Transferred		\$67,401.41
Returned to Treasury		<u>\$76,598.59</u>

Fiscal 2012 RESERVE FUND

The following detail represents funds voted to various departments by the Finance Committee from the Reserve Fund covering the period July 1, 2011 thru April 9, 2012.

Annual Town Meeting Appropriation May 2, 2011 \$144,000.00

DEPARTMENTS FUNDS TRANSFERRED TO:

Planning Board Expense.....	\$3,600.00	
Fire Expense.....	15,000.00	
Sealer of Weights & Measures Expense...	250.00	
Harbor Outlays.....	30,000.00	
Total Transferred		\$48,850.00
Balance Remaining		<u>\$95,150.00</u>

Respectfully Submitted,
MARBLEHEAD FINANCE COMMITTEE

David Harris, Chairman
Moses Grader Vice-Chairmen
Patricia Moore Vice-Chairmen
Benjamin Berman
Eric Cole
Matthew Herring
Lisa Louden
Paul Pruett
Robert Ross, Clerk

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, as requested by the Board of Selectmen.

Recommended: That this article be adopted.

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 and act thereon.

Recommended: That this article be adopted.

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 therefor to the Commonwealth, or take any other action relative thereto, as sponsored by the Board of Selectmen.

Recommended: 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, as sponsored by Town Counsel.

Recommendation: That this article be indefinitely postponed.

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, as sponsored by the Board of Selectmen.

Recommended: That this article be adopted.

Article 6 Fiscal 2012 School Budget Additional Appropriation

To see if the Town will vote to appropriate or transfer from available funds a sum of money to fund additional expenses of the fiscal 2012 school budget, said sum to be added to article 25, item 101, schools, as voted at Town Meeting in May 2011, or take any action relative thereto. Sponsored by the School Committee.

Recommendation: That this article be indefinitely postponed.

Article 7 Police Department Audio/Visual Monitoring System

To see if the Town will install audio and visual monitoring systems in the Police Department for the accuracy and safety of the police and the public. These systems to consist of two to four cameras, to be placed in the foyer and in the "booking area". These cameras to be of auto and visual quality to be maintained by an outside company. Tapes should be kept for at least 120 days and be available to the public upon request for a nominal fee. If systems are not working, the maintenance company must be notified within 30 minutes. Systems to run on motion sensor to remain active for 20 seconds after lack of motion. Systems should not exceed \$9,500 with a nominal yearly maintenance fee to be paid for out of the Police Department's budget. Sponsored by Wilfred G. Gallien and others.

Recommendation: That this article be indefinitely postponed.

Article 8 Surveillance Camera Data

To see if the Town will adopt the following Bylaw:

WHEREAS the United States Constitution and the Massachusetts Declaration of Rights provide for a right to privacy that is threatened by an increasingly sophisticated and intrusive government surveillance of the People; and

WHEREAS we desire to live in a free and open society, not under the watchful eye of authorities spying on citizens in public spaces, as is characteristic of repressive societies; and
WHEREAS the Town of Marblehead has implemented a surveillance camera program absent a full public discussion and town democratic participation; and

WHEREAS these cameras may operate constantly and record activities in public locations in Marblehead, including public schools and polling locations, producing digital images and other data that can be stored without limit and shared with private concerns and law enforcement authorities elsewhere, including to the state police, and to the federal government, including to the Department of Homeland Security and the National Security Agency; and

WHEREAS the National Security has engaged in extensive data mining on private citizens and has created databases containing vast amounts of information, as has the Commonwealth Fusion Center, and the federal government has promoted police camera surveillance systems, such as a recent grant to the Marblehead School District, as part of a massive infrastructure being created for government surveillance of our activities; and

WHEREAS the creation of the infrastructure for government surveillance of the daily activities of the People, using, among other things, networked police cameras and government databases, poses a threat to our liberty substantially different from and greater than that from privately owned cameras in places of business; and

WHEREAS such police camera systems used for general surveillance purposes in Britain and other parts of the United States have been studied sufficiently to conclude that such government camera systems are not effective at preventing crime; and

WHEREAS the digital images captured by the cameras will generally be available to anyone who request copies under the Commonwealth's public records law and can be distributed further without any restrictions; and

WHEREAS no significant benefit has been demonstrated that would outweigh the intrusion on personal freedom and privacy.

NOW THEREFORE BE IT RESOLVED;

- Any and all data gathered from any town owned or operated surveillance cameras, including those on the grounds of Marblehead public schools, shall be deleted 10 days after it is collected; and
- The sharing of any and all data gathered from any town owned or operated surveillance cameras including those on the grounds of Marblehead public schools, shall require the written authorization of the Chief of Police. Copies of the written authorizations, including information showing with which entities the data has been shared and the reasons for the data sharing, shall be retained indefinitely as a matter of public record; and
- The Chief of Police must provide written notice to the Marblehead Board of Selectmen each time the sharing of surveillance camera data with any entity is authorized; and
- The Town of Marblehead must provide highly visibly public notice in each location where a public surveillance camera is in operation. This notice shall inform the public that their movements in the area are being monitored, and if that data is recorded, the notice shall inform the public that their movements are being recorded.

Sponsored by Emil Ronchi and others.

No recommendation under this article.

Article 9 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.

Recommended: That the sum of \$870.00 be authorized to be paid from the following FY12 appropriations.

Public Buildings Expense	504.00
School Budget	366.00

Article 10 Revolving Funds

To see if the Town will vote to authorize various revolving funds as required by M.G.L. c 44 s.53E ½, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommended: To continue the authorization of the following revolving funds as required by M.G.L. C.44, s.53E 1/2 as recommended by the Board of Selectmen.

- 1. Historical Commission Gift Shop Revolving Fund in the amount of \$13,000 in fiscal 2013 for the use of the Historical Commission to be taken from Historical Commission revenues from the sale of items at the gift shop operated by said commission; said appropriation to be used for expenses of operating said gift shop; and expended by the Commission.**
- 2. Recreation and Park Revolving Fund in the amount of \$300,000 in fiscal 2013 for the use of the Recreation and Park Commission to be taken from revenues in connection with recreation programs and activities including teen center, program fees, rentals, miscellaneous sales, promotional fees, \$5.00 of out of town parking fees charged on weekends and various recreational fund raising events; said appropriation to be used for the expense of said activities including equipment and promotions; and expended by the Commission.**
- 3. Council on Aging Revolving Fund in the amount of \$250,000 in fiscal 2013 for the use of the Council on Aging Board of Directors to be taken from revenues in connection with the meals on wheels, and nutrition programs, mini-bus donations, trips, miscellaneous programs, instructional classes, recreational programs, games and tournaments, luncheons and entertainment, and other activities including program fees, fund raising, rentals, miscellaneous sales and promotional fees; said appropriation to be used for the expense of said activities and trips, including equipment and promotions; and expended by the Council on Aging Board of Directors.**
- 4. Dog Officer/Animal Control Officer Revolving Fund in the amount of \$20,000 in fiscal 2013 for the use of the Dog Officer to be taken from revenues in connection with fees, reimbursements, deposits and refunds of animal medical expenses including spay and neuter expenses, miscellaneous other sales and various fund raising events; said appropriation to be used for the expense of said programs and activities including medical bills, animal food, pet supplies and equipment, and promotional expenses; and expended by the Dog Officer/ Animal Control Officer.**
- 5. RAD Program Revolving Fund in the amount of \$7,500 in fiscal 2013 for the use of the Police Chief to be taken from revenues in connection with tuition, fees, reimbursements, miscellaneous sales, gifts and donations of the RAD program; said appropriation to be used for the expense of said program including salaries and expenses including equipment.**
- 6. School Tuition Revolving Fund in the amount of \$40,000 in fiscal 2013 for the use of the School Committee to be taken from revenues in connection with tuition's from nonimmigrant foreign students; said**

appropriation to be used for the expenses of instruction including salaries, instructional supplies and equipment.

7. **Commercial Waste Revolving Fund in the amount of \$450,000 in fiscal 2013 for the use of the Board of Health to be taken from revenues in connection with commercial waste disposal receipts; said fund to be expended for the cost of solid waste disposal.**
8. **Conservation Fines Revolving Fund in the amount of \$10,000 in fiscal 2013 for the use of the Conservation Commission to be taken from revenues in connection with receipts collected from fines assessed by the commission; said fund to be expended for remediation of wetlands violations and for the care and maintenance of lands under the control and jurisdiction of the Conservation Commission.**
9. **Sump Pump Improvement Revolving Fund in the amount of \$25,000 in fiscal 2013 for the use of the Sewer and Water Commission; to be taken from revenues in connection with receipts collected from money received as a result of permitting fees; said fund to be expended for the aid in removal of sump pumps currently tied into the sewer system.**
10. **Special Education Revolving Fund in the amount of \$490,000 in fiscal 2013 for the use of the School Committee; revenues to be taken from tuition collected for special education students tuitioned in to the Marblehead Public Schools and from funds collected to pay for the other special education contracted services for out of district special education students being provided service through the North Shore Special Education Consortium and other approved special education public and private placements; said funds to be expended on costs directly related to the special education programs provided to these out of district students.**
11. **Storm Water By-Law Revolving Fund in the amount of \$10,000 in fiscal 2013 for the use of the conservation Commission; to be taken from revenues in connection with receipts collected from application fees associated with the town's storm water management and erosion control regulations; said funds to be expended for expenses related to the enforcement and administration of the Storm water By-Law.**

Article 11 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 therefor; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommendation: That this article be indefinitely postponed.

Article 12 Purchase of Equipment of Several Departments

To see if the Town will raise and appropriate any sums of money for the purchase of equipment for the several departments of the Town; to authorize the Board of Selectmen to trade old equipment as part of the purchase price; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Finance Committee.

Recommended: That the sum of \$507,641.00 be appropriated, and to meet this appropriation; \$125,000.00 is to be transferred from Water Retained Earnings, \$3,026 is to be transferred from Cemetery Sale of Lots Fund and \$379,615.00 is to be raised by taxation. To include the following:

**Police Department
1 Police Vehicles**

**Highway Department
1 Emergency Generator**

Upgrade Radio System
Cemetery Department
1 Leaf Vacuum
Building Department
Safety Inspection Bucket Truck
School Department
1 Cargo Van
Water Department
1 Crane Truck

1 Dump Truck
Park Department
Riding Lawnmower
Town Wide Departments
Upgrade Radio System
1 Utility Vehicle

Article 13 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 buildings and the purchase of necessary equipment including computer hardware and software to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommended: That the sum of \$161,500.00 be appropriated. \$160,000.00 to be raised by taxation and \$1,500.00 to be taken from the sale of lots fund.

Abbot Hall
Clock Tower Repair
Abbot Library
Drainage Improvements
Town Wide Departments
Upgrade Radio System
Fire Department
Safety Equipment
Cemetery Department
Fire Proof Drapes Chapel

Article 14 Surface Drainage Construction

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of storm sewers for surface drainage purposes, including engineering and legal services in connection therewith, and 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 to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners and the Board of Selectmen.

Recommendation to be made at Town Meeting.

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 to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommended: That the sum of \$801,423.00 be appropriated, to be taken 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 to take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommended: That the sum of \$665,344.00 be appropriated, to be taken from Sewer Retained Earnings.

Article 17 Water and Sewer Commission Claims

To see if the Town will vote to authorize the Water and Sewer Commission and the Board of Selectmen acting jointly to compromise any claims for damages or suits pending against the Town of Marblehead on account of acts which may have occurred during the construction of the water, sewer and storm water system or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommended: That this article be adopted.

Article 18 Storm Drainage Construction

To see if the Town will vote to appropriate a sum of money for the construction or reconstruction of sewers for surface drainage purposes, and to authorize the appropriate Town Officers to acquire by purchase, eminent domain or otherwise, any land or easements necessary therefor, to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Water and Sewer Commissioners.

Recommended: That the sum of \$324,000.00 be appropriated.

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

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with Local 1776 of the IUE/CWE, or take any action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 20 Collective Bargaining (Fire)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with the International Association of Firefighters AFL/CIO CLC Local 2043, or take any action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 21 Collective Bargaining (Police)

To see if the Town will, pursuant to G.L. c. 150E §7, vote to appropriate the sums of money sufficient to fund the collective bargaining agreement for fiscal year 2013 with Town of Marblehead Police Officers Union, or take any action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 22 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 following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 23 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 following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 24 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 following new pay schedules and to transfer from available funds and/or appropriate a sum of money to make said new pay schedules effective, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 25 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, as sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 26 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, and to take any other action relative thereto. Sponsored by the Conservation Commission.

Recommended: That this article be adopted.

Article 27 North Shore Regional Vocational School District

To see if the Town will vote to approve the gross operating and maintenance budget of the North Shore Technical High School for the fiscal year commencing July 1, 2012 and appropriate a sum of money for the Town's assessment of the same, or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommended: That the sum of \$102,213.00 be appropriated.

Article 28 Essex North Shore Agricultural and Technical School District

To see if the Town will vote to appropriate a sum of money to pay the Town's share of the costs associated with the design, construction, and furnishing of the Essex North Shore Agricultural and Technical School District's new District High School facility for the fiscal year commencing July 1, 2012; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommendation: That this article be indefinitely postponed.

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.

Recommended: That the sum of \$6,229,292.00 be appropriated for the use of the Assessors in making the Tax Rate.

From Free Cash	\$ 5,899,292.00
From Electric Surplus	<u>330,000.00</u>
	<u>\$ 6,229,292.00</u>

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, 2012, or take any other action relative thereto, as sponsored by the Finance Department.

TABLE OF ESTIMATED APPROPRIATIONS
(Required by Mass. General Laws, Chapter 41, Section 60)

Fiscal 2011		Fiscal 2012			Fiscal 2013		
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated	Item No.	Departmental Requests	Recommended
GENERAL GOVERNMENT							
100.00	100.00	100.00		100.00	1		
5,500.00	5,500.00	5,500.00	2,750.00	2,750.00	2		
334,202.00	331,610.61	341,171.00	164,237.85	176,933.15	3		
92,163.00	65,299.09	98,163.00	18,827.77	79,335.23	4		
7,000.00	7,000.00	7,000.00	1,820.00	5,180.00	5		
2,000.00		2,000.00		2,000.00	6		
440,865.00	409,409.70	453,834.00	187,635.62	266,198.38			
8,147.00	8,147.00	8,310.00	4,155.00	4,155.00	7		
5,585.00	5,232.00	5,585.00	268.00	5,317.00	8		
175.00	87.47	175.00		175.00	9		
13,907.00	13,466.47	14,070.00	4,423.00	9,647.00			
144,000.00		144,000.00		144,000.00	10		
67,401.41							
<u>76,598.59</u>		<u>144,000.00</u>		<u>144,000.00</u>			
634,901.00	621,871.78	641,231.00	307,762.39	333,468.61	12		
246,205.00	229,189.26	246,205.00	96,643.51	149,561.49	13		
881,106.00	851,061.04	887,436.00	404,405.90	483,030.10			
300.00	300.00	300.00		300.00	17		
174,390.00	169,527.40	178,166.00	84,712.58	93,453.42	18		
33,785.00	29,072.13	33,785.00	24,443.21	9,341.79	19		
400.00	335.50	400.00	218.50	181.50	20		
208,875.00	199,235.03	212,651.00	109,374.29	103,276.71			
2,000.00	2,000.00	2,000.00	1,000.00	1,000.00	29		
62,932.00	51,802.29	62,932.00	17,170.00	45,762.00	30		
64,932.00	53,802.29	64,932.00	18,170.00	46,762.00			
10,484.00	4,604.12	10,484.00	1,715.08	8,768.92	35		
151,847.00	149,843.76	155,519.00	73,605.70	81,913.30	39		
9,037.00	9,037.00	9,037.00	1,993.47	7,043.53	40		
160,884.00	158,880.76	164,556.00	75,599.17	88,956.83			

Fiscal 2011		Fiscal 2012			Item No.		Fiscal 2013	
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated			Departmental Requests	Recommended
22,750.00	21,938.14	18,000.00	150.00	17,850.00	43	Election & Registration		
24,055.87	24,055.87	21,865.00	5,991.36	15,873.64	44	Salaries	22,750.00	22,750.00
						Expense	21,865.00	21,865.00
46,805.87	45,994.01	39,865.00	6,141.36	33,723.64			44,615.00	44,615.00
5,475.00	5,475.00	1,675.00	248.58	1,426.42	50	Planning Board		
						Expense	1,675.00	1,675.00
85,296.00	81,744.63	88,516.00	43,483.92	45,032.08	55	Public Buildings		
101,100.00	99,261.20	101,100.00	41,828.92	59,271.08	56	Salaries	88,458.00	88,458.00
400.00	77.00	400.00	90.50	309.50	57	Expense	101,100.00	101,100.00
						Local Travel	400.00	400.00
186,796.00	181,082.83	190,016.00	85,403.34	104,612.66			189,958.00	189,958.00
4,300.00	2,812.50	4,300.00		4,300.00	59	Town Reports	4,300.00	4,300.00
40,000.00	40,000.00	40,000.00	30,000.00	10,000.00	60	Town Audit	43,000.00	43,000.00
2,141,128.46	1,965,923.75	2,227,919.00	923,116.34	1,304,802.66		TOTAL GENERAL GOVERNMENT	2,225,749.00	2,225,749.00

PUBLIC SAFETY

3,024,523.00	2,921,484.80	3,047,579.00	1,369,382.31	1,678,196.69	62	Police Department		
192,399.00	192,236.10	187,399.00	129,047.71	58,351.29	63	Salaries	3,037,483.00	3,037,483.00
10,000.00	903.13	10,000.00	450.48	9,549.52	64	Expense	187,399.00	187,399.00
						Indemnif. of Officers	10,000.00	10,000.00
3,226,922.00	3,114,624.03	3,244,978.00	1,498,880.50	1,746,097.50			3,234,882.00	3,234,882.00
2,778,544.00	2,735,862.94	2,856,164.00	1,320,125.44	1,536,038.56	68	Fire Department		
169,288.03	151,205.55	143,308.00	90,300.86	53,007.14	69	Salaries	2,867,183.00	2,867,183.00
						Expense	143,308.00	143,308.00
2,947,832.03	2,887,068.49	2,999,472.00	1,410,426.30	1,589,045.70			3,010,491.00	3,010,491.00
429,526.00	395,008.92	443,502.00	197,928.93	245,573.07	73	Building Inspection		
9,755.00	9,215.59	9,755.00	8,068.09	1,686.91	74	Salaries	445,480.00	445,480.00
3,000.00	2,968.48	3,000.00	1,742.50	1,257.50	75	Expense	9,755.00	9,755.00
						Local Travel	3,000.00	3,000.00
442,281.00	407,192.99	456,257.00	207,739.52	248,517.48			458,235.00	458,235.00
150.00	50.00	250.00	134.35	115.65	80	Sealer of Weights & Measures		
						Expense	250.00	250.00
2,400.00	2,400.00	2,400.00	1,200.00	1,200.00	86	Animal Inspector		
						Salaries	2,400.00	2,400.00
6,619,585.03	6,411,335.51	6,703,357.00	3,118,380.67	3,584,976.33		TOTAL PUBLIC SAFETY	6,706,258.00	6,706,258.00

EDUCATION

28,447,127.00	28,447,127.00	28,838,012.00	11,358,312.71	17,479,699.29	101	Schools	29,583,712.00	29,583,712.00
28,447,127.00	28,447,127.00	28,838,012.00	11,358,312.71	17,479,699.29		TOTAL SCHOOLS	29,583,712.00	29,583,712.00

Fiscal 2011		Fiscal 2012			Item No.	Fiscal 2013	
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated		Departmental Requests	Recommended

SCHOOL RECEIPTS AND REIMBURSEMENTS -- FISCAL 2011

	Funds Received for General Purposes or Reserved for Appropriation	Funds Received to be Expended without Appropriation
School Chapter 70 Aid	\$4,524,671.00	
Charter School Aid.....	738,655.00	
Charter School Assessment.....	-1,670,915.00	
School Choice Assessment.....	-5,000.00	
Essex Agricultural Assessment.....	-36,869.00	
Revolving Funds		
All Day Kindergarten		\$455,693.00
Athletic Programs		44,466.92
Drivers Education		6,511.00
Fine Arts.....		4,422.00
Guidance Services Fund		6,315.00
Lost Books		2,471.45
School Building Rent		101,363.25
School Lunch - State & Federal		143,465.63
School Lunch - Sale of Lunches		546,671.84
School Lunch General Fund Transfer..		85,000.00
School User Fees		248,930.77
Special Education Tuition.....		449,432.16
Federal, State and Private Grants		
AARA Recovery.....		24,290.00
Academic Support Services.....		8,848.48
Circuit Breaker.....		243,805.00
Ed Jobs.....		32,391.00
Essential School Health.....		82,820.00
IDEA American Recovery Act.....		275,978.10
Metco	12,900.00	379,072.50
Drug Free Schools		6,533.00
Quality Full day Kindergarten.....		139,200.00
Race to the Top.....		21,943.00
RTTT Vertical SIF.....		2,650.00
School Community Partnership.....		13,534.76
SPED 94-142.....		747,681.00
SPED Childhood Allocation.....		28,741.50
SPED Early Childhood AARA.....		11,552.00
Teacher Quality.....		61,485.00
Title I AARA.....		76,640.27

Fiscal 2011		Fiscal 2012			Item No.	Fiscal 2013	
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated		Departmental Requests	Recommended
	Title 1.....			243,035.21			
Donation Funds							
	Bell School Donation.....			17,113.35			
	Bell School Technology Donation.....			5,886.29			
	Coffin/Gerry Donation.....			27,888.01			
	Glover School Donation.....			5,024.50			
	High School Donation.....			29,073.03			
	Veterans School Donation.....			4,120.00			
	Village School Donation.....			18,632.64			
			<u>\$3,563,442.00</u>	<u>\$4,602,681.66</u>			
			<u>\$8,166,123.66</u>				

PUBLIC WORKS & FACILITIES

					Engineering			
108,221.00	101,008.22	108,829.00	52,218.97	56,610.03	105	Salaries	109,436.00	109,436.00
10,395.00	5,624.92	10,395.00	1,537.72	8,857.28	106	Expense	10,395.00	10,395.00
500.00		500.00		500.00	107	Local Travel	500.00	500.00
119,116.00	106,633.14	119,724.00	53,756.69	65,967.31			120,331.00	120,331.00
						Source:		
3,000.00		6,000.00				Conservation Wetlands Fee		6,000.00
116,116.00		113,724.00				Taxation		114,331.00
<u>119,116.00</u>		<u>119,724.00</u>						<u>120,331.00</u>
					Highway			
721,131.00	699,060.68	734,284.00	353,068.64	381,215.36	112	Salaries	730,484.00	730,484.00
87,084.00	83,187.03	87,084.00	46,200.88	40,883.12	113	Expense	87,084.00	87,084.00
808,215.00	782,247.71	821,368.00	399,269.52	422,098.48			817,568.00	817,568.00
33,750.00	31,983.95	33,750.00	25,823.52	7,926.48	116	Maintain Streets and Sidewalks	33,750.00	33,750.00
125,000.00	367,766.76	100,000.00	42,045.77	57,954.23	117	Snow Removal	100,000.00	100,000.00
128,820.00	117,939.79	128,820.00	51,790.51	51,790.51	118	Street Lighting	128,820.00	128,820.00
1,095,785.00	1,299,938.21	1,083,938.00	518,929.32	565,008.68			1,080,138.00	1,080,138.00
					Waste Collection			
287,655.00	278,393.83	288,354.00	142,865.07	145,488.93	126	Salaries	278,326.00	278,326.00
1,632,889.00	1,479,252.63	1,668,655.00	706,265.43	962,389.57	127	Expense	1,687,655.00	1,687,655.00
1,512.00	1,512.00	1,512.00	756.00	756.00	128	Local Travel	1,512.00	1,512.00
1,922,056.00	1,759,158.46	1,958,521.00	849,886.50	1,108,634.50			1,967,493.00	1,967,493.00
					Drains			
98,727.00	93,842.39	100,650.00	48,483.81	52,166.19	132	Salaries	100,208.00	100,208.00
5,150.00	4,346.81	5,150.00	2,829.71	2,320.29	133	Expense	5,150.00	5,150.00
103,877.00	98,189.20	105,800.00	51,313.52	54,486.48			105,358.00	105,358.00

Fiscal 2011		Fiscal 2012			Item No.		Fiscal 2013	
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated			Departmental Requests	Recommended
300.00	300.00	300.00		300.00	141	Cemetery		
299,964.00	297,753.20	305,775.00	155,545.27	150,229.73	142	Officials Expense	300.00	300.00
21,846.00	20,539.34	21,846.00	9,874.99	11,971.01	143	Salaries	301,498.00	301,498.00
322,110.00	318,592.54	327,921.00	165,420.26	162,500.74		Expense	21,846.00	21,846.00
							323,644.00	323,644.00
272,110.00		277,921.00				Source		
50,000.00		50,000.00				Taxation		273,644.00
322,110.00		327,921.00				Perpetual Care		50,000.00
								323,644.00
228,490.00	227,885.69	237,916.00	107,586.02	130,329.98	148	Tree Department		
51,578.00	37,734.89	51,578.00	18,425.63	33,152.37	149	Salaries	239,652.00	239,652.00
280,068.00	265,620.58	289,494.00	126,011.65	163,482.35		Expense	51,578.00	51,578.00
3,843,012.00	3,848,132.13	3,885,398.00	1,765,317.94	2,120,080.06			291,230.00	291,230.00
						TOTAL PUB. WORKS & FAC.	3,888,194.00	3,888,194.00

HUMAN SERVICES

400.00	400.00	400.00		400.00	153	Health Dept.		
131,039.00	131,039.00	134,939.00	67,092.10	67,846.90	154	Officials Expense	400.00	400.00
13,055.00	11,865.05	13,055.00	8,017.45	5,037.55	155	Salaries	121,312.00	121,312.00
2,100.00	1,704.95	2,100.00	667.50	1,432.50	157	Expense	13,055.00	13,055.00
4,000.00	4,000.00	4,000.00	4,000.00		158	Local Travel	2,100.00	2,100.00
150,594.00	149,009.00	154,494.00	79,777.05	74,716.95		HAWC	4,000.00	4,000.00
							140,867.00	140,867.00
60,000.00	60,000.00	60,000.00	21,891.23	38,108.77	162	Mental Health		
183,829.00	175,968.44	193,818.00	99,801.80	94,016.20	164	Contractual Services	60,000.00	60,000.00
3,459.00	3,459.00	3,459.00	1,010.58	2,448.42	165	Council on Aging		
187,288.00	179,427.44	197,277.00	100,812.38	96,464.62		Salaries	214,060.00	214,060.00
						Expense	3,459.00	3,459.00
							217,519.00	217,519.00
56,251.00	56,250.27	57,357.00	27,655.31	29,701.69	175	Veterans Benefits		
1,243.00	1,170.22	1,243.00	177.78	1,065.22	176	Salaries	57,142.00	57,142.00
1,100.00	272.15	1,100.00	74.00	1,026.00	177	Expense	1,243.00	1,243.00
19,735.00	19,734.92	19,000.00	11,260.87	7,739.13	178	Local Travel	1,100.00	1,100.00
78,329.00	77,427.56	78,700.00	39,167.96	39,532.04		Benefits	19,000.00	19,000.00
476,211.00	465,864.00	490,471.00	241,648.62	248,822.38			78,485.00	78,485.00
						TOTAL HUMAN SERVICES	496,871.00	496,871.00

Fiscal 2011		Fiscal 2012					Fiscal 2013	
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated	Item No.		Departmental Requests	Recommended
CULTURE AND RECREATION								
Library								
725,323.00	725,323.00	746,403.00	353,272.49	393,130.51	185	Salaries	740,474.00	740,474.00
247,673.51	247,475.60	245,295.00	132,056.01	113,238.99	186	Expense	251,154.00	251,154.00
100.00	98.89	100.00		100.00	187	Local Travel	100.00	100.00
973,096.51	972,897.49	991,798.00	485,328.50	506,469.50			991,728.00	991,728.00
Park Department								
546,222.00	538,261.91	559,878.00	286,794.53	273,083.47	190	Salaries	560,188.00	560,188.00
171,590.00	163,053.74	171,590.00	86,195.18	85,394.82	191	Expense	171,590.00	171,590.00
46,093.00	44,531.87	46,093.00	13,565.73	32,527.27	192	Facility Expense	46,093.00	46,093.00
763,905.00	745,847.52	777,561.00	386,555.44	391,005.56			777,871.00	777,871.00
1,950.00	1,950.00	1,950.00		1,950.00	210	Memorial & Veterans Day	5,500.00	5,500.00
1,738,951.51	1,720,695.01	1,771,309.00	871,883.94	899,425.06		TOTAL CULTURE & RECREATION	1,775,099.00	1,775,099.00
DEBT SERVICE								
2,925,000.00	2,925,000.00	2,525,000.00	2,524,366.00	634.00	214	Maturing Debt	2,845,000.00	2,845,000.00
1,445,950.00	1,444,950.00	1,789,596.25	1,186,386.25	603,210.00	215	Interest	1,508,446.58	1,508,446.58
4,370,950.00	4,369,950.00	4,314,596.25	3,710,752.25	603,844.00		TOTAL DEBT SERVICE	4,353,446.58	4,353,446.58
MISCELLANEOUS								
1,902,903.00	1,902,903.00	1,881,112.00	1,881,112.00		217	Contributory Retirement	1,881,112.00	1,881,112.00
450,000.00	449,539.99	480,000.00	183,381.13	296,618.87	218	Medicare	510,000.00	510,000.00
270,000.00	270,000.00	285,000.00	285,000.00		219	Workmens Compensation	300,000.00	300,000.00
10,246,964.00	8,060,604.37	11,454,905.00	5,572,310.32	5,882,594.68	221	Group Insurance	10,522,087.00	10,522,087.00
475,888.00	223,931.70	475,888.00	214,973.40	260,914.60	222	Other Insurance	475,888.00	475,888.00
110,770.00	5,560.15	195,242.00		195,242.00	223	Salary Reserve	110,770.00	110,770.00
140,010.00	116,827.10	116,324.00	54,978.73	61,345.27	224	NonContributory Retirement	115,575.00	115,575.00
533,544.00	361,952.79	533,544.00		533,544.00	225	Energy Reserve	533,544.00	533,544.00
14,130,079.00	11,391,319.10	15,422,015.00	8,191,755.58	7,230,259.42		TOTAL MISCELLANEOUS	14,448,976.00	14,448,976.00

Fiscal 2011		Fiscal 2012			Item No.	Fiscal 2013		
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated		Departmental Requests	Recommended	
ENTERPRISE								
587,149.00	570,892.27	597,054.00	286,836.06	310,217.94	227	Salaries	627,913.00	627,913.00
552,587.00	492,744.29	555,651.00	249,562.22	306,088.78	228	Expense	550,504.00	550,504.00
2,165,332.00	2,128,532.00	2,165,332.00	1,488,521.00	676,811.00	230	South Essex Sewer District	2,165,332.00	2,165,332.00
3,305,068.00	3,192,168.56	3,318,037.00	2,024,919.28	1,293,117.72			3,343,749.00	3,343,749.00
						Source		
3,305,068.00		3,318,037.00				Sewer Receipts		3,343,749.00
<u>3,305,068.00</u>		<u>3,318,037.00</u>						<u>3,343,749.00</u>
						Water		
580,107.00	557,361.59	585,669.00	275,611.84	310,057.16	231	Salaries	627,732.00	627,732.00
521,557.00	388,523.48	537,807.00	224,082.41	313,724.59	232	Expense	572,712.00	572,712.00
1,805,608.00	1,805,608.00	1,816,156.00	914,946.00	901,210.00	235	Metropolitan Water	1,901,258.00	1,901,258.00
2,907,272.00	2,751,493.07	2,939,632.00	1,414,640.25	1,524,991.75			3,101,702.00	3,101,702.00
						Source:		
		2,939,632.00				Water Receipts		3,101,702.00
						Light		
		Revenue			236	Operating Expenditures	Revenue	
307,222.00	297,546.22	342,776.00	162,170.69	180,605.31	238	Salaries	287,088.00	287,088.00
300,860.00	293,363.72	308,407.00	133,924.34	174,482.66	239	Expense	311,253.00	311,253.00
74,800.00	63,808.62	250,000.00	179,630.74	70,369.26	241	Outlays	250,000.00	250,000.00
682,882.00	654,718.56	901,183.00	475,725.77	425,457.23			848,341.00	848,341.00
						Source		
591,846.00		651,183.00				Harbor Receipts		598,341.00
91,036.00		250,000.00				Harbor Retained Earnings		250,000.00
682,882.00		901,183.00						848,341.00
6,895,222.00	6,598,380.19	7,158,852.00	3,915,285.30	3,243,566.70		TOTAL ENTERPRISE	7,293,792.00	7,293,792.00
68,662,266.00	65,218,726.69	70,811,929.25	34,096,453.35	36,715,475.90		TOTAL BUDGETS	70,772,097.58	70,772,097.58

SPECIAL ARTICLES

449,615.00	447,737.62			Art 11, 2010 - Purchase of Equipment
161,500.00	88,039.80		498.46	Art 12, 2010 - Capital Improvements for Public Buildings
114,600.00	37,986.00			Art 21, 2010 - Disposal Area Assessment
735,264.00	598,060.10		122,946.19	Art 32, 2010 - Water Construction
525,584.00	338,897.70		61,157.64	Art 33, 2010 - Sewer Construction
324,000.00	211,172.59		112,827.41	Art 34, 2010 - Drain Construction
138,368.00	138,368.00			Art 43, 2010 - NS Tech School District
		624,615.00	245,280.30	Art 10, 2011 - Purchase of Equipment
		182,300.00	42,949.35	Art 11, 2011 - Capital Improvements for Public Buildings
		450,585.00	55,597.74	Art 16, 2011 - Water Construction
		440,928.00		Art 17, 2011 - Sewer Construction

Fiscal 2011		Fiscal 2012			Fiscal 2013		
Appropriation	Expended	Appropriation	6 Mos. Actual	6 Mos. Estimated	Item No.	Departmental Requests	Recommended
		324,000.00	63,937.02		Art 18, 2011 - Surface Drain Construction		
		86,339.00	64,524.00		Art 22, 2011 - NS Tech School District		
		910,422.00	1,500.00		Art 32, 2011 - Landfill Remediation, New Facility		
		770,600.00	90,564.00		Art 33, 2011 - Landfill Regulatory Compliance Activities		
		1,820,808.00	1,424,030.00		Art 34, 2011 - Stoney Brook Road Cleanup		
		1,251,770.00	18,230.00		Art 35, 2011 - Stoney Brook Real Property Taking		
		2,300,000.00	858,792.50		Art 39, 2011 - School Construction		
					Fiscal 2013 Special Articles		
					Art 9, 2012 - Unpaid Accounts	504.00	504.00
					Art 12, 2012 - Purchase of Equipment	507,641.00	507,641.00
					Art 13, 2012 - Capital Improvements for Public Building	161,500.00	161,500.00
					Art 15, 2011 - Water Construction	801,423.00	801,423.00
					Art 16, 2011 - Sewer Construction	665,344.00	665,344.00
					Art 18, 2012 - Surface Drain Construction	324,000.00	324,000.00
					Art 22, 2012 - NS Tech School District	102,213.00	102,213.00
					Art 35, 2012 - Old Town House	675,168.00	675,168.00
					TOTAL SPECIAL ARTICLES	3,237,793.00	3,237,793.00
					Less: Bond Issue		
						3,237,793.00	3,237,793.00
					Total Depart. Budgets(Above)	70,772,097.58	70,772,097.58
					TOTAL BUDGETS AND ARTICLES	74,009,890.58	74,009,890.58
2,448,931.00	1,860,261.81	9,162,367.00	3,162,834.61				
		6,283,000.00					
2,448,931.00	1,860,261.81	2,879,367.00	3,162,834.61				
68,662,266.00	65,218,726.69	70,811,929.25	34,096,453.35				
71,111,197.00	67,078,988.50	73,691,296.25	37,259,287.96				

Article 31 Supplemental Expenses of Several Departments

To see what sums of money the Town will raise and appropriate, including appropriations from Federal Revenue Sharing moneys, to defray the supplemental expenses of the several departments of the Town for the fiscal year beginning July 1, 2012, or take any other action relative thereto, as sponsored by the Finance Department.

Recommendation: That this article be indefinitely postponed.

Article 32 Purchase of Ladder Truck for Fire Department

To see if the Town will vote to appropriate a sum of money for the purchase of a ladder truck for the Fire Department and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Fire Chief.

Recommendation to be made at Town Meeting.

Article 33 Flood Plain Bylaw Amendment

To see if the Town will amend the zoning bylaw of the Town of Marblehead as follows

1. Article III

Add a new paragraph C as follows:

C. Flood Plain District: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Marblehead designated as Zone A, AE, AO, and VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA, successor to the U.S. Department of Housing and Urban Development, HUD) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the Town of Marblehead are panel numbers 25009C0419F, 25009C0438F, 25009C0439F, 25009C0443F, 25009C0532F, 25009C0551F, and 25009C0552 dated July 3, 2012 and as may be amended from time to time. The map indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study report dated July 3, 2012. The FIRM and Flood Insurance Study report are on file with the Town Clerk, the Building Commissioner, and Conservation Commission.

And

2. To add a new Article XII as follows:

Article XII

Section 200-45 FLOOD PLAIN DISTRICT

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Section 200-46 PURPOSE

The purpose of the Flood Plain District is to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding and to preserve the natural flood control characteristics and the flood storage capacity of the floodplain.

Section 200-47 DEVELOPMENT REGULATIONS

The following requirements apply in the Flood Plain District:

- A. Within Zone A and AE, where the base flood elevation is not provided on the FIRM the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of the flood proofing requirements, as appropriate, of the State Building Code.
- B. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- C. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
- D. Within Zone A and AE, all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level.
- E. There shall be no "Manufactured Homes" within Zone AE.
- F. No new construction or substantial improvements, or other development shall be allowed within Zone AE, unless the applicant demonstrates to the Building Commissioner that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- G. All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- H. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- I. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:
 - a. All new construction shall be located landward of the reach of the mean high tide.

- b. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- J. In a riverine situation, the Engineering and Conservation Administrator shall notify the following of any alteration or relocation of a watercourse:
 - Adjacent Communities
 - Bordering States (optional)
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Section 200-48 DEFINITIONS

The following definitions shall apply to the terms used within this Flood Plain District Bylaw.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

Sponsored by the Planning Board.

No recommendation under this article.

Article 34 Amend Dog Bites Bylaw

To see if the Town will vote to amend the dog bites bylaw adding sub-section 13-6.1 to read: Subject to limitation in 13-6, if any dog shall bite any person and it be certified by animal control or a licensed medical person that a contusion or contusions were inflicted, animal control shall upon the first offense warn the owner or keeper of such dog, with each subsequent offense invoking a three month period of restraint for such dog. Sponsored by Thomas Adams and others.

No recommendation under this article.

Article 35 Old Town House

To see if the Town will vote to appropriate a sum of money to fund improvements to the Old Town House, including, but not limited to, making the building universally accessible; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto. Sponsored by the Board of Selectmen.

Recommended: That the sum of \$675,168.00 be appropriated subject to a Proposition 2 ½ override.

Article 36 A Ban on the use of Leaf Blowers in the Town of Marblehead

To see if the Town will ban the use of leaf blowers in the Town of Marblehead or take any other action relative thereto. Sponsored by Christopher Bergonzi and others.

No recommendation under this article.

Article 37 Street Acceptance / Barnegat Lane

To see if the Town will vote to accept as a public way under the provisions of MGL Chapter 82, as amended, Barnegat Lane, as laid out by the Board of Selectmen and shown on a plan entitled, "Street Acceptance Plan of Land, Barnegat Lane, Marblehead, Mass 01945 prepared for Paul Mazonson by Otte & Dwyer, Inc. Land Surveyors, 59 Appleton Street, Saugus MA 01906 dated 2012 scale: 1"= 20' which plan is on file in the office of the Town Clerk, or pass any vote or take any action relative thereto. Sponsored by the Board of Selectmen.

Recommendation to be made at Town Meeting.

Article 38 Hand-Held Wireless Telephone: Prohibited Use

- (a) A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.
- (b) A violation of this law is an infraction punishable by a base fine of fifty dollars (\$50) for a first offense and one hundred dollars (\$100) for each subsequent offense. The fine shall be doubled if the violation occurs in a school zone.
- (c) This law does not apply to a person using a wireless telephone for emergency purposes, including but not limited to, an emergency call to a law enforcement agency, health care provider, fire department or other emergency services agency or entity.
- (d) This law does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties.
- (e) The law does not apply to a person while driving a motor vehicle on private property.
- (f) Signs announcing the law will be clearly placed on all streets that are entryways into Marblehead.
- (g) Drivers from out of Town will receive a warning ticket for their first offense, but will be responsible to the law for any subsequent violations.
- (h) This law shall become operative on July 1, 2012.

Sponsored by Jonathan D. Magee and others.

No recommendation under this article.

Article 39 Land Acquisition Lead Mills

To see if the Town will vote to authorize the Board of Selectmen to purchase, acquire or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, the parcels of land located at 485 Lafayette Street (Assessor Map 55 Lot 1 and Map 53 Lot 3) and which is owned now or formerly by Glover Estates LLC, the acquisition of said land having been determined to be necessary for the health and welfare of the inhabitants of Marblehead and to be used for municipal purposes; or take any vote or votes in relation thereto. Sponsored by the Board of the Selectmen.

Recommendation to be made at Town Meeting.

Article 40 Acceptance of G.L. c. 138 §17A

To see if the Town will accept the provision of G.L. c. 138 §17A in order that the local licensing authority which granted seasonal all alcoholic beverage or wine and malt beverage licenses may approve the conversion of one of such license per year to an annual such license. Sponsored by the Board of Selectmen.

No recommendation under this article.

Article 41 School Department Computers, Support Equipment and Technology

To see if the Town will vote to appropriate a sum of money for the purpose of purchasing computers, technology infrastructure, support software and equipment and necessary accessory furnishings and to raise the money for these purposes by the issuance of bonds or notes or in any other manner, or take any other action relative thereto.

Sponsored by the School Committee.

Recommendation: That this article be indefinitely postponed.