

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF MANCHESTER-BY-THE-SEA

ANNUAL TOWN MEETING WARRANT

Essex, ss.

To any of the Constables of the Town of Manchester-by-the-Sea:

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Manchester-by-the-Sea qualified to vote in elections, to meet in the Memorial School, on Lincoln Street, in Manchester-by-the-Sea, on Monday, the first day of April, two thousand and nineteen AD, at seven o'clock in the evening, for the purpose, to wit:

**ARTICLE 1.** To see if the Town will vote to receive and place on file the reports of the Town boards and committees appearing in the Annual Report, or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 2.** To see if the Town will vote to fix the 12-month fiscal year salary and compensation of all elective officers of the Town as provided in Section 108 of Chapter 41, as amended, as follows; or take any other action relative thereto.

Moderator	\$0.00
Chairman, Selectmen	\$0.00
Other four Selectmen	\$0.00

Per petition of the Board of Selectmen

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money as the Town's share of the Essex North Shore Agricultural and Technical School District, or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 4.** To see what sums of money the Town will raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2019, and appropriate the same.

Per petition of the Board of Selectmen

**ARTICLE 5.** To see if the Town will vote to raise and appropriate the sums of money called for under the following items, or any other sums, for the purposes indicated, and to determine whether the money shall be provided by taxation, by appropriation from available funds in the Treasury, or by borrowing; or take any other action relative thereto:

Dept.	Item	Requested	Recommended	Funding Source
1. DPW	Road resurfacing	\$250,000	\$250,000	Fund Balance
2. DPW	Large Dump Truck w/plow and sander	\$210,000	\$210,000	Taxation
3. DPW	Sidewalk Tractor	\$183,000	\$183,000	Taxation
4. DPW	Guardrail Replacement	\$ 15,000	\$ 15,000	Taxation
5. DPW	Drainage/Sidewalk Improvements	\$325,000	\$100,000	Taxation
6. DPW	Miscellaneous Equipment	\$ 20,000	\$ 10,000	Taxation
7. DPW	Engineering – Complete Streets Grant	\$ 32,000	\$ 32,000	Taxation
8. DPW	New Compost Site –match for grant	\$ 75,000	\$ 0	NA
9. DPW	Message Boards	\$ 39,000	\$ 39,000	Fund Balance
10. DPW	Central Street Culvert	\$ 250,000	\$ 0	NA
11. Town Hall	Renovations/New HVAC System	\$350,000	\$350,000	Fund Balance
12. Town Hall	Telephone and computer replacements	\$ 45,000	\$ 45,000	Taxation
13. Assessors	Permitting Software upgrade, mapping	\$ 33,500	\$ 33,500	Taxation
14. Land Mgmt	Zoning By-law recodification	\$ 50,000	\$ 50,000	Taxation
15. Land Mgmt	Open Space Plan rewrite	\$ 20,000	\$ 0	NA
16. Library	Interior Painting, carpets, etc.	\$ 20,000	\$ 20,000	Fund Balance
17. Park/Rec	Park Rehabilitation work	\$110,000	\$ 0	NA
18. Public Safety	Police Radio replacements	\$ 19,300	\$ 19,300	Taxation
19. Public Safety	Radio System Upgrades	\$100,000	\$100,000	Taxation
20. Public Safety	Fire Engine Fund	\$250,000	\$250,000	Taxation
21. Public Safety	Replacement Police Cruiser & Motorcycle	\$ 53,200	\$ 53,200	Taxation
22. Public Safety	Fire Hose replacement	\$ 10,000	\$ 10,000	Taxation
23. Public Safety	Fire Station repairs/upgrades	\$ 35,000	\$ 35,000	Taxation
24. Harbor	Dredging: Phase II Engineering	\$ 50,000	\$ 80,000	Waterway Fund
25. Harbor	Equipment	\$ 25,000	\$ 25,000	Waterway Fund
26. Harbor	Harbormaster Office design/permitting	\$ 20,000	\$ 20,000	Waterway Fund
27. Water	Plant Upgrades/Equipment Replacement	\$195,000	\$195,000	Water Enterprise & Taxation
28. Water	Pipe replacement/improvements	\$1,230,000	\$1,230,000	Water Enterprise & Fund Bal
29. Sewer	Plant Upgrades/Equipment Replacement	\$260,000	\$260,000	Sewer Enterprise
30. Sewer	Infiltration and Inflow work; pipes	\$250,000	\$250,000	Sewer Enterprise
	Total	\$4,525,000	\$3,865,000	

Per petition of the Board of Selectmen

**ARTICLE 6:** To see if the Town will vote to raise and appropriate \$255,000 for the purpose of purchasing a new ambulance; provided, however, that said appropriation shall be contingent upon the approval by the voters of a Capital Expenditure Exclusion question in accordance with G.L. c.59, §21C; or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 7:** To see if the Town will vote to raise and appropriate \$295,000 for the purpose of paying for drainage and sidewalk repair projects including possibly contributing to the cost of replacing the Central Street culvert; provided, however, that said appropriation shall be contingent upon the approval by the voters

of a Capital Expenditure Exclusion question in accordance with G.L. c.59, §21C; or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 8:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town’s assessment from the District for the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District including debt service - said sum to be calculated solely in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of G.L. c. 71, § 16B allowing District members "to reallocate the sum of their required local contributions to the District in accordance with the regional agreement", for the fiscal year beginning July first, two thousand nineteen; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee

**ARTICLE 9.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, including land for recreational space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2020 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee as follows; or take any other action relative thereto.

1. Community Preservation Committee Expenses (studies, etc.)	(administrative)	\$ 22,913*
2. Masconomo/Reed Park Restrooms engineering & design	(open space & recreation)	\$ 25,000
3. Preservation of Dexter Pond	(historic preservation)	\$ 14,000
4. Park and Recreation facility improvements	(open space & recreation)	\$ 26,000
5. Singing Beach Bathhouse Preservation	(historic preservation)	\$ 5,000
6. Affordable Housing Trust Project Funding	(community housing)	\$ 100,000
7. Research unknown owners of land for possible open space	(open space & recreation)	\$ 25,000
8. Masconomo Park entrance & parking lot	(open space & recreation)	\$ 80,000
9. Drone/Film Survey of Saw Mill Brook Watershed	(open space & recreation)	\$ 10,000
10. Preservation of Original Historic Town Documents	(historic preservation)	\$ 25,000
11. Historic Restoration of Town Common	(historic preservation)	\$ 100,000
12. Cemetery Restoration	(historic preservation)	\$ 35,000
	<b>TOTAL</b>	<b>\$ 467,913</b>

(\*Administrative amount limited to 5% of total annual revenue)

Per petition of the Community Preservation Committee  
Per petition of the Board of Selectmen

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds \$10,000 for the purpose of funding expenses related to the celebration of the Town’s 375<sup>th</sup> Anniversary; or to take any other action relative hereto.

Per petition of the Board of Selectmen

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from available funds \$258,311 to be deposited into the Town’s Other Post Employment Benefits Trust Fund, subject to said appropriation

being expended from the Trust Fund only for the purposes authorized by section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts; or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 12.** To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½ as most recently amended, to set the following Fiscal Year 2020 spending limitations on expenditures from the revolving fund(s) set forth in the Town's Revolving Fund By-law, Article IV, Section 11 of the General By-laws:

Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs; FY2019 spending limit: \$280,000.

Or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 13.** To see if the Town will vote to amend Article II, Section 13 of the General By-law by adding the option of electronic voting to the list of voting methods which may be used at town meetings. The amended sections would read as follows with the added language highlighted and underlined:

Subsection A would then read in its entirety: "A. Except as otherwise provided in this Section 13, a vote on any question shall in the first instance be taken in the manner which the Moderator directs. If a two-thirds vote of a town meeting is required by statute, the count need not be taken, except as provided in the following sentence. If a vote declared by the Moderator but not counted **electronically or** by the tellers is immediately questioned by seven or more voters, the Moderator shall call for another vote **counted electronically or** by a show of hands or a standing vote, in either case counted by the tellers, or by ballot."

Subsection B would then read in its entirety: "B. Whenever any twenty (20) voters so request, the vote on any question shall be taken **electronically or** by ballot, **as the Moderator may direct.**

Subsection C would be unchanged.

Per petition of the Board of Selectmen

**ARTICLE 14.** To see if the Town will vote to amend the Town's General Bylaw by adding a subsection F to Article III, Duties of Town Officers, Section 3, Town Clerk, which would read as follows:

F. All Town Boards, Committees and Commissions shall file all approved meeting minutes and adopted rules and regulations with the Town Clerk for filing and placement on the Town's website within 7 business days of approval and/or adoption.

Per petition of the Board of Selectmen

**ARTICLE 15.** To see if the Town will vote to amend the Town's General Bylaw by adding to subsection D of Article X, Police and other Regulations, Section 28, Animal Control, a section 4, which shall read:

4. Should any owner or keeper of a dog or kennel fail to license such before March 31 (or the first business day after March 31), that owner or keeper shall pay a graduated fine of \$10.00 per month for each month the dog or kennel is not registered up to a total fine of \$30.00, excepting a dog brought into Town as provided in M.G.L. Ch. 140 § 138.

Per petition of the Board of Selectmen

**ARTICLE 16.** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift all or a portion of the parcel of land located at the corner of Magnolia Avenue and Overledge Road containing approximately 24,000 square feet, shown on Assessor Map 5 as Parcel 07, and described more particularly in deeds recorded with the Southern Essex District Registry of Deed in Book 8066, Page 101, said property to be acquired and designated for conservation, forestry, and passive recreation purposes, to be held under the care, custody and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; and further to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect such acquisition, or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 17.** To see if the Town will vote to adopt the following Food Ware and Polystyrene Reduction By-law, and to include this By-law as Section 43, Article X within the Town's General By-law, or take any other action relative thereto:

### **SECTION 43: FOOD WARE AND POLYSTYRENE REDUCTION BY-LAW**

#### **A. Purpose and Intent**

Polystyrene food containers and plastic utensils form a significant portion of the solid waste going into our landfills, they are not biodegradable and will remain in our landfills for centuries and that portion of them that makes their way into the oceans will break down into dangerous microplastics which harm and kill marine life and may affect human health.

The purpose of this By-law is to reduce the usage of polystyrene and plastic products by all food-related establishments in the Town of Manchester by-the-Sea.

#### **B. Prohibited Uses and Distribution of Food Service Equipment and Packaging**

- (a) Polystyrene, polyvinyl chloride (PVC), or polyethylene terephthalate (PETE) food or beverage containers shall not be used to package or serve food or beverages by food establishments if that packaging takes place on the premises within the Town of Manchester by-the-Sea.
- (b) Food establishments using disposable food service products shall use biodegradable, compostable, reusable or recyclable products.
- (c) Retail establishments are prohibited from selling or distributing polystyrene food service ware to customers.
- (d) Retail establishments are prohibited from selling or distributing polystyrene packing material or products containing it to customers.

#### **C. Exemptions**

- (a) Foods prepared or packaged outside the Town are exempt from the provisions of this By-law.
- (b) Food and retail establishments will be exempted from the provisions of this Article for specific items or types of disposable food service ware if the Department of Health Director or designee finds that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific application and/or that imposing the requirements of this chapter on that item or type of disposable food service ware would cause undue hardship to the establishment.
- (c) Any establishment may seek an exemption from the requirements of this chapter by filing a request in writing with the Department of Health or designee. Any specific requirement of this chapter may be waived for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship.

“Undue hardship” is a situation unique to the food establishment where there are no reasonable alternative food service equipment or packaging and compliance with this provision would cause significant economic hardship to that food establishment. Re-application to demonstrate continued undue hardship is required for continued exemptions on an annual basis.

#### **D. Definitions**

“ASTM” shall refer the American Society for Testing and Materials whose applicable standards here are: D7081 being the standard for biodegradable plastics in the marine environment; D6400 being the standard for plastics designed for compostability in municipal aerobic composting facilities; D6868 being the standard for aerobic compostability of plastics used as coatings on a compostable substrate.

“Biodegradable” shall mean entirely made of organic materials such as wood, paper, cellulose or bioplastics that meet the ASTM D7081 standard or any other standard that may be developed specifically for an aquatic environment.

“Compostable” shall mean organic or bioplastic materials certified to meet ASTM D6400, D6868 or that conform to other third-party standards, such as Vinçotte, for home composting. Any compostable product must be clearly labeled with the applicable standard.

“Disposable food service products” refers to food and beverage containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments.

“Food establishment” shall mean any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. This includes restaurants, food service and food trucks.

“Packing material” shall mean polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport or storage. This includes, without limitation, packing "peanuts", shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.

“Prepared food” shall mean any food or beverage prepared on the premises, using any cooking or food preparation technique, regardless whether it is consumed on or off the premises.

“Polystyrene” includes foam and rigid polystyrene. Foam polystyrene includes expanded polystyrene (EPS) and extruded polystyrene, such as “Styrofoam” a trademark. EPS is generally used to make cups, bowls, plates, trays and cartons. Rigid or oriented polystyrene is generally used to make clear containers, cups, plates, straws, lids and utensils.

“Retail establishment” shall mean any business that sells goods directly to the consumer including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail and clothing stores.

“Reusable” means products that will be used more than once by a food establishment. Reusable includes tableware, flatware, cleanable durable containers, packages, or trays used on-premises or returnable containers such as soft drink bottles and milk containers that are designed to be returned to the distributor and supplier for reuse as the same food or beverage container.

#### **E. Administration and Enforcement**

The Police Department will be the enforcement agent for this By-law. The Department of Health is authorized to issue warnings, notices of violation and penalties.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to GL. C.40 §21D. Fines for civil penalties shall be issued as follows:

- 1) If a violation has occurred, the Department of Health shall issue a warning notice for the first violation.
- 2) If an additional violation has occurred, the Department of Health shall issue a notice of violation and shall impose a penalty against the establishment.
  - a) The penalty after the issuance of a notice of violation shall be \$50 for the first offense;
  - b) The penalty for a) subsequent violations shall be \$100; and shall be imposed for every seven-day period that the violation continues to occur.
  - c) No more than one penalty shall be imposed within a 7 day period;

#### **F. Severability**

If any provision or section of this Law shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this law, which shall remain in full force and effect.

#### **G. Enactment**

This By-law shall go into effect six months after the date of passage at Town Meeting.

Per Citizen's Petition

**ARTICLE 18.** To ask the Town the following question: Do you want industrial sodium fluoride added to the public water supply? (According to the Town Department of Public Works (DPW), the material safety data sheet (MSDS) for this chemical states it is also "used as an insecticide" and warns "do not release into sewers and waterways.") This is a non-binding vote.

Per Citizen's Petition

**ARTICLE 19.** To see if the Town will vote to raise and appropriate or transfer from available funds \$45,000 for the purchase of town meeting electronic voting equipment; or take any other action relative thereto.

Per petition of the Board of Selectmen

**ARTICLE 20.** To see what sum of money the Town will vote to appropriate or transfer from available funds for the purpose of reducing the tax rate, or take any other action relative thereto.

Per petition of the Board of Selectmen

And you are directed to serve this warrant by posting attested copies thereof, one at the Town Hall Building, one at the Police Station, one at the Fire House, one at the Memorial School, and one at the Post Office, twenty-one (21) days, at least, before the time of holding said meeting.

Hereof fail not to make due return of this warrant, with your doings thereon, to the Town Clerk three (3) days before the day of this meeting.

Given under our hands at Manchester-by-the-Sea, aforesaid, this \_\_\_\_ day of March, 2019.

BOARD OF SELECTMEN

\_\_\_\_\_  
Susan M. Beckmann, Chairman

\_\_\_\_\_  
Arthur Steinert, Vice Chairperson

\_\_\_\_\_  
Eli G. Boling

\_\_\_\_\_  
Rebecca Jaques

\_\_\_\_\_  
Margaret F. Driscoll

To the Town Clerk:

I have served the foregoing Warrant by posting attested copies thereof as directed by the By-Law of the Town and the Commonwealth.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date of Posting

\_\_\_\_\_  
Received by Town Clerk