

The Annual Town Meeting of the Town of Manchester-by-the-Sea was held on Monday, April 4, 2016 and continued to April 5, 2016 in the Manchester Memorial School on Lincoln Street, pursuant to the warrant being duly posted and the return of the Constable being received. Registrars Eileen Buckley and Bruce Warren were in charge of the check-in tables. They were assisted at the front and on the floor in the Auditorium by Cyndie Manos, Caroline Johnson, Lee Simonds, Carol Powers, Nancy Hammond, Beth Heisey, Pamela Thorne, Kathy Ryan, Michelle Baer. Four hundred and seventy-six voters checked in for the meeting. A quorum was reached at 6:50 PM, and the meeting was called to order at 7:00 PM. Moderator Alan Wilson asked that the meeting rise for the invocation given by Rev. Paul Flammia from the Sacred Heart Church, followed by the Pledge of Allegiance to the flag. Moderator Wilson then proceeded to the usual preliminaries consisting of the Memorial Resolution honoring deceased town officials and employees. The annual report recorded the loss of eleven former town employees and officials in 2015. The following Memorial Resolution is submitted:

RESOLUTION

Whereas the citizens of the Town of Manchester-by-the-Sea note with profound regret the deaths of several of their friends and neighbors during the past year, and seek to recognize and acknowledge their varied contributions to the town's commonwealth and welfare and our mutual sense of community,

Said citizens hereby salute the departed, acknowledge our common indebtedness to them, extend the sympathy of the town to their intimates and survivors, and declare that this resolution be entered in the town archives, and a true copy sent the appropriate survivor.

The persons so memorialized and their achievements are hereby proclaimed.

IN MEMORIAM

Frank H. Wood

January 20, 2015

Police Department Clerk / Dispatcher
Council on Aging

Daniel B. Slade

March 14, 2015

Police Department Photographer
4th of July Committee

Joan L. van Roden

March 27, 2015

Cultural Council

Stella D. Atwater

April 15, 2015

Clerk – Former Highway Department

Norman A. Hersey
April 20, 2015
Call Firefighter (MFD)

Charles A. Filias
May 30, 2015
Board of Selectmen
Conservation Commission

Donald A. Towle
May 30, 2015
Parks and Recreation Department
Summer Playground Director
Call Firefighter (MFD)

Mary E. Otto
August 4, 2015
Library Trustee

Charles W. Kellogg II
September 21, 2015
Chebacco Wood Land Management Committee

James E. Nix
December 6, 2015
Finance Committee
Housing Partnership Committee

Sarah M. Mack
December 30, 2015
Finance Committee

Selectman Kehoe moved the Memorial Resolution as read, Selectmen Driscoll seconded the motion and it was unanimously adopted. The meeting rose for a moment of silence in memory of our former town citizens.

Moderator Wilson then announced that due to the survey results indicating a desire to more efficiently and expeditiously conduct the meeting, we would forego the nominations for the Town's traditional and honorary offices.

The Moderator read the usual list of procedural points and announced that green voting cards would be used for this meeting. He thanked the volunteers who were assisting in conduct of the meeting. Chairman of the Board of Selectmen Tom Kehoe presented opening remarks. Chairman of the Finance Committee Mory Creighton presented comments on the Town's finances.

**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 fourth day of April, two thousand and sixteen 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

Selectman Tom Kehoe moved the article as printed. Selectman Margaret Driscoll seconded the motion. The Finance Committee and the Board of Selectmen recommended approval.

THE MOTION UNDER ARTICLE 1 WAS APPROVED, THE MOTION PREVAILED.

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:

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

Per petition of the Board of Selectmen

Selectman Tom Kehoe moved the article as written. Mory Creighton seconded the motion. The Finance Committee and the Board of Selectmen recommended approval.

THE MOTION UNDER ARTICLE 2 WAS APPROVED WITH A UNANIMOUS VOTE.

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

The Finance Committee and the Board of Selectmen recommended approval.

Selectman Eli Boling moved that the town raise and appropriate \$86,657 and that it be funded by taxation, for the purpose stated in the article. Selectman Susan Beckmann seconded the motion. **THE MOTION UNDER ARTICLE 3 WAS APPROVED, THE MOTION PREVAILED.**

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, 2016, and appropriate the same.

Per petition of the Board of Selectmen

DEPARTMENTAL REQUESTS AND FINANCE COMMITTEE RECOMMENDATIONS

| Item No. | DEPARTMENTAL REQUESTS AND FINANCE COMMITTEE RECOMMENDATIONS | | | |
|---|--|-----------------------|------------------------------|--|
| | Appropriations FY - 2016 | Requests FY - 2017 | Recommendations FY - 2017 | Funding Sources |
| GENERAL GOVERNMENT | | | | |
| 31% | | | | |
| <u>SELECTMEN'S DEPARTMENT</u> | | | | |
| 1 | Salaries | 186,069 | 191,620 | 191,620 TAXATION |
| 2 | Expenses | 26,400 | 24,350 | 24,350 TAXATION |
| 3 | Audit | 35,000 | 36,000 | 36,000 TAXATION |
| 4 | Information Technology | 106,000 | 102,750 | 102,750 TAXATION |
| <u>MODERATOR</u> | | | | |
| 5 | Expenses | 50 | 50 | 50 TAXATION |
| <u>FINANCE COMMITTEE</u> | | | | |
| 6 | Salaries | 2,000 | 2,000 | 2,000 TAXATION |
| 7 | Expenses | 405 | 320 | 320 TAXATION |
| 8 | Reserve Fund | 170,000 | 175,000 | 175,000 TAXATION OVERLAY SUR. 50,000 125,000 |
| <u>ELECTION & REGISTRATION</u> | | | | |
| 9 | Salaries | 3,300 | 3,800 | 3,800 TAXATION |
| 10 | Expenses | 10,300 | 11,000 | 11,000 TAXATION |
| <u>ACCOUNTING</u> | | | | |
| 11 | Salaries | 126,212 | 120,533 | 120,533 TAXATION |
| 12 | Expenses | 4,370 | 4,850 | 4,850 TAXATION |
| <u>ASSESSORS</u> | | | | |
| 13 | Salaries | 137,365 | 142,537 | 142,537 TAXATION |
| 14 | Expenses | 39,820 | 39,675 | 39,675 TAXATION |
| <u>TREASURER/COLLECTOR</u> | | | | |
| 15 | Salaries | 155,086 | 148,149 | 148,149 TAXATION |
| 16 | Expenses | 26,840 | 26,840 | 26,840 TAXATION |
| <u>TOWN CLERK</u> | | | | |
| 17 | Salaries | 89,937 | 97,698 | 97,698 TAXATION |
| 18 | Expenses | 6,050 | 6,050 | 6,050 TAXATION |

| | | | | | |
|---------------------------------------|------------------|------------------|------------------|--------------|------------------|
| <u>LEGAL</u> | | | | | |
| 19 Expenses | 100,000 | 100,000 | 100,000 | TAXATION | |
| <u>APPEALS BOARD</u> | | | | | |
| 20 Salaries | 17,800 | 18,245 | 18,245 | TAXATION | |
| 21 Expenses | 13,600 | 13,600 | 13,600 | TAXATION | |
| <u>PLANNING BOARD</u> | | | | | |
| 22 Salaries | 34,641 | 45,507 | 45,507 | TAXATION | |
| 23 Expenses | 17,820 | 19,050 | 19,050 | TAXATION | |
| <u>TOWN HALL & COMMON</u> | | | | | |
| 24 Expenses | 61,650 | 70,650 | 70,650 | TAXATION | |
| <u>PENSIONS</u> | | | | | |
| 25 Contributory | 943,343 | 1,010,645 | 1,010,645 | TAXATION | 894,016 |
| | | | | SEWER RATES | 71,251 |
| | | | | WATER RATES | 45,378 |
| 26 Non-Contributory | 2,400 | 2,200 | 2,200 | TAXATION | |
| <u>INSURANCE</u> | | | | | |
| 27 Group Health Insurance | 1,559,928 | 1,559,928 | 1,559,928 | TAXATION | 1,455,738 |
| | | | | SEWER RATES | 65,209 |
| | | | | WATER RATES | 38,981 |
| 28 Workers' Compensation | 65,000 | 65,000 | 65,000 | TAXATION | 45,500 |
| | | | | SEWER RATES | 9,000 |
| | | | | WATER RATES | 10,500 |
| 29 Fire/Auto/Liability | 125,000 | 125,000 | 125,000 | TAXATION | 103,450 |
| | | | | SEWER RATES | 10,000 |
| | | | | WATER RATES | 11,550 |
| 30 Unemployment Compensation | 20,000 | 10,000 | 10,000 | TAXATION | |
| 31 FICA-Medicare | 81,424 | 85,495 | 85,495 | TAXATION | 78,895 |
| | | | | SEWER RATES | 3,300 |
| | | | | WATER RATES | 3,300 |
| Total General Government | <u>4,167,810</u> | <u>4,258,542</u> | <u>4,258,542</u> | TAXATION | 3,865,073 |
| | | | | OVERLAY SUR. | 125,000 |
| | | | | SEWER RATES | 158,760 |
| | | | | WATER RATES | 109,709 |
| | | | | | <u>4,258,542</u> |
| PUBLIC SAFETY | | | | | |
| 23% | | | | | |
| <u>POLICE</u> | | | | | |
| 32 Salaries | 1,518,207 | 1,552,253 | 1,493,867 | TAXATION | |
| 33 Expenses | 112,450 | 114,250 | 114,250 | TAXATION | |
| <u>PARKING CLERK/RESIDENT PARKING</u> | | | | | |
| 34 Salaries | 8,727 | 11,518 | 11,518 | TAXATION | |
| 35 Expenses | 10,355 | 11,955 | 11,955 | TAXATION | |
| <u>FIRE</u> | | | | | |
| 36 Salaries | 1,125,231 | 1,150,217 | 1,150,217 | TAXATION | |
| 37 Expenses | 118,475 | 124,700 | 124,700 | TAXATION | |
| <u>HARBOR MASTER</u> | | | | | |
| 38 Salaries | 89,651 | 93,087 | 93,087 | MOORING FEES | 75,087 |
| | | | | BOAT EXCISE | 18,000 |
| 39 Expenses | 18,800 | 18,800 | 18,800 | MOORING FEES | |

BUILDING DEPARTMENT

| | | | | | |
|---------------------------------|--------|--------|--------|----------|--|
| 40 BUILDING INSPECTOR | 43,080 | 44,406 | 44,406 | TAXATION | |
| 41 GAS/PLUMBING INSPECTOR | 12,049 | 12,351 | 12,351 | TAXATION | |
| 42 SEALER OF WIGHT'S & MEASURES | 3,395 | 3,395 | 3,395 | TAXATION | |
| 43 ELECTRICAL INSPECTOR | 12,049 | 12,351 | 12,351 | TAXATION | |
| 44 INSPECTORS' EXPENSES | 4,800 | 4,800 | 4,800 | TAXATION | |

EMERGENCY MANAGEMENT

| | | | | | |
|---------------------------|-------|-------|-------|----------|--|
| 45 Salaries | 8,931 | 6,000 | 6,000 | TAXATION | |
| 46 Expenses | 1,000 | 1,000 | 1,000 | TAXATION | |
| 47 Emergency Notification | 5,500 | 5,500 | 5,500 | TAXATION | |

ANIMAL CONTROL

| | | | | | |
|-------------|--------|--------|--------|----------|--|
| 48 Salaries | 13,985 | - | - | TAXATION | |
| 49 Expenses | 5,500 | 17,500 | 17,500 | TAXATION | |

| | | | | | |
|---------------------|------------------|------------------|------------------|--------------|------------------|
| Total Public Safety | <u>3,112,185</u> | <u>3,184,083</u> | <u>3,125,697</u> | TAXATION | 3,013,810 |
| | | | | MOORING FEES | 93,887 |
| | | | | BOAT EXCISE | 18,000 |
| | | | | | <u>3,107,697</u> |

PUBLIC WORKS

12%

DEPARTMENT OF PUBLIC WORKS

| | | | | | |
|-------------|---------|---------|---------|----------|--|
| 50 Salaries | 703,085 | 562,606 | 562,606 | TAXATION | |
| 51 Expenses | 235,800 | 394,850 | 394,850 | TAXATION | |

SNOW REMOVAL

| | | | | | |
|-------------|---------|---------|---------|----------|--|
| 52 Salaries | 31,775 | 32,000 | 32,000 | TAXATION | |
| 53 Expenses | 170,000 | 170,000 | 170,000 | TAXATION | |

| | | | | | |
|--------------------|--------|--------|--------|----------|--|
| 54 STREET LIGHTING | 95,000 | 95,000 | 95,000 | TAXATION | |
|--------------------|--------|--------|--------|----------|--|

SANITATION/COMPOSTING/RECYCLING

| | | | | | |
|-------------|--------|--------|--------|----------|--|
| 55 Salaries | 22,550 | 22,550 | 22,550 | TAXATION | |
| 56 Expenses | 55,000 | 59,000 | 59,000 | TAXATION | |

| | | | | | |
|---------------------------------|---------|---------|---------|----------|--|
| 57 Rubbish Collection/Recycling | 295,818 | 245,000 | 245,000 | TAXATION | |
|---------------------------------|---------|---------|---------|----------|--|

| | | | | | |
|-------------|---------|---------|---------|----------|--|
| 58 Disposal | 108,000 | 108,000 | 108,000 | TAXATION | |
|-------------|---------|---------|---------|----------|--|

| | | | | | |
|-----------------------------|------------------|------------------|------------------|----------|------------------|
| Total Dept. of Public Works | <u>1,717,028</u> | <u>1,689,006</u> | <u>1,689,006</u> | TAXATION | 1,689,006 |
| | | | | | <u>1,689,006</u> |

OTHER ENVIRONMENTAL

1%

HISTORIC DISTRICT COMMISSION

| | | | | | |
|-------------|-------|-------|-------|----------|--|
| 59 Salaries | 5,487 | 3,000 | 3,000 | TAXATION | |
| 60 Expenses | 1,200 | 1,200 | 1,200 | TAXATION | |

CONSERVATION COMMISSION

| | | | | | |
|-------------|--------|--------|--------|--------------|--------|
| 61 Salaries | 60,471 | 61,984 | 61,984 | TAXATION | 46,984 |
| | | | | WETLANDS FD. | 15,000 |

| | | | | | |
|-------------|-------|-------|-------|----------|--|
| 62 Expenses | 2,650 | 2,650 | 2,650 | TAXATION | |
|-------------|-------|-------|-------|----------|--|

| | | | | | |
|-------------------|-------|-------|-------|----------|--|
| 63 CHEBACCO WOODS | 1,250 | 1,250 | 1,250 | TAXATION | |
|-------------------|-------|-------|-------|----------|--|

| | | | | | |
|---------------------------|---------------|---------------|---------------|--------------|---------------|
| Total Other Environmental | <u>71,058</u> | <u>70,084</u> | <u>70,084</u> | TAXATION | 55,084 |
| | | | | WETLANDS FD. | 15,000 |
| | | | | | <u>70,084</u> |

| HUMAN SERVICES | | | | |
|--|-----------|-----------|-----------|-------------|
| 2% | | | | |
| <u>HEALTH</u> | | | | |
| 64 Salaries | 60,868 | 62,355 | 62,355 | TAXATION |
| 65 Expenses | 60,650 | 58,650 | 58,650 | TAXATION |
| <u>VETERANS' SERVICES</u> | | | | |
| 66 Veterans' Agent | 12,534 | - | - | TAXATION |
| 67 Expenses | 550 | 15,050 | 15,050 | TAXATION |
| 68 Veterans' Benefits | 2,000 | 500 | 500 | TAXATION |
| <u>COUNCIL ON AGING</u> | | | | |
| 69 Salaries | 134,388 | 140,431 | 140,431 | TAXATION |
| 70 Expenses | 15,900 | 16,400 | 16,400 | TAXATION |
| Total Human Services | 286,890 | 293,386 | 293,386 | TAXATION |
| <u>LIBRARY</u> | | | | |
| LIBRARY | | | | |
| 3% | | | | |
| 71 Salaries | 293,393 | 296,955 | 296,955 | TAXATION |
| 72 Expenses | 147,757 | 152,962 | 152,962 | TAXATION |
| Total Culture and Informational Services | 441,150 | 449,917 | 449,917 | TAXATION |
| <u>RECREATION</u> | | | | |
| RECREATION | | | | |
| 3% | | | | |
| <u>PARKS & RECREATION</u> | | | | |
| 73 Salaries | 125,884 | 134,930 | 134,930 | TAXATION |
| 74 Expenses | 63,550 | 8,550 | 8,550 | TAXATION |
| <u>SINGING BEACH OPERATIONS</u> | | | | |
| 75 Salaries | 62,325 | 63,884 | 63,884 | TAXATION |
| 76 Expenses | 14,325 | 14,325 | 14,325 | TAXATION |
| <u>LIFEGUARDS</u> | | | | |
| 77 Salaries | 50,160 | 51,414 | 51,414 | TAXATION |
| 78 Expenses | 3,400 | 3,400 | 3,400 | TAXATION |
| <u>TUCK'S POINT</u> | | | | |
| 79 Salaries | 4,000 | 6,000 | 6,000 | TAXATION |
| 80 Expenses | 32,370 | 30,370 | 30,370 | TAXATION |
| <u>BUILDINGS & GROUNDS</u> | | | | |
| 81 Salaries | - | 75,269 | 75,269 | TAXATION |
| 82 Expenses | - | 45,000 | 45,000 | TAXATION |
| <u>OTHER RECREATION</u> | | | | |
| 83 MEMORIAL DAY | 3,000 | 3,000 | 3,000 | TAXATION |
| 84 FOURTH OF JULY | 10,000 | 11,000 | 11,000 | TAXATION |
| Total Recreation | 369,014 | 447,142 | 447,142 | TAXATION |
| <u>DEBT SERVICE</u> | | | | |
| DEBT SERVICE | | | | |
| 14% | | | | |
| PRINCIPAL ON BONDS | 1,507,380 | 1,623,704 | 1,623,704 | |
| INTEREST ON BONDS | 208,939 | 314,087 | 314,087 | |
| TEMPORARY LOANS/INTEREST | 30,000 | 30,000 | 30,000 | |
| WPAT ADMINISTRATION FEES | 1,783 | 1,025 | 1,025 | |
| 85 Total Debt Service | 1,748,102 | 1,968,816 | 1,968,816 | TAXATION |
| | | | | SEWER RATES |
| | | | | 339,815 |
| | | | | 1,968,816 |

| ENTERPRISE FUNDS | | | | | | |
|--------------------------------|-------------|-------------------|-------------------|-------------------|--------------|-------------------|
| 11% | | | | | | |
| SEWER FUND | | | | | | |
| 86 Salaries | | 258,757 | 259,899 | 259,899 | SEWER RATES | |
| 87 Expenses | | 275,150 | 285,750 | 285,750 | SEWER RATES | |
| WATER FUND | | | | | | |
| 88 Salaries | | 245,317 | 236,306 | 236,306 | WATER RATES | |
| 89 Distribution Expenses | | 91,500 | 144,300 | 144,300 | WATER RATES | |
| 90 Treatment Expenses | | 532,204 | 532,694 | 532,694 | WATER RATES | |
| Total Enterprise Funds | | <u>1,402,928</u> | <u>1,458,949</u> | <u>1,458,949</u> | SEWER RATES | 545,649 |
| | | | | | WATER RATES | 913,300 |
| | | | | | | <u>1,458,949</u> |
| TOTAL ARTICLE 4 | | | | | | |
| | | <u>13,316,165</u> | <u>13,819,924</u> | <u>13,761,538</u> | | |
| EXPENSES BUDGET SUMMARY | | | | | | |
| GENERAL GOVERNMENT | 31% | 4,167,810 | 4,258,542 | 4,258,542 | TAXATION | 3,865,073 |
| | | | | | OVERLAY SUR. | 125,000 |
| | | | | | SEWER RATES | 158,760 |
| | | | | | WATER RATES | 109,709 |
| | | | | | | <u>4,258,542</u> |
| PUBLIC SAFETY | 23% | 3,112,185 | 3,184,083 | 3,125,697 | TAXATION | 3,013,810 |
| | | | | | MOORING FEES | 93,887 |
| | | | | | | <u>3,107,697</u> |
| DEPARTMENT OF PUBLIC WORKS | 12% | 1,717,028 | 1,689,006 | 1,689,006 | TAXATION | 1,689,006 |
| | | | | | | <u>1,689,006</u> |
| OTHER ENVIRONMENTAL | 1% | 71,058 | 70,084 | 70,084 | TAXATION | 55,084 |
| | | | | | WETLANDS FD. | 15,000 |
| | | | | | | <u>70,084</u> |
| HUMAN SERVICES | 2% | 286,890 | 293,386 | 293,386 | TAXATION | 293,386 |
| LIBRARY | 3% | 441,150 | 449,917 | 449,917 | TAXATION | 449,917 |
| PARKS & RECREATION | 3% | 369,014 | 447,142 | 447,142 | TAXATION | 447,142 |
| | | | | | | <u>447,142</u> |
| DEBT SERVICE | 14% | 1,748,102 | 1,968,816 | 1,968,816 | TAXATION | 1,629,001 |
| | | | | | SEWER RATES | 339,815 |
| | | | | | | <u>1,968,816</u> |
| ENTERPRISE FUNDS | 11% | 1,402,928 | 1,458,949 | 1,458,949 | SEWER RATES | 545,649 |
| | | | | | WATER RATES | 913,300 |
| | | | | | | <u>1,458,949</u> |
| TOTALS | 100% | <u>13,316,165</u> | <u>13,819,924</u> | <u>13,761,538</u> | | <u>13,743,538</u> |

| FUNDING SOURCES SUMMARY | |
|-------------------------|-------------------|
| TAXATION | 11,442,419 |
| OVERLAY SURPLUS | 125,000 |
| MOORING FEES | 93,887 |
| BOAT EXCISE | 18,000 |
| WETLANDS FD | 15,000 |
| SEWER RATES | 1,044,224 |
| WATER RATES | 1,023,009 |
| TOTAL | <u>13,761,538</u> |

ARTICLE 4 MOTION

Paul Barclay moves that the Town raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2016, and appropriate the same, the amounts presented in the “Expenses Budget Summary” section under the “recommended” and “funding sources” columns of the Finance Committee Report, pages 25 and 26 under Article 4, provided however that, with prior approval of the Board of Selectmen and the Finance Committee, the Town Administrator is authorized to transfer unexpended funds within a summary category (for example, within General Government). Mory Creighton seconds the motion. The Finance Committee recommends approval. The Board of Selectmen recommends approval but with an increase of \$58,286 in Item 32, Police Salaries, to maintain the current number of patrol officers.

There were holds placed on Items 32 and 34.

ARTICLE 4, MOTION BY PAUL BARCLAY, SECONDED FROM THE FLOOR, TO AMEND ITEM 32 BY INCREASING THE AMOUNT BY \$58,386.00 WAS APPROVED, THE MOTION PREVAILED WITH 228 YES VOTES AND 170 NO VOTES.

After discussion of Item 34, the meeting voted the Main Motion.

MOTION TO APPROVE THE OPERATING BUDGET, AS AMENDED, APPROVED WITH A UNANIMOUS VOTE.

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.

Per petition of the Board of Selectmen

| | Dept. | Item | Requested | Recommended | Funding Source |
|----|---------------|----------------------------------|-----------|-------------|----------------|
| 1 | DPW | Road Resurfacing | \$215,000 | \$ 215,000 | Taxation |
| 2 | DPW | Storm Drain Improvements | \$150,000 | \$ 150,000 | Taxation |
| 3 | DPW | Large Dump Truck/Sander/Plow | \$198,000 | \$ 198,000 | Taxation |
| 4 | DPW | Pickup Truck with Plow | \$ 55,000 | \$ 55,000 | Taxation |
| 5 | DPW | Truck with Plow and Sander | \$ 75,000 | \$ 75,000 | Taxation |
| 6 | DPW | Trench Box, Small Bucket, Roller | \$ 43,000 | \$ 43,000 | Taxation |
| 7 | DPW | Facility Upgrades | \$500,000 | \$ 0 | Taxation |
| 8 | Town Hall | Voting Tabulating Machines | \$ 13,000 | \$ 13,000 | Taxation |
| 9 | Town Hall | Town Hall Renovation Work | \$100,000 | \$ 100,000 | Taxation |
| 10 | Library | Wiring/Office Upgrade | \$ 15,000 | \$ 15,000 | Fund Balance |
| 11 | Public Safety | Fire Engine Fund | \$ 60,000 | \$ 60,000 | Taxation |
| 12 | Public Safety | Fire Dept. Turn-out Gear | \$ 56,000 | \$ 56,000 | Taxation |
| 13 | Public Safety | Paramedic Monitor Replacement | \$ 12,000 | \$ 12,000 | Taxation |
| 14 | Public Safety | Police Cruiser Replacement | \$ 65,000 | \$ 39,500 | Fund Balance |
| 15 | Public Safety | Police Station Repairs | \$ 50,000 | \$ 50,000 | Taxation |
| 16 | Public Safety | Dispatch Technology Upgrade | \$ 31,600 | \$ 31,600 | Fund Balance |
| 17 | Harbor | Harbor Dredging & Related Work | \$500,000 | \$ 500,000 | Waterway Fund |
| 18 | Harbor | Reed Park Dock Expansion | \$ 40,000 | \$ 40,000 | Waterway Fund |

| | | | | | |
|----|--------|------------------------------|-------------|-------------|-----------------------|
| 19 | Harbor | Tucks Point Float Permitting | \$ 20,000 | \$ 20,000 | Waterway Fund |
| 20 | Water | General Plant/Pump Upgrades | \$ 150,000 | \$ 150,000 | Water Fund |
| 21 | Sewer | Plant Improvements | \$ 200,000 | \$ 200,000 | Taxation & Sewer Fund |
| | | Total | \$2,570,600 | \$2,023,100 | |

ARTICLE 5, MOTION BY PAUL BARCLAY, SECONDED BY MORY CREIGHTON TO APPROPRIATE THE FOLLOWING AMOUNTS IN ORDER TO PAY THE COSTS OF VARIOUS CAPITAL ITEMS AS SET FORTH IN ARTICLE 5 INCLUDING PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO.

**ITEMS 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13 and 15; \$1,027,000 BE FUNDED BY TAXATION;
ITEMS 10, 14, and 16; \$86,100 BE FUNDED BY FUND BALANCE;
ITEMS 17, 18, and 19; \$560,000 BE FUNDED BY WATERWAY FUNDS;
ITEM 20; \$150,000 BE FUNDED BY WATER RATES;
ITEM 21; \$100,000 BE FUNDED BY TAXATION AND \$100,000 BE FUNDED FROM SEWER RATES.**

MOTION APPROVED WITH A UNANIMOUS VOTE

ARTICLE 6. 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 sixteen; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee

The Finance Committee and the Board of Selectmen recommended approval.

MOTION 1 VOTED: That the town approve the assessment calculation 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", 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 sixteen.

MOTION 1, MADE BY LINDA CROSBY, SECONDED BY SHANNON ERDMANN, APPROVED BY A UNANIMOUS VOTE.

MOTION 2 VOTED: That the Town raise and appropriate \$13,320,239, to fund the Town's assessment from the Manchester Essex Regional School District for the fiscal year beginning July first, two thousand sixteen for the gross operating and maintenance budget.

MOTION 2, MADE BY LINDA CROSBY, SECONDED BY SHANNON ERDMANN, APPROVED BY A UNANIMOUS VOTE.

MOTION 3 VOTED: That the Town raise and appropriate \$1,465,285 to fund the Town's assessment from the Manchester Essex Regional School District to cover the long-term debt for the fiscal year beginning July first, two thousand sixteen.

MOTION 3, MADE BY LINDA CROSBY, SECONDED BY SHANNON ERDMANN, APPROVED BY A UNANIMOUS VOTE.

ARTICLE 7. To see if the Town will appropriate \$302,042 which represents its apportioned share of the Manchester Memorial Elementary School feasibility study, authorized by the Manchester Essex Regional School District (MERSD), for the purpose of paying costs of the Manchester Memorial Elementary School feasibility study, for the school located at 43 Lincoln Street in Manchester-by-the-Sea, Massachusetts, and further described in a deed recorded in Book 3507 pages 137 and 38 in the Essex South Registry of Deeds and depicted on Map 47, lot 6 of the Town of Manchester by the Sea Assessors' maps, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of MERSD School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Per petition of the Manchester-Essex Regional School Committee

The Finance Committee and the Board of Selectmen recommended approval.

ARTICLE 7, MOTION BY LINDA CROSBY, SECONDED BY SHANNON ERDMANN, APPROVED, THE MOTION PREVAILED BY A MAJORITY VOTE.

ARTICLE 8. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2017 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 2017; 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 2017 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.

Per petition of the Community Preservation Committee

The Finance Committee and the Board of Selectmen recommended approval

ARTICLE 8, Christopher Kelly of the Community Preservation Committee moved, and Sue Thorne seconded that the Town appropriate the following sums of money pursuant to the provisions of the Community Preservation Act for the following purposes:

- 1) To appropriate \$21,000 from the Community Preservation Fund FY-2017 estimated annual revenues for Community Preservation Committee administrative costs including but not limited to: secretary, historical surveys, historical consultant, grant writing and administration and payment of CPA Coalition annual dues.
- 2) To appropriate \$200,000 from the Community Preservation Fund FY-2017 estimated annual revenues for recreation; for seawall restoration at Morss Pier.
- 3) To appropriate \$150,000 from the Community Preservation Fund - FY-2016 undesignated fund balance for recreation; for Town Hall boat ramp rehabilitation.
- 4) To appropriate \$104,000 from the Community Preservation Fund FY-2016 undesignated fund balance for recreation; for recreational improvements at Reed Park (walkway and irrigation), Masconomo Park (signage, landscaping, ADA accessibility, parking lot striping, trash barrels), Sweeney Park (basketball hoops), Tucks Point Park (picnic tables) and Singing Beach (signage, parking lot striping, picnic tables, street light, ADA accessibility, and cell phone service to enhance public safety).
- 5) To appropriate \$30,000 from the Community Preservation Fund FY-2016 undesignated fund balance for community housing; for technical assistance and support (contingent upon the passage of Article 18 creating the Affordable Housing Trust otherwise the funds will be allocated to the Community Housing Reserve account).
- 6) To appropriate \$25,000 from the Community Preservation Fund FY-2017 estimated annual revenues for historic preservation; for continued cemetery restoration work.
- 7) To appropriate \$57,500 from the Community Preservation Fund FY-2017 estimated annual revenues for historic preservation; Town Hall exterior painting.
- 8) To appropriate \$15,000 from the Community Preservation Fund FY-2016 undesignated fund balance for historic preservation; for Manchester Historic Museum Singing Beach cabana restoration.
- 9) To appropriate \$90,000 from the Community Preservation Fund FY-2016 undesignated fund balance for historic preservation; for Crowell Chapel fire safety improvements per Massachusetts Building Code Appeals Board variance.
- 10) To appropriate \$5,000 from the Community Preservation Fund FY-2017 estimated annual revenues for historic preservation; for rotunda bench restoration.
- 11) To appropriate \$15,000 from the Community Preservation Fund FY-2017 estimated annual revenues for historic preservation; for Directors office electrical safety improvements at the Manchester Town Library.
- 12) To appropriate \$12,000 from the Community Preservation Fund FY-2017 estimated annual revenues for community housing; for to meet the annual 10% requirement.

ARTICLE 8, MOTION MADE BY CHRISTOPHER KELLY, SECONDED BY SUE THORNE, WAS APPROVED BY A UNANIMOUS VOTE.

ARTICLE 9. To see what action the town will take, if any, to implement electronic voting at future Town Meetings, including to authorize the Board of Selectmen to take the steps necessary to implement electronic voting at future Town Meetings, including entering into any

purchase, lease or rental agreements and/or service contracts related to electronic voting, and to raise and appropriate, borrow or transfer from available funds a sum of money for such purpose, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval

TOM KEHOE MOVED AND ELI BOLING SECONDED THAT THE TOWN VOTE TO SUPPORT THE IMPLEMENTATION OF ELECTRONIC VOTING AT FUTURE TOWN MEETINGS, AND TO AUTHORIZE THE BOARD OF SELECTMEN AND MODERATOR, IN CONSULTATION, TO DETERMINE WHETHER ELECTRONIC VOTING IS FEASIBLE AND APPROPRIATE, AND IF SO DETERMINED, TO AUTHORIZE THE BOARD OF SELECTMEN TO PURCHASE, RENT OR LEASE NECESSARY EQUIPMENT AND SERVICES, AND TO RAISE AND APPROPRIATE THE SUM OF \$15,000 FOR THIS PURPOSE.

ARTICLE 9, MOTION BY TOM KEHOE, SECONDED BY ELI BOLING, APPROVED, THE MOTION PREVAILED BY A MAJORITY VOTE.

ARTICLE 10. To see if the Town will vote to require that all individual spending articles to raise and appropriate funds, including to fund the Town's assessment from the Manchester Essex Regional School District, in excess of \$500,000 be subject to a ballot vote held at the same time as Town Elections. Such vote must equal or exceed a two thirds majority for the spending to be approved. If the vote is less than two thirds, spending for such individual spending articles for the following year will remain at the level of the present year. Spending for pensions and debt service, but not new debt, is to be exempt from this requirement. If the Board of Selectmen, by unanimous vote, declares an unforeseen emergency, such as a natural disaster, which requires spending in excess of \$500,000, approval of such spending will be exempt from this requirement.

Per Petition of 10 or more Residents

The Finance Committee and the Board of Selectmen did not recommend approval

ARTICLE 10, MOTION BY WILLIAM SHIPMAN, SECONDED BY CHUCK FURLONG, WAS NOT APPROVED. A SECRET BALLOT WAS REQUESTED BY MORE THAN 20 VOTERS AND WAS CONDUCTED. THE MOTION WAS REJECTED WITH 110 YES BALLOTS CAST AND 313 NO BALLOTS CAST.

ARTICLE 11. To see if the Town will vote to transfer from the Water Enterprise Undesignated Fund Balance a total of \$50,000 as a supplemental appropriation to the FY16 Water Department to defray unexpected expenses, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval

SUSAN BECKMANN MOVED AND PAUL BARCLAY SECONDED THAT THE TOWN TRANSFER \$50,000 FROM THE WATER ENTERPRISE UNDESIGNATED FUND BALANCE TO THE WATER DEPARTMENT OPERATING BUDGET FOR FY16 TO COVER THE COSTS OF UNEXPECTED EXPENSES.

ARTICLE 11, MOTION BY SUSAN BECKMANN, SECONDED BY PAUL BARCLAY, APPROVED BY A UNANIMOUS VOTE.

ARTICLE 12. To see if the Town will appropriate the following unexpended amount of money that was initially borrowed to finance capital projects that are nearly complete, and for which no further unaccountable liability remains, to pay costs of the repairs to Morss Pier and adjacent seawalls and the renovation of the Town's boat ramp, as permitted by Chapter 44, Section 20 of the General Laws; or take any other action relative thereto.

| | | | |
|------------------------------|-----------------------------|----------------------------|-----------------------------|
| <i>Unexpended Amount</i> | <i>Date of Approval</i> | <i>Warrant Article</i> | <i>Original Purpose</i> |
| \$ 60,000 | May 22, 2013 | Article 2 | Seawall repairs |

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

MARGARET DRISCOLL MOVED AND ELI BOLING SECONDED THAT THE TOWN APPROPRIATE THE FOLLOWING UNEXPENDED AMOUNT OF MONEY THAT WAS INITIALLY BORROWED TO FINANCE CAPITAL PROJECTS THAT ARE COMPLETE, AND FOR WHICH NO FURTHER UNACCOUNTABLE LIABILITY REMAINS, TO PAY COSTS OF THE INSTALLATION OF NEW WATER AND SEWER PIPES AS PART OF THE TOWN'S WATER AND SEWER POLLUTION ABATEMENT EFFORTS, AS PERMITTED BY CHAPTER 44, SECTION 20 OF THE GENERAL LAWS.

| <u>Unexpended Amount</u> | <u>Date of Approval</u> | <u>Warrant Article</u> | <u>Original Purpose</u> |
|------------------------------|-----------------------------|----------------------------|-------------------------|
| \$ 60,000 | May 22, 2013 | Article 2 | Seawall repairs |

ARTICLE 12, MOTION BY MARGARET DRISCOLL, SECONDED BY ELI BOLING, APPROVED, THE MOTION PREVAILED BY A MAJORITY VOTE.

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$2,000,000 to pay costs of capital improvements to the Town's water and wastewater systems, including the payment of all costs incidental and related thereto; and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing, or otherwise, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

PAUL BARCLAY MOVED AND ELI BOLING SECONDED THAT THE TOWN APPROPRIATE \$2,000,000 TO PAY COSTS OF CAPITAL IMPROVEMENTS TO THE TOWN'S WATER AND WASTEWATER SYSTEMS AS FOLLOWS: 1) \$1,500,000 TO

PAY COSTS OF NEW WATER MAINS, METERS AND VALVES, FOR THE TOWN'S WATER SYSTEM, INCLUDING THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, II) \$500,000 TO PAY COSTS OF REPLACING OR REPAIRING SEWER PIPES, INCLUDING THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, AND TO MEET THIS APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE SELECTMEN, IS AUTHORIZED TO BORROW SAID AMOUNTS UNDER AND PURSUANT TO CHAPTER 44 SECTIONS 7 AND 8 OF THE GENERAL LAWS, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY, TO ISSUE BONDS OR NOTES OF THE TOWN THEREFORE; AND FURTHER THAT THE INCURRENCE OF SUCH INDEBTEDNESS SHALL BE SUBMITTED TO THE VOTERS AS A BALLOT QUESTION AT A TOWN ELECTION IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 270 OF THE ACTS OF 1991 AND ARTICLE II, SECTION 18 OF THE TOWN'S GENERAL BY-LAW. NO AMOUNT SHALL BE BORROWED OR EXPENDED HEREUNDER UNLESS AND UNTIL VOTERS APPROVE EXCLUDING THE AMOUNTS REQUIRED TO REPAY ANY BORROWING PURSUANT TO THE VOTE FROM THE LIMITATION ON TOTAL PROPERTY TAXES CONTAINED IN CHAPTER 59, SECTION 21C OF THE GENERAL LAWS (ALSO KNOWN AS PROPOSITION 2 ½.) ALL OR ANY PORTION OF THE AMOUNTS AUTHORIZED TO BE BORROWED PURSUANT TO THIS VOTE MAY BE BORROWED THROUGH THE MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST.

ARTICLE 13, MOTION BY PAUL BARCLAY, SECONDED BY ELI BOLING WAS APPROVED, THE MOTION TO PLACE ON THE BALLOT PREVAILED BY A MAJORITY VOTE.

AT THE MAY 17, 2016 ELECTION, THE AUTHORIZATION TO BORROW \$2,000,000 WAS QUESTION 1, WHICH PASSED 465 YES VOTES TO 42 NO VOTES. MORE THAN TWO-THIRDS.

AT THE MAY 17, 2016 ELECTION, THE PROPOSTION 2 ½ DEBT EXCLUSION FOR \$2,000,000.00 WAS QUESTION 2, WHICH PASSED 401 YES VOTES TO 83 NO VOTES.

At 10:54 P.M. Selectman Tom Kehoe moved that the meeting be adjourned until 7:00 P.M. the following evening, Tuesday, April 5, 2016. Selectman Margaret Driscoll seconded the motion. The vote to adjourn was unanimous.

A quorum was reached at 6:53 P.M on April 5, 2016. The Moderator called the meeting to order at 7:02 P.M.

ARTICLE 14. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$1,000,000 to pay costs of dredging and other improvements to the Town's harbor, including the payment of all costs incidental and related thereto; and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing, or otherwise, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

SUSAN BECKMANN MOVED AND MARGARET DRISCOLL SECONDED THAT THE TOWN APPROPRIATE \$1,000,000 TO PAY COSTS OF DREDGING AND OTHER IMPROVEMENTS TO THE TOWN'S HARBOR, INCLUDING THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, AND THAT TO MEET THIS APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE SELECTMEN, IS AUTHORIZED TO BORROW SAID AMOUNT UNDER AND PURSUANT TO CHAPTER 44, SECTION 7(17A) OF THE GENERAL LAWS, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY, AND TO ISSUE BONDS OR NOTES OF THE TOWN THEREFOR. WHILE CONSTITUTING A GENERAL OBLIGATION OF THE TOWN, IT IS INTENDED THAT ANY BORROWING PURSUANT TO THIS MOTION SHALL BE REPAID, IN THE FIRST INSTANCE, FROM WATERWAY FUNDS.

ARTICLE 14, MOTION BY SUSAN BECKMANN, SECONDED BY MARGARET DRISCOLL WAS APPROVED BY A UNANIMOUS VOTE

ARTICLE 15. To see if the Town will vote to authorize the Board of Selectmen to grant and convey, in, on and under portion(s) of the Town-owned parcel of land known as the Moses Hill Water Tank lot located on Pine Street, shown on Assessors Map 58 as Lot 56, and described in an instrument recorded with the Essex South Registry of Deeds in Book 1952, Page 405, such permanent and/or temporary access, utility and related easements as may be necessary or convenient to serve said property and/or the telecommunications equipment thereon, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval

TOM KEHOE MOVED AND ELI BOLING SECONDED THAT THE TOWN VOTE TO AUTHORIZE THE BOARD OF SELECTMEN TO GRANT AND CONVEY, IN, ON AND UNDER PORTION(S) OF THE TOWN-OWNED PARCEL OF LAND KNOWN AS THE MOSES HILL WATER TANK LOT LOCATED ON PINE STREET, SHOWN AS ASSESSORS MAP 58 AS LOT 56, AND DESCRIBED IN AN INSTRUMENT RECORDED WITH THE ESSEX SOUTH REGISTRY OF DEEDS IN BOOK 1952, PAGE 405, SUCH PERMANENT AND/OR TEMPORARY ACCESS, UTILITY AND RELATED EASEMENTS AS MAY BE NECESSARY OR CONVENIENT TO SERVE SAID PROPERTY AND/OR THE TELECOMMUNICATIONS EQUIPMENT THEREON.

ARTICLE 15, MOTION BY TOM KEHOE, SECONDED BY ELI BOLING WAS APPROVED, THE MOTION PREVAILED BY MORE THAN 2/3 VOTE.

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds \$238,703 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

The Finance Committee and the Board of Selectmen recommended approval.

PAUL BARCLAY MOVED AND TOM KEHOE SECONDED THAT THE TOWN TRANSFER FROM THE UNDESIGNATED FUND BALANCE \$238,703 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.

ARTICLE 16, MOTION BY PAUL BARCLAY, SECONDED BY TOM KEHOE, APPROVED, THE MOTION PREVAILED.

ARTICLE 17. To see if the Town will vote to reauthorize the Recreation Programs revolving fund established pursuant to the provisions of Chapter 44, section 53E1/2 of the Massachusetts General Laws, for the fiscal year beginning July 1, 2016, said fund to be expended by the Recreation Director for costs associated with Town of Manchester-by-the-Sea recreation programs, with registration fees, or other funds intended to support the programs offered by the Recreation Department deposited into the fund, and total annual expenditures from the fund not exceeding 1% of the FY 2016 tax levy, or \$249,000; or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

PAUL BARCLAY MOVED AND ELI BOLING SECONDED THAT THE TOWN REAUTHORIZE THE RECREATION PROGRAMS REVOLVING FUND ESTABLISHED PURSUANT TO THE PROVISIONS OF CHAPTER 44, SECTION 53E1/2 OF THE MASSACHUSETTS GENERAL LAWS, FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, SAID FUND TO BE EXPENDED BY THE RECREATION DIRECTOR FOR COSTS ASSOCIATED WITH TOWN OF MANCHESTER RECREATION PROGRAMS, WITH REGISTRATION FEES, OR OTHER FUNDS INTENDED TO SUPPORT THE PROGRAMS OFFERED BY THE RECREATION DEPARTMENT DEPOSITED INTO THE FUND, AND TOTAL ANNUAL EXPENDITURES FROM THE FUND NOT EXCEEDING 1% OF THE FY 2016 TAX LEVY, OR \$249,000.

ARTICLE 17, MOTION BY PAUL BARCLAY, SECONDED BY ELI BOLING, APPROVED BY A UNANIMOUS VOTE.

ARTICLE 18. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Manchester-by-the-Sea Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Manchester-by-the-Sea for the benefit of low and moderate income households, and in implementation thereof will vote to amend the Town's Manchester-by-the-Sea General By-Laws by adding the following as Article XXI, or to take any other action relative thereto.

TOWN OF MANCHESTER-BY-THE-SEA GENERAL BY-LAWS ARTICLE XXI

Section 1 Affordable Housing Trust

There shall be a Manchester-by-the-Sea Affordable Housing Trust, the purpose of which shall be to provide for the preservation and creation of affordable housing in the Town Manchester-by-the-Sea for the benefit of low and moderate income households. The Trust shall be governed by Trustees in accordance with Massachusetts General Laws Chapter 44, Section 55C and the authority granted by Town Meeting, as revised from time to time.

Section 2 Name of the Trust

This trust shall be called the “Manchester-by-the-Sea Affordable Housing Trust”, herein referred to as the Trust.

Section 3 Purposes

The purpose of this Trust shall be to provide for the creation and preservation of affordable housing in the Town of Manchester-by-the Sea for the benefit of low and moderate income households and in furtherance of this purpose, to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property comprising this Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the inhabitants of the Town of Manchester-by-the-Sea for the creation and preservation of affordable housing for which this Trust was formed and no part of the activities of the Trust shall consist of propaganda or otherwise attempting to influence legislation or participation in or intervention in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure or be payable to or for the benefit of any private individual or corporation.

Section 4 Board of Trustees

There shall be a Board of Trustees (the “Board”) consisting of seven (7) Trustees who shall be appointed by the Board of Selectmen (5 members) and the Town Moderator (2 members). The members of the Board shall be comprised of as follows:

- one (1) member of the Board of Selectmen, or its designee;
- one (1) member of the Community Preservation Committee or its designee; one (1) member of the Manchester Housing Authority or its designee;
- one (1) member of the Planning Board or its designee;
- one (1) member of the Finance Committee or its designee; and two (2) citizens at large selected by the Town Moderator

Section 5 Tenure of Trustees

Only persons who are residents of the Town shall be eligible to hold the office of Trustee. Trustees shall serve for a term not to exceed two years and may be re-appointed at the discretion of the Board of Selectmen or Town Moderator, as applicable. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee hereunder provided that a written notification of the change in residence has been filed with the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by a joint meeting of the appointing authority and the remaining Trustees to fill such vacancy, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office. Upon the appointment or election of any succeeding Trustee and the filing of such appointment or a certificate of such election the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Of the original Trustees, four shall hold office until July 1, 2017 and three shall hold office until July 1, 2018.

Section 6 Meetings of the Trust

Meetings of the Trust shall be held not less than quarterly and at all other times deemed advisable at such time and at such place as the Trustees shall determine. A written notice stating the place, day, hour and agenda of each Meeting of the Trust shall be posted at Town Hall at least two (2) business days before the date of such meeting. A quorum at any meeting shall be a majority of the Trustees qualified. Meetings may be scheduled as needed in conformance with the requirements of the Massachusetts open meeting laws.

Section 7 Powers of Trustees

The Trustees, for the carrying out of the above purposes and except as herein otherwise specifically provided, shall have the same powers with respect to all real and personal estate at any time held by them as if they were the absolute owners thereof, and without limiting the foregoing generality:

- a) to solicit and accept grants, gifts, devises and bequests or otherwise acquire real or personal property;
- b) to invest any of the trust property in such manner as they may deem advisable without being limited as to the kind or amount of any investment;
- c) to sell and exchange any real or personal property or any interest therein for such consideration and upon such terms and conditions as they deem advisable;
- d) to join with others in the acquisition of real property or any interest therein;
- e) to borrow money and mortgage or pledge any part of the trust estate assets and issue notes or other indebtedness;
- f) to join with others in borrowings, mortgages and pledges and to guarantee and become surety on obligations of others, in transactions in which the Trust has an interest;
- g) to execute, as lessor or lessee, leases;
- h) to restore, construct, repair and maintain buildings and other improvements and establish such reserves as they deem necessary therefore;
- i) to pay, compromise or adjust all obligations incurred and rights acquired in the administration of the Trust;
- j) to obtain advice of counsel and to rely thereon;
- k) to employ such other persons, agents, brokers, managers, accountants, or advisors as they may deem advisable;
- l) and to execute, acknowledge and deliver all such contracts, deeds, mortgages, leases, discharges, and partial releases of mortgages, or other instruments as they may deem advisable in the course of the administration of the Trust.

The Trustees shall refrain from exercising any powers in such manner as to violate the provisions of said Chapter 44, Section 55C.

Section 8 Limitations on the Powers of Trustees These powers shall be subject to the following limitations:

- a) any purchase, sale, lease, exchange, transfer, or conveyance of any interest in real property must be approved by five of the seven voting members.
- b) the Trustees may incur debt, borrow money, grant mortgages, and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.
- c) no debt incurred by the Trustees shall constitute a pledge of the full faith and credit of the Town of Manchester-by-the-Sea and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Manchester-by-the-Sea with an acknowledgement of said statement by the holder.

Section 9 Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledged or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of

court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel not for other acts or omissions in good faith.

Section 10 Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Manchester-by-the-Sea. The Trust is a public employer and the Trustees are public employees for the purposes of G. L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

Section 11 Amendments

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under G. L. Chapter 44 Section 55C and Manchester-by-the-Sea By-laws, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Land Registration Office.

Section 12 Accounts

The books and records of the Trust shall be maintained by the Town Treasurer and audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the Town.

Section 13 Duration of the Trust

This Trust shall be of indefinite duration. However, it may be terminated by a vote of Town Meeting provided that an instrument of termination, together with a certified copy of the Town Meeting vote, are duly recorded with the Registry of Deeds and the Land Registration Office.

Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Manchester-by-the-Sea and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 14 Authority shown by Record to be Conclusive; Certificate as to Facts Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with said Registry of Deeds and Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that delegations of authority pursuant to Section 9 hereof and instruments of amendment pursuant to Section 10 hereof and an instrument of termination pursuant to Section 12 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

Section 15 Titles

The titles to the various Sections herein are for convenience only and are not to be

considered part of said Sections nor shall they affect the meaning or the language of any such Section.

Per petition of the Board of Selectmen

The Finance Committee recommended approval with a vote of 5 to 4.

The Board of Selectmen recommended approval.

ELI BOLING MOVED AND MARGARET DRISCOLL SECONDED THAT THE TOWN VOTE TO ACCEPT THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 55C, AND TO ESTABLISH A TRUST TO BE KNOWN AS THE MANCHESTER-BY-THE-SEA AFFORDABLE HOUSING TRUST FUND, WHOSE PURPOSE SHALL BE TO PROVIDE FOR THE CREATION AND PRESERVATION OF AFFORDABLE HOUSING IN THE TOWN OF MANCHESTER-BY-THE-SEA FOR THE BENEFIT OF LOW AND MODERATE INCOME HOUSEHOLDS, AND IN IMPLEMENTATION THEREOF VOTES TO AMEND THE TOWN'S MANCHESTER-BY-THE-SEA GENERAL BY-LAWS BY ADDING A NEW ARTICLE XXI AS PRESENTED IN THE WARRANT.

MOTION TO AMEND BY TIM GATES, BY DELETING IN ITS ENTIRETY THE TEXT OF THE PROPOSED SECTION 12 ACCOUNTS AND SUBSTITUTE THEREFORE THE FOLLOWING, WAS ACCEPTED BY ELI BOLING AS PART OF HIS MAIN MOTION:

“The Town Treasurer shall be responsible for:

- a) the preparation, maintenance and fair presentation of the books and records of the Trust in accordance with accounting principles generally accepted in the United States of America; which includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. And
- b) to have these Trust accounts and statements audited annually by an independent auditor in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards* issued by the Comptroller General of the United States of America together with the auditor's Opinions and Management Letter.

ARTICLE 18, MOTION BY ELI BOLING, SECONDED BY MARGARET DRISCOLL, APPROVED, AMENDED MAIN MOTION PREVAILED WITH 136 YES VOTES AND 100 NO VOTES.

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise and repaid by property owners, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval

SUSAN BECKMANN MOVED AND ELI BOLING SECONDED THAT THE TOWN APPROPRIATE \$200,000 TO PAY COSTS OF THE FOLLOWING WATER POLLUTION FACILITY PROJECTS: REPAIR, REPLACEMENT AND/OR UPGRADE OF SEPTIC SYSTEMS PURSUANT TO AGREEMENTS WITH THE BOARD OF HEALTH AND RESIDENTIAL PROPERTY OWNERS, INCLUDING WITHOUT LIMITATION THE PAYMENT OF ALL COSTS THEREOF AS DEFINED IN SECTION 1 OF CHAPTER 29C OF THE GENERAL LAWS, AND THAT TO MEET THIS APPROPRIATION, THE TREASURER, WITH THE APPROVAL OF THE SELECTMEN, IS AUTHORIZED TO BORROW SAID AMOUNT UNDER AND PURSUANT TO CHAPTER 111, SECTION 127B1/2 OF THE GENERAL LAWS, OR PURSUANT TO ANY OTHER ENABLING AUTHORITY. ANY BORROWING PURSUANT TO THIS VOTE MAY BE OBTAINED THROUGH THE MASSACHUSETTS CLEAN WATER TRUST, AND IN CONNECTION THEREWITH, THE SELECTMEN, THE TREASURER AND ANY OTHER APPROPRIATE OFFICERS OF THE TOWN ARE AUTHORIZED TO EXECUTE ALL SUCH DOCUMENTS THAT THE MASSACHUSETTS CLEAN WATER TRUST AND DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE COMMONWEALTH OF MASSACHUSETTS MAY REQUIRE TO IMPLEMENT THIS BORROWING. THE SELECTMEN ARE AUTHORIZED TO ASSESS BETTERMENTS TO SECURE THE REPAYMENT OF FUNDS PROVIDED TO HOMEOWNERS PURSUANT TO THIS MOTION.

ARTICLE 19 MOTION BY SUSAN BECKMANN, SECONDED BY ELI BOLING, APPROVED WITH A UNANIMOUS VOTE.

ARTICLE 20. To see if the Town will amend the Manchester by the Sea Town General By-laws by adding a new Section 20C to Article X: Short Term Paying Guests in Homes as follows, or take any other action relative thereto.

ARTICLE X SECTION 20C: SHORT TERM PAYING GUEST IN HOMES

Purpose: The rental of residential premises to short term paying guests, not otherwise expressly licensed for such purpose by the Town of Manchester by the Sea or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term paying guests, to ensure an orderly and transparent process for operating small-scale rental services, and to protect the tranquility of residential neighborhoods.

Applicability: The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term paying guests are those who are staying in a dwelling unit for less than 6 consecutive nights. The Board may allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.

Process: Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

Applications: Application shall be made on a form approved by the Board of Selectmen and

shall contain sufficient information to determine the exact nature of the proposed short term rental operation, including location, number of rooms to be rented and whether food will be served to the guests.

By completing the application, applicants will be confirming the following:

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors)
2. A certificate of occupancy for the property is on file
3. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
4. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. The registry shall be made available for review at any time at the request of the Enforcement Agent and/or Board of Selectmen.

Application Fee: The Board of Selectmen shall annually set a fee for applying for a Short Term Guest Rental Home License. The fee must be paid at time of application.

The Board of Selectmen may grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

Owners are encouraged to adhere to guidelines for the short term rental of rooms that the Selectmen shall promulgate from time to time.

COMPLAINTS AND ENFORCEMENT:

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law. The Town Administrator shall supervise enforcement actions.
2. If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the agent shall send notice to the license holder, by registered mail to the address stated on the initial Application, a notice ordering cessation of the improper activities.
3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw through the mechanisms set forth in Article I, Section 4 of the General By-laws, and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs.
4. In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.
 5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare.
 6. The Board of Selectmen may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred, it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

Validity: The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This bylaw shall go into effect January 1, 2017.

Per petition of the Board of Selectmen

The Finance Committee took no position.

The Board of Selectmen recommended approval.

SUSAN BECKMANN MOVED AND MARGARET DRISCOLL SECONDED THAT THE TOWN AMEND THE MANCHESTER BY THE SEA TOWN GENERAL BY-LAWS BY ADDING A NEW SECTION 20C TO ARTICLE X: SHORT TERM PAYING GUESTS IN HOMES AS PRESENTED IN THE HANDOUT WHICH DIFFERS SLIGHTLY FROM THE PROPOSED VERSION IN THE FINANCE COMMITTEE ANNUAL REPORT.

Town By-law Article X Section 20C: Short Term Paying Guest in Homes

Purpose: The rental of residential premises to short term paying guests, not otherwise expressly licensed for such purpose by the Town of Manchester by the Sea or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term paying guests, to ensure an orderly and transparent process for operating small-scale rental services, and to protect the tranquility of residential neighborhoods.

Applicability: The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term paying guests are those who are staying in a dwelling unit for less than 6 consecutive nights. The Board may allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.

Process: Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

Applications: Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the scope of the proposed short term rental operation, including location, number of rooms to be rented and whether meals prepared at the house will be served. Completed applications will be reviewed and acted upon within 3 weeks of submittal.

By completing the application form, applicants shall be confirming the following:

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors)
2. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.

3. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. The registry shall be made available for review at any time at the request of the Enforcement Agent and/or Board of Selectmen.

Application Fee: The Board of Selectmen annually shall set a fee for applying for a Short Term Guest Rental Home License. Said fee initially shall be set at \$100.

The Board of Selectmen shall grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

Owners are encouraged to adhere to guidelines for the short term rental of rooms that the Selectmen shall promulgate from time to time.

Complaints and Enforcement:

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law. The Town Administrator shall supervise enforcement actions.
2. If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the agent shall send notice ordering cessation of the improper activities to the license holder, by registered mail to the address stated on the initial Application, .
3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw through the mechanisms set forth in Article I, Section 4 of the General By-laws, and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs.
4. In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4)days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.
5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare.
6. The Board of Selectmen may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

Validity: The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This bylaw shall go into effect January 1, 2017.

**WENDY DIXON MOVED, AND DENNIS DIXON SECONDED,
TO AMEND THE FOLLOWING SECTIONS IN THE MAIN MOTION UNDER
ARTICLE 20 AS DETAILED BELOW:**

- Under “**Applicability**”, replace “may” with “shall” so that the sentence reads

“The Board shall allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.”

- Under “**Process**”, delete the last sentence so that the paragraph ends with the sentence

“Application for a license can be made at any time, but the license shall expire December 31 of the subject year.”

- Under “**Applications**”, amend the first paragraph to insert “*by the owner for the guests*” to clarify that guests cooking for themselves is not prohibited. The new paragraph would read

“Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the scope of the proposed short term rental operation, including location, number of rooms to be rented, and whether meals prepared at the house by the owner or the owner’s employee or agent for the guests will be served.”

and in item “3.”, substitute “and/or Board of Selectmen.” with “Manchester Public Safety officers.” so that the line now reads

“The registry shall be made available for review at any time at the request of the Enforcement Agent and/or Manchester Public Safety officers.”

- Under “**Application Fee**”, amend the first sentence to add “*and shall at no time exceed \$150*” so that the sentence now reads

“Said fee initially shall be set at \$100 and shall at no time exceed \$150.”

- Under **Complaints and Enforcement** item “2.”, add “stated in items 1, 2, and 3 on the application form for” so that the paragraph now reads

“If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been

a violation of this by-law or of the conditions *stated in items 1, 2 and 3 on the application form for*

any license issued hereunder, the agent shall send notice ordering cessation of the improper

activities to the license holder, by registered mail to the address stated on the initial Application.”

Rationale: We don’t want Article 20 to pass, but if it does, we think this amendment tightens up the article.

These amendments are recommended to **protect the homeowner** who finds himself or herself in straitened circumstances and who needs to rent out some rooms or the whole house from time to time to help himself or herself financially.

The amendment

- does not leave to chance whether the Board will or will not allow short term paying guests provided suitable accommodations exist. Changing the word from “may” to “shall” in the Applicability section ensures that the Board must act if the specified conditions in the license are met.

- clears up any confusion about the time frame of when an applicant will hear back about the license.

The amendment

Δ leaves in the phrase “within three weeks of submittal” as stated in the Applications” section

Δ and removes the other sentence about notification in the Process section which stipulates no time limit as to when the public meeting must take place.

If the sentence is not removed, a homeowner could technically be left hanging for months after the application is received.

- sets a limit on the fee the BOS can levy. With no stated limit, the BOS would technically be free to set a fee so high as to deter the rental of rooms at all.
- protects the privacy of the guests. If any guest runs afoul of the law, the amendment would now say that only Manchester Public Safety officers and the Enforcement Agent have access to the guest registry. The BOS doesn’t need to have access to these names.
- in the Enforcement section, removes the open-ended nature of the word “conditions” and specifies which “conditions” exactly are just cause for the Complaints and Enforcement Agent to

get involved. The application which leads to a license and the Enforcement must both have the same list of requirements, clearly stated.

Note: (Zoning By-law referred to in Article 20 SECTION 4.0 USE REGULATIONS

4.1.5 The taking of boarders or the leasing of rooms for not more than four (4) persons by a family residing on the premises with common cooking and living facilities, providing there is no sign or display to advertise such use. (But it shall not be permissible to construct or operate overnight camps.)

ARTICLE 20, MOTION TO AMEND DID NOT PREVAIL.

MAIN MOTION BY SUSAN BECKMANN, SECONDED BY MARGARET DRISCOLL, APPROVED, THE MOTION PREVAILED BY 148 YES VOTES AND 80 NO VOTES.

Moderator Alan Wilson then explained that Articles 21 through 24 were all closely related and represented a package of measures proposed by the Board of Assessors. He allowed them to be taken up in the form of a single motion to take action under all four articles, and also allowed discussion of them together.

ARTICLE 21. To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G. L. Chapter, 59, Section 5, Clause 41A from \$40,000 to the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on July 1, 2016, or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 22. To see if the Town will accept G.L Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under G.L. Chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016, or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 23. To see if the Town will accept G.L. Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under G.L. Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016, or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 24. To see if the Town will accept G.L. Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under G.L. Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100% of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

PAUL BARCLAY MOVED AND ELI BOLING SECONDED THAT:

THE TOWN VOTES TO INCREASE THE GROSS RECEIPTS THAT SENIORS MAY HAVE IN THE PRIOR CALENDAR YEAR TO BE ELIGIBLE TO DEFER PROPERTY TAXES UNDER G. L. CHAPTER, 59, SECTION 5, CLAUSE 41A FROM \$40,000 TO THE AMOUNT ESTABLISHED ANNUALLY BY THE COMMISSIONER OF REVENUE AS THE INCOME LIMIT FOR SINGLE SENIORS WHO ARE NOT HEADS OF HOUSEHOLDS TO QUALIFY FOR THE "CIRCUIT BREAKER" STATE INCOME TAX CREDIT FOR THE PRECEDING STATE TAX YEAR, WITH SUCH INCREASE TO BE EFFECTIVE FOR DEFERRALS GRANTED FOR TAXES ASSESSED FOR ANY FISCAL YEAR BEGINNING ON JULY 1, 2016.

THE TOWN ACCEPTS G.L CHAPTER 59, SECTION 5, CLAUSE 17E, WHICH AUTHORIZES AN ANNUAL INCREASE IN THE ASSET (WHOLE ESTATE) LIMIT FOR EXEMPTIONS GRANTED TO SENIOR CITIZENS, SURVIVING SPOUSES AND SURVIVING MINORS UNDER G.L. CHAPTER 59, SECTION 5, CLAUSE 17D, BY THE PERCENTAGE INCREASE IN THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR THE

PREVIOUS YEAR AS DETERMINED BY THE COMMISSIONER OF REVENUE, TO BE EFFECTIVE FOR EXEMPTIONS GRANTED FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2016.

THE TOWN ACCEPTS G.L. CHAPTER 59, SECTION 5, CLAUSE 41D, WHICH AUTHORIZES AN ANNUAL INCREASE IN THE INCOME (GROSS RECEIPTS) AND ASSET (WHOLE ESTATE) LIMITS FOR EXEMPTIONS GRANTED TO SENIOR CITIZENS UNDER G.L. CHAPTER 59, SECTION 5, CLAUSE 41C, BY THE PERCENTAGE INCREASE IN THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR THE PREVIOUS YEAR AS DETERMINED BY THE COMMISSIONER OF REVENUE, TO BE EFFECTIVE FOR EXEMPTIONS GRANTED FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2016.

THE TOWN ACCEPTS G.L. CHAPTER 59, SECTION 5C1/2, WHICH PROVIDES FOR AN ADDITIONAL REAL ESTATE EXEMPTION FOR TAXPAYERS WHO ARE GRANTED PERSONAL EXEMPTIONS ON THEIR DOMICILES UNDER G.L. CHAPTER 59, SECTION 5, INCLUDING CERTAIN BLIND PERSONS, VETERANS, SURVIVING SPOUSES AND SENIORS, AND TO PROVIDE THAT THE ADDITIONAL EXEMPTION SHALL BE UP TO 100% OF THE PERSONAL EXEMPTION, TO BE EFFECTIVE FOR EXEMPTIONS GRANTED FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2016.

ARTICLE 21 - 24, MOTION BY PAUL BARCLAY, SECONDED BY ELI BOLING, APPROVED WITH A UNANIMOUS VOTE.

ARTICLE 25. To see if the Town will vote to amend the Zoning By-law of the Town of Manchester by the Sea by replacing Section 6.1.2 in its entirety with the following; or take any other action relative thereto:

CHANGES, EXTENSIONS AND ALTERATIONS:

6.1.2.: An existing non-conforming structure or use may be changed, extended, or altered, provided that the Board of Appeals grants a special permit for the change, extension, or alteration based upon a finding that the resulting structure or use would not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use as defined in Section 6.1.1 in the Zoning By-laws. This requirement does not apply to a change, extension, or alteration of a single or two-family residential structure on a lot with insufficient area, frontage, or width, provided that the lot contains at least 60% of the required area, frontage, and width and that the total footprint of the building will not increase by more than 25% from that of the existing footprint, and as long as the resulting structure will comply with all the other area and dimensional requirements of Section 5.4 of the Zoning By-laws.

Per Petition of 10 or more Residents

The Finance Committee and the Board of Selectmen recommended the advice of the Planning Board.

GARY GILBERT MOVED TO AMEND THE ZONING BYLAW OF THE TOWN OF MANCHESTER BY THE SEA BY ALTERING SUB-SECTION 6.1.2 AS FOLLOWS

6.1.2 Changes, Extensions and Alterations:

A nonconforming structure or use may be changed, extended or altered, provided that in each case the Board of Appeals grants a special permit therefore after finding that such change, extension or alteration is not substantially more detrimental or injurious to the neighborhood than the existing nonconforming structure or use. The above requirement does not apply to such an extension, alteration, re-construction, or structural change to a single family or two family residential structure that does not increase the nonconforming nature of that structure, or to an extension, alteration, re-construction or structural change to a single-family or two-family residential structure on a lot with insufficient area, frontage, or width where the lot contains at least 60% of the required area, frontage, and width, the total footprint of the residential structure will not increase by more than 25% from its current size as of the date of

passage of this by-law amendment, and the resulting residential structure will comply with all other area and dimensional requirements as defined in the town's zoning by-laws.

ARTICLE 25, MOTION BY GARY GILBERT, SECONDED BY AXEL MAGNUSON, THE MOTION DID NOT PREVAIL.

ARTICLE 26. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, or take any other action relative thereto.

Per petition of the Board of Selectmen

The Finance Committee and the Board of Selectmen recommended approval.

TOM KEHOE MOVED AND MORY CREIGHTON SECONDED THAT THE TOWN TRANSFER FROM THE UNDESIGNATED FUND BALANCE \$100,000 TO THE STABILIZATION FUND.

ARTICLE 26, MOTION BY TOM KEHOE, SECONDED BY MORY CREIGHTON, APPROVED WITH A UNANIMOUS VOTE.

ARTICLE 27. 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

The Finance Committee and the Board of Selectmen recommended approval.

TOM KEHOE MOVED AND MORY CREIGHTON SECONDED THAT THE TOWN PASS OVER (DO NOTHING) UNDER ARTICLE 27.

ARTICLE 27, MOTION BY TOM KEHOE, SECONDED BY MORY CREIGHTON, TO PASS OVER, TAKE NO ACTION, APPROVED WITH A UNANIMOUS VOTE.

At 9:50 PM, Selectman Tom Kehoe moved to dissolve the meeting. Town Clerk Denise Samolchuk seconded the motion and it was a unanimous vote to do so.

Respectfully submitted,

Denise Samolchuk
Town Clerk