

Annual Town Meeting

Wednesday April 24, 2024

Memorial Elementary School, 43 Lincoln Street, Manchester-by-the-Sea

The Annual Town Meeting of the Town of Manchester-by-the-Sea was called to order at 6:30 with 239 voters, well over the required quorum of 100. The final tally was 377 voters out of the 4,325 registered voters (8% turnout).

Moderator Wilson thanked the acapella group of the Manchester/Essex Regional High School, Soundwaves and their Music Teacher for a wonderful pre-Town Meeting performance.

Moderator Wilson led the Meeting in the Pledge of Allegiance and read the Memorial Resolution which was moved, seconded and unanimously approved:

Whereas the citizens 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 sense of community.

We 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 be sent to the appropriate survivors.

The persons memorialized and their achievements are proclaimed in the order of the dates of their deaths:

Catherine B. Erickson, Housing Authority
June Nickless, Zoning Board of Appeals
Cynthia A. Manos, Asst. Treasurer
Pamela Grady, Cultural Council
Katherine Graham, School Librarian
George S. Scharfe, School Building Committee
Mildred A. Nahatis, Council on Aging

Moderator Wilson then asked that those who can rise and observe a moment of silence in memory of these former town citizens and of Planning Board Chair Ron Mastrogiacomo who died recently after many years of service.

Moderator Wilson held the traditional election for the ancient and honorary positions.

Poundkeeper: Tom Kehoe
Fence Viewers: Gar Morse and Bruce Heisey
Field Drivers: Sue Thorne and Christy White
Measurers of Lumber: Henry Oettinger and Denny Hall
Measurer of Wood and Bark: Jeff Parker

Moderator Wilson thanked all Town staff and volunteers who helped to prepare and bring this meeting to fruition.

After the Moderator reviewed the procedural points and tested the electronic voting system, the Meeting moved to Article 1.

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 Select Board

Recommendation

The Select Board recommended approval.

Motion

Brian Sollosy moved, and Ann Harrison seconded the article as presented in the warrant.

Vote

Article 1 was approved with a majority vote; 229 yes, 1 no and 8 abstentions.

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 MGL 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

Recommendation

The Select Board recommended approval.

Motion

Catherine Bilotta moved, and Ann Harrison seconded the article as presented in the warrant.

Vote

Article 2 was approved with a majority vote; 254 yes, 7 no and 13 abstentions.

ARTICLE 3.

To see if the Town will vote to raise and appropriate or transfer from available funds \$243,385 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 Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

John Round moved, and Brian Sollosy seconded that the Town raise and appropriate \$243,385 and that it be funded by taxation, for the purpose of funding the Town's share of the Essex North Shore Agricultural and Technical School District.

Discussion

None

Vote

Article 3 was approved with a majority vote; 281 yes, 10 no and 8 abstentions.

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, 2024, and appropriate the same.
Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Ann Harrison moved, and Sarah Mellish seconded that the Town raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2024, 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, page 25 and 26 under Article 4, provided however that, with prior approval of the Select Board and the Finance Committee, the Town Administrator is authorized to transfer unexpended funds within a summary category (for example, within General Government).

DEPARTMENTAL REQUESTS AND
FINANCE COMMITTEE RECOMMENDATIONS

Item No.	Appropriations FY - 2024	Requests FY - 2025	Recommendations FY - 2025	Funding Sources	
GENERAL GOVERNMENT					
33.55%					
<u>SELECTMEN'S DEPARTMENT</u>					
1 Salaries	326,434	351,199	351,199	TAXATION	
2 Expenses	65,500	59,500	59,500	TAXATION	
3 Audit	40,500	48,000	48,000	TAXATION	
<u>INFORMATION TECHNOLOGY</u>					
4 Expenses	171,500	179,900	179,900	TAXATION	
<u>FINANCE COMMITTEE</u>					
5 Salaries	3,800	3,914	3,914	TAXATION	
6 Expenses	300	300	300	TAXATION	
7 Reserve Fund	190,000	150,000	150,000	TAXATION	25,000
			OVERLAY SUR.		125,000
<u>ELECTION & REGISTRATION</u>					
8 Salaries	5,150	10,570	10,570	TAXATION	
9 Expenses	22,550	26,225	26,225	TAXATION	
<u>ACCOUNTING</u>					
10 Salaries	173,356	181,390	181,390	TAXATION	
11 Expenses	4,700	7,000	7,000	TAXATION	
<u>ASSESSORS</u>					
12 Salaries	132,511	163,355	163,355	TAXATION	
13 Expenses	62,750	64,234	64,234	TAXATION	
<u>TREASURER/COLLECTOR</u>					
14 Salaries	167,953	172,692	172,692	TAXATION	
15 Expenses	32,225	32,875	32,875	TAXATION	
<u>TOWN CLERK</u>					
16 Salaries	109,841	122,894	122,894	TAXATION	
17 Expenses	7,545	10,250	10,250	TAXATION	
<u>LEGAL/PROF. SERVICES</u>					
18 Expenses	110,000	150,000	150,000	TAXATION	
<u>APPEALS BOARD</u>					
19 Salaries	8,528	5,000	5,000	TAXATION	
20 Expenses	12,000	12,000	12,000	TAXATION	
<u>PLANNING DEPARTMENT</u>					
21 Salaries	103,682	127,406	127,406	TAXATION	
22 Expenses	6,600	26,600	26,600	TAXATION	
<u>TOWN HALL & COMMON</u>					
23 Expenses	39,400	51,900	51,900	TAXATION	
<u>PENSIONS</u>					
24 Contributory	1,628,887	1,744,942	1,744,942	TAXATION	1,585,678
			SEWER RATES		90,707
			WATER RATES		68,557

INSURANCE

25 Group Health Insurance	1,471,720	1,548,985	1,548,985	TAXATION	1,388,636
				SEWER RATES	96,945
				WATER RATES	63,404
26 Workers' Compensation	100,000	105,000	105,000	TAXATION	83,500
				SEWER RATES	10,500
				WATER RATES	11,000
27 Fire/Auto/Liability	135,000	155,000	155,000	TAXATION	130,500
				SEWER RATES	12,500
				WATER RATES	12,000
28 Unemployment Compensation	7,000	7,000	7,000	TAXATION	
29 FICA-Medicare	118,796	123,785	123,785	TAXATION	115,130
				SEWER RATES	4,791
				WATER RATES	3,864
Total General Government	5,258,228	5,641,916	5,641,916	TAXATION	5,142,648
				OVERLAY SUR.	125,000
				SEWER RATES	215,443
				WATER RATES	158,825
					5,641,916

PUBLIC SAFETY
26.31%

POLICE

30 Salaries	1,932,565	1,977,081	1,977,081	TAXATION	
31 Expenses	101,350	114,050	114,050	TAXATION	

PARKING CLERK/RESIDENT PARKING

32 Salaries	6,549	6,745	6,745	TAXATION	
33 Expenses	27,000	26,050	26,050	TAXATION	

FIRE

34 Salaries	1,502,525	1,667,475	1,667,475	TAXATION	
35 Expenses	173,550	200,950	200,950	TAXATION	

HARBOR MASTER

36 Salaries	191,017	271,747	271,747	MOORING FEES	
37 Expenses	26,610	27,600	27,600	MOORING FEES	299,347

BUILDING DEPARTMENT

38 Building Inspector	49,119	50,593	50,593	TAXATION	
39 Gas/Plumbing Inspector	14,504	14,939	14,939	TAXATION	
40 Sealer of Weights & Measures	3,000	3,000	3,000	TAXATION	
41 Electrical Inspector	14,504	14,939	14,939	TAXATION	
42 Inspector's Expenses	5,600	7,000	7,000	TAXATION	
43 Permit Software	18,160	19,068	19,068	TAXATION	

EMERGENCY MANAGEMENT

44 Expenses	750	1,500	1,500	TAXATION	
45 Emergency Notification	5,500	6,000	6,000	TAXATION	

ANIMAL CONTROL

46 Expenses	16,315	16,315	16,315	TAXATION	
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Total Public Safety	4,088,618	4,425,052	4,425,052	TAXATION	4,125,705
				MOORING FEES	299,347
					4,425,052

PUBLIC WORKS					
14.75%					
<u>DEPARTMENT OF PUBLIC WORKS</u>					
47 Salaries	919,659	1,073,711	1,073,711	TAXATION	968,695
				SEWER RATES	52,508
				WATER RATES	52,508
48 Expenses	349,400	369,100	369,100	TAXATION	
<u>FACILITIES</u>					
49 Salaries	42,968	45,055	45,055	TAXATION	
50 Expenses	108,100	130,100	130,100	TAXATION	
<u>SNOW REMOVAL</u>					
51 Salaries	32,000	32,000	32,000	TAXATION	
52 Expenses	128,000	113,000	113,000	TAXATION	
53 Street Lighting	60,000	55,000	55,000	TAXATION	
<u>SANITATION/COMPOSTING/RECYCLING</u>					
54 Salaries	5,000	-	-	TAXATION	
55 Expenses	43,500	53,500	53,500	TAXATION	
56 Rubbish Collection/Recycling	370,000	370,000	370,000	TAXATION	
57 Disposal	235,000	239,000	239,000	TAXATION	
Total Dept. of Public Works	2,293,627	2,480,466	2,480,466	TAXATION	2,375,450
				SEWER RATES	52,508
				WATER RATES	52,508
					2,480,466
OTHER ENVIRONMENTAL					
0.41%					
<u>HISTORIC DISTRICT COMMISSION</u>					
58 Salaries	5,125	5,125	5,125	TAXATION	
59 Expenses	950	950	950	TAXATION	
<u>CONSERVATION COMMISSION</u>					
60 Salaries	69,531	15,112	15,112	TAXATION	10,112
				WETLANDS FD.	5,000
61 Expenses	2,900	45,900	45,900	TAXATION	
62 Chebacco Woods	1,250	1,250	1,250	TAXATION	
Total Other Environmental	79,756	68,337	68,337	TAXATION	63,337
				WETLANDS FD.	5,000
					68,337
HUMAN SERVICES					
2.66%					
<u>HEALTH</u>					
63 Salaries	166,303	176,251	176,251	TAXATION	
64 Expenses	30,250	29,250	29,250	TAXATION	
<u>VETERANS' SERVICES</u>					
65 Expenses	17,250	17,250	17,250	TAXATION	
66 Veterans' Benefits	5,000	5,000	5,000	TAXATION	
<u>COUNCIL ON AGING</u>					
67 Salaries	186,148	195,626	195,626	TAXATION	
68 Expenses	20,480	23,150	23,150	TAXATION	
Total Human Services	425,431	446,527	446,527	TAXATION	446,527

		LIBRARY		3.29%	
LIBRARY					
69	Salaries	377,518	387,637	387,637	TAXATION
70	Expenses	160,012	166,100	166,100	TAXATION
Total Culture and Informational Services		537,530	553,737	553,737	TAXATION
		RECREATION		2.7%	
PARKS & RECREATION					
71	Salaries	156,704	164,841	164,841	TAXATION PROGRAM FEES
72	Expenses	8,200	8,200	8,200	TAXATION
SINGING BEACH OPERATIONS					
73	Salaries	105,634	113,916	113,916	TAXATION
74	Expenses	19,300	24,280	24,280	TAXATION
LIFEGUARDS					
75	Salaries	86,308	90,623	90,623	TAXATION
76	Expenses	3,500	3,500	3,500	TAXATION
TUCK'S POINT					
77	Salaries	10,640	11,172	11,172	TAXATION
78	Expenses	20,100	20,350	20,350	TAXATION
OTHER RECREATION					
79	Memorial Day	4,000	3,000	3,000	TAXATION
80	Fourth of July	10,000	10,000	10,000	TAXATION
Total Recreation		424,386	449,882	449,882	TAXATION PROGRAM FEES
					50,000
					449,882
		DEBT SERVICE		6.0%	
DEBT SERVICE					
	Principal on Bonds	651,270	755,219	755,219	
	Interest on Bonds	242,201	217,001	217,001	
	TEMPORARY LOANS/INTEREST	-	30,000	30,000	
	WPAT Administration Fees	1,607	1,507	1,507	
81	Total Debt Service	895,078	1,003,727	1,003,727	TAXATION SEWER RATES
					154,978
					1,003,727
		ENTERPRISE FUNDS		10.4%	
SEWER FUND					
82	Salaries	317,763	330,443	330,443	SEWER RATES
83	Expenses	337,800	340,400	340,400	SEWER RATES
WATER FUND					
84	Salaries	255,006	266,460	266,460	WATER RATES
85	Distribution Expenses	135,500	138,500	138,500	WATER RATES
86	Treatment Expenses	646,150	672,665	672,665	WATER RATES
Total Enterprise Funds		1,692,219	1,748,468	1,748,468	SEWER RATES WATER RATES
					1,077,625
					1,748,468
TOTAL ARTICLE 4		15,694,873	16,818,112	16,818,112	

EXPENSES BUDGET SUMMARY

GENERAL GOVERNMENT	34%	5,258,228	5,641,916	5,641,916	TAXATION	5,142,648
					OVERLAY SUR.	125,000
					SEWER RATES	215,443
					WATER RATES	158,825
						<u>5,641,916</u>
PUBLIC SAFETY	26%	4,088,618	4,425,052	4,425,052	TAXATION	4,125,705
					MOORING FEES	299,347
						<u>4,425,052</u>
DEPARTMENT OF PUBLIC WORKS	15%	2,293,627	2,480,466	2,480,466	TAXATION	2,375,450
					SEWER RATES	52,508
					WATER RATES	52,508
						<u>2,480,466</u>
OTHER ENVIRONMENTAL	0%	79,756	68,337	68,337	TAXATION	63,337
					WETLANDS FD.	5,000
						<u>68,337</u>
HUMAN SERVICES	3%	425,431	446,527	446,527	TAXATION	<u>446,527</u>
LIBRARY	3%	537,530	553,737	553,737	TAXATION	<u>553,737</u>
PARKS & RECREATION	3%	424,386	449,882	449,882	TAXATION	399,882
					PROGRAM FEES	50,000
						<u>449,882</u>
DEBT SERVICE	6%	895,078	1,003,727	1,003,727	TAXATION	848,749
					SEWER RATES	154,978
						<u>1,003,727</u>
ENTERPRISE FUNDS	10%	1,692,219	1,748,468	1,748,468	SEWER RATES	670,843
					WATER RATES	1,077,625
						<u>1,748,468</u>
TOTALS	100%	15,694,873	16,818,112	16,818,112		<u>16,818,112</u>

FUNDING SOURCES SUMMARY	
TAXATION	13,956,035
OVERLAY SURPLUS	125,000
MOORING FEES	299,347
PROGRAM FEES	50,000
WETLANDS FD	5,000
SEWER RATES	1,093,772
WATER RATES	1,288,958
TOTAL	<u>16,818,112</u>

Discussion

Isabella Bates, 2 Masconomo Street questioned Line 60; Conservation Commission salaries. Town Administrator Greg Federspiel explained that we now pay the conservation agent out of expenses as a contracted employee rather than out of salaries.

Sandy Rogers, Old Essex Road questioned line #36; Harbormaster salaries and if that increase was related to Article 7. Town Administrator Federspiel replied that no, the increase was due to succession planning and on creating a new deputy harbormaster position.

Vote

Article 4 was approved with a majority vote; 301 yes, 8 no and 7 abstentions.

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	\$550,000	\$550,000	Taxation
2. DPW	DPW Facility Siting: geotechnical analysis	\$250,000	\$250,000	Taxation & Fund Bal.
3. DPW	Drainage/Sidewalk Improvements	\$250,000	\$250,000	Taxation
4. DPW	Storm Damage Repair	\$ 50,000	\$ 0	
5. DPW	General Building Upgrades	\$ 50,000	\$ 50,000	Fund Balance
6. DPW	Backhoe replacement	\$150,000	\$ 150,000	Fund Balance
7. Town Hall	Upgrades inc. IT & telephone	\$ 30,000	\$ 30,000	Fund Balance
8. Land Mgmt	Planning and Zoning Studies	\$ 20,000	\$ 0	(in operating budget)
9. Library	Walkway repairs	\$ 6,500	\$ 6,500	Reappropriate
10. Library	Building Assessment	\$ 43,500	\$ 43,500	Reappropriate
11. Public Safety	Fire Engine Replacement Fund	\$250,000	\$ 0	
12. Public Safety	Ambulance 2 replacement	\$470,000	\$470,000	Taxation
13. Public Safety	Police Tasers	\$ 12,600	\$ 12,600	Fund Balance
14. Public Safety	Police Admin Vehicle Replacement	\$ 73,000	\$ 73,000	Fund Balance
15. Public Safety	Cardiac Monitors & Defibrillators	\$ 54,000	\$ 54,000	Fund Balance
16. Public Safety	Fire Station repairs/upgrades	\$ 30,000	\$ 0	(in operating Budget)
17. Harbor	Dredging Engineering/Permitting	\$100,000	\$100,000	Waterway Fund
18. Harbor	No Wake Buoys	\$ 9,500	\$ 9,500	Waterway Fund
19. Water	Plant Upgrades/PFAS Design	\$2,000,000	\$ 150,000	Water Enterprise*
20. Water	Pipe replacement/improvements	\$2,000,000	\$ 0	(Bond)*
21. Water	Meter Replacement ("smart" meters)	\$1,500,000	\$ 0	(Bond)*
22. Water	Water Truck replacement	\$ 50,000	\$ 50,000	Water Enterprise
23. Sewer	Plant Upgrades/Equipment Replacement	\$4,100,000	\$ 550,000	Taxation & Sewer Enterprise*
TOTAL		\$12,049,100	\$ 2,799,100	

*** See Article 8 for additional bonded capital appropriation**

Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Ann Harrison moved, and Sarah Mellish seconded that the Town raise by taxation or otherwise to pay for the items listed and appropriate the same as presented in the "Recommended" and "Funding Source" columns of Article 5 as presented in the Warrant with the following clarifications:

Item 2: \$20,000 from Taxation and \$230,000 from Fund Balance;

Item 9 & 10: Reappropriate from the Library Restroom Renovation project funded as part of the FY23 capital appropriation under Article 5 of the April 2022 Town Meeting

Item 23: \$350,000 from Taxation and \$200,00 from Sewer Enterprise Funds

And one correction: Item 14 should read "Public Safety Police Patrol Vehicle Replacement"

For a total of \$1,640,000 from taxation, \$50,000 from Reappropriation, \$200,000 each from the Water and Sewer Enterprise funds, \$109,500 from the Waterways Fund, and \$599,600 from the Fund Balance.

Dept.	Item	Requested	Recommended	Funding Source
24. DPW	Road resurfacing	\$550,000	\$550,000	Taxation
25. DPW	DPW Facility Siting: geotechnical analysis	\$250,000	\$250,000	Taxation & Fund Bal.
26. DPW	Drainage/Sidewalk Improvements	\$250,000	\$250,000	Taxation
27. DPW	Storm Damage Repair	\$ 50,000	\$ 0	
28. DPW	General Building Upgrades	\$ 50,000	\$ 50,000	Fund Balance
29. DPW	Backhoe replacement	\$150,000	\$ 150,000	Fund Balance
30. Town Hall	Upgrades inc. IT & telephone	\$ 30,000	\$ 30,000	Fund Balance
31. Land Mgmt	Planning and Zoning Studies	\$ 20,000	\$ 0	(in operating budget)
32. Library	Walkway repairs	\$ 6,500	\$ 6,500	Reappropriate
33. Library	Building Assessment	\$ 43,500	\$ 43,500	Reappropriate
34. Public Safety	Fire Engine Replacement Fund	\$250,000	\$ 0	
35. Public Safety	Ambulance 2 replacement	\$470,000	\$470,000	Taxation
36. Public Safety	Police Tasers	\$ 12,600	\$ 12,600	Fund Balance
37. Public Safety	Police Admin Vehicle Replacement	\$ 73,000	\$ 73,000	Fund Balance
38. Public Safety	Cardiac Monitors & Defibrillators	\$ 54,000	\$ 54,000	Fund Balance
39. Public Safety	Fire Station repairs/upgrades	\$ 30,000	\$ 0	(in operating Budget)
40. Harbor	Dredging Engineering/Permitting	\$100,000	\$100,000	Waterway Fund
41. Harbor	No Wake Buoys	\$ 9,500	\$ 9,500	Waterway Fund
42. Water	Plant Upgrades/PFAS Design	\$2,000,000	\$ 150,000	Water Enterprise*
43. Water	Pipe replacement/improvements	\$2,000,000	\$ 0	(Bond)*
44. Water	Meter Replacement ("smart" meters)	\$1,500,000	\$ 0	(Bond)*
45. Water	Water Truck replacement	\$ 50,000	\$ 50,000	Water Enterprise
46. Sewer	Plant Upgrades/Equipment Replacement	\$4,100,000	\$ 550,000	Taxation & Sewer Enterprise*
TOTAL		\$12,049,100	\$ 2,799,100	

* See Article 8 for additional bonded capital appropriation

Discussion

Morgan Evans, 20 Boardman Avenue questioned the need and cost for smart meters.

Although smart meters are part of Article 8, Moderator Wilson allowed DPW Director Charles Dam to respond. Mr. Dam explained that the current meters are over 20 years old and over time they do not give accurate reads. Also the smart meters allow residents to watch and learn about their water use and thereby can catch water leaks and advance conservation efforts better.

Vote

Article 5 was approved with a majority vote; 302 yes, 21 no and 12 abstentions.

ARTICLE 6:

To see if the Town will vote to authorize the Select Board to: acquire, by purchase, gift and/or eminent domain and for senior center, community center and/or general municipal purposes, all or a portion of the Mason's parcel of land with the building and other improvements located at 10 Church Street, containing 26,045 square feet, more or less, and described in a deed recorded with the Essex South District Registry of Deeds in Book 5102, Page 358, which portion may consist of a condominium unit created pursuant to the provisions of G.L. c. 183A, establish a condominium under the provisions of G.L. c. 183A, §20, record a master deed, and convey any interests therein, if applicable, and participate in the organization of unit owners and pay the Town's proportionate share of the common expenses of said condominium, all on such terms and conditions as the Select Board deems appropriate, and to enter into any and all agreements and take any and all actions as may be necessary and/or appropriate to accomplish the foregoing, and, further, to raise and appropriate, transfer from available funds, and/or borrow the sum of \$1,000,000.00 for the purpose of acquiring the foregoing property and costs incidental or related thereto, and to or take any other action related thereto.

Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval. As required by General Town Bylaw Article IV, Section 8, the Planning Board also recommended the proposed purchase on April 18, 2024.

Motion

Brian Sollosy moved, and John Round seconded that the Town authorize the Select Board to acquire, by purchase, for senior center and/or general municipal purposes, a portion of the Mason's parcel of land with the building and other improvements located at 10 Church Street, containing 26,045 square feet, more or less, and described in a deed recorded with the Essex South District Registry of Deeds in Book 5102, Page 358, which portion is to consist of a condominium unit created pursuant to the provisions of G.L. c. 183A, establish a condominium under the provisions of G.L. c. 183A, §20, record a master deed, and convey any interests therein, if applicable, and participate in the organization of unit owners and pay the Town's proportionate share of the common expenses of said condominium, all on such terms and conditions as the Select Board deems appropriate, and to enter into any and all agreements and take any and all actions as may be necessary and/or appropriate to accomplish the foregoing, and, further, to raise and appropriate \$500,000 and transfer from available funds \$500,000 from the Town's Stabilization Account, for the purpose of acquiring the foregoing property and costs incidental or related thereto.

Discussion

Town Administrator Federspiel answered resident questions about possible flooding, increase to future operating budgets as well as appraisals and sale price.

Carl Doane, 52 Summer Street moved the question. It was seconded.
Vote to move the question prevailed by more than 2/3rds.

Vote

Article 6 was approved with over a 2/3rd majority: 326 yes, 28 no and 2 abstentions.

ARTICLE 7:

To see if the Town will vote to raise and appropriate or transfer from available funds sums of money to operate a Town sponsored Launch Service in Manchester Harbor including:

- a. Transferring from available funds \$9,500 for FY24 launch operating expenses and,
- b. Transferring from available funds \$125,000 for the purchase of two launch boats and,
- c. Appropriating \$41,000 for FY25 launch operating expenses.

The Launch Service is to be fully funded by user fees. Or take any other action related thereto.
Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Catherine Bilotta moved, and Ann Harrison seconded that the Town establish a mooring launch service through the Harbormaster's Department and that a) \$9,500 be transferred from the Town's Fund balance for FY24 Launch operating expenses, b) \$125,000 be transferred from the Town's Fund Balance for the purchase of two launch boats as a capital expense, and c) \$41,000 be appropriated for FY25 operating expenses. Furthermore, the launch service is to be fully funded by user fees within three years.

Discussion

Questions about costs & inspections of the boats, any other uses for the boats, any effect on the Harbormaster's schedule were answered by Bion Pike, Harbormaster and Select Board member Cathy Bilotta.

Jim Starkey, 13 Tucks Point amended the motion to stipulate that the expenditure be conditional on the Harbormaster having the 70 subscriber checks in hand as of noon on Monday May 6th. It was seconded. Town Administrator Federspiel explained that the business plan called for the operations to be fully self-sustaining within 3 years and that this amendment would be more restrictive.
Vote on the amendment prevailed with a majority vote: 187 yes, 136 no and 12 abstentions.

Vote

Article 7 as amended was approved with a majority vote; 309 yes, 34 no and 6 abstentions.

ARTICLE 8

To see if the Town will vote to appropriate \$7,550,000 to pay costs of capital improvements to the Town's water and wastewater systems as follows: i) \$4,100,000 to pay costs of capital

improvements to the Town's water system, including the payment of all costs incidental and related thereto, and ii) \$3,450,000 to pay costs of capital improvements to the Town's wastewater system, 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.) Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

John Round moved, and Ann Harrison seconded to appropriate \$7,550,000 to pay costs of capital improvements to the Town's water and wastewater systems as follows: i) \$4,100,000 to pay costs of capital improvements to the Town's water system, including the payment of all costs incidental and related thereto, and ii) \$3,450,000 to pay costs of capital improvements to the Town's wastewater system, 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. Moreover, 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.)

Discussion

There were questions on the costs of the smart meters, the need for them and the cost effects on septic homes vs. sewer ones were all answered by Town Accountant Andrea Mainville, Town Administrator Greg Federspiel and DPW Director Charles Dam.

Morgan Evens, Boardman Road moved to amend the motion to reduce the cost to \$6,050.00 by removing the smart meters. It was seconded. Numerous additional comments in favor and against the amendment were made.

Jeff Bodmer-Turner moved the previous question. It was seconded.

The motion passed by more than the required 2/3rds vote.

Amended Motion did not prevail with a vote of 87 yes, 231 no and 12 abstentions.

Vote

Article 8 was approved with a majority vote; 290 yes, 33 no and 10 abstentions.

ARTICLE 9:

To see if the Town will vote to apply for, accept and expend Massachusetts Public Library Construction Program (MPLCP) grant funds if approved, and reappropriate \$150,000 of the \$200,000 previously appropriated for Library Restroom renovations as part of the FY24 capital appropriation under Article 5 of the April 2023 Town Meeting, as the Town's match of the MPLCP grant if approved, to be expended by the Town for planning and design activities related to possible library renovations and expansion or take any other action related thereto.
Per petition of the Select Board

Recommendation

The Finance Committee and the Select Board recommended approval.

The Town Moderator noted that the dates of the previously approved Library Restroom capital project funds were incorrectly printed in the article. The correct dates are FY23 and April 2022.

Motion

John Round moved, and Catherine Bilotta seconded that the Town:

Apply for, accept, and expend Massachusetts Public Library Construction Program grant funds if the Town is approved and selected to advance in the grant program, for the purpose of planning and designing possible library renovations and expansion, and
Reappropriate \$150,000 as the Town's match of the MPLCP grant if approved, said reappropriation to come from the \$200,000 previously appropriated for Library Restroom Renovations as part of the FY23 capital appropriation under Article 5 of the April 2022 Town Meeting.

Discussion

None

Vote

Article 9 was approved with a majority vote; 300 yes, 19 no and 1 abstention.

ARTICLE 10:

To see if the Town will vote in accordance with the provisions of Chapter 77 of the Acts of 2023 to create a Special Opioid Settlement Stabilization Fund and dedicate 100% of the opioid litigation settlement funds received by the Town to such fund pursuant to G.L. c. 40, §5B, such funds henceforth to be placed in this special stabilization fund to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents; and further, to transfer from the Town's Free Cash account the sum

of \$8,892 into this special stabilization fund which was previously received and rolled into the Town's Free Cash account, or take any other action related thereto.
Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Brian Sollosy moved, and Ann Harrison seconded to transfer from Free Cash the sum of \$8,892.00 into a special revenue account created pursuant to Chapter 77 of the Acts of 2023, for purposes of depositing all funds received by the Town in connection with opioid litigation settlement(s), said funds to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents; said amount having been received by the Town and deposited into the general fund prior to the enactment of Chapter 77 of the Acts of 2023.

Discussion

None

Vote

Article 10 was approved with a majority vote; 284 yes, 9 no and 6 abstentions.

ARTICLE 11:

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 MGL 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 twenty-four; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee

Recommendation

The Finance Committee and Select Board recommended approval.

Motion #1

Anna Lin Mitchell of the Manchester Essex Regional School Committee moved, and Erica Spencer also of the Manchester Essex Regional School Committee seconded 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 twenty four.

Discussion

None

Vote

Motion 1 under Article 11 was approved with a majority vote; 267 yes, 8 no and 16 abstentions.

Motion #2

Anna Lin Mitchell of the Manchester Essex Regional School Committee moved, and Erica Spencer also of the Manchester Essex Regional School Committee seconded that the Town raise and appropriate \$16,339,528 to fund the Town's assessment from the Manchester Essex Regional School District for the fiscal year beginning July first, two thousand twenty four for the gross operating and maintenance budget.

Discussion

Anna Lin Mitchell spoke briefly on the School District's operating budget and the quality of the education program, ranked favorably when compared with other schools.

Vote

Motion 2 under Article 11 was approved by majority vote: 271 yes, 18 no and 7 abstentions.

Motion #3

Anna Lin Mitchell of the Manchester Essex Regional School Committee moved, and Erica Spencer also of the Manchester Essex Regional School Committee seconded that the Town raise and appropriate \$2,720,907 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 twenty four.

Discussion

None.

Vote

Motion 3 under Article 11 was approved by majority vote: 261 yes, 14 no and 8 abstentions.

ARTICLE 12:

To see if the Town will vote to raise and appropriate or transfer from available funds \$660,000, or some other sum, which represents its apportioned share of the Essex Elementary School feasibility study, authorized by the Manchester Essex Regional School District (MERSD), for the purpose of paying costs of the Essex Memorial Elementary School feasibility study, for the school currently located at 12 Story St, Essex, MA 01929, and further described in two separate deeds recorded in a) Book 4203 on Page 399, and b) in Book 4216 on Page 501 and shown together on a plot plan in Plan Book 86, Plan 88 in the Essex South Registry of Deeds and depicted on Map 129, Lot 5 of the Town of Essex 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 Essex Elementary 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. Said appropriation shall be contingent upon the approval by voters of a Capital Exclusion ballot question in accordance with G. L. c.59 sec. 21c, or take any other action related thereto.
Per petition of the Manchester-Essex Regional School Committee

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Jon Bineris of the Manchester Essex Regional School Committee moved, and Chris Reed also of the Manchester Essex Regional School Committee seconded that the Town raise and appropriate the sum of \$660,000 for the purpose of its allocable share of the costs of the Essex Elementary School Feasibility Study, authorized by the Manchester-Essex Regional School District (“District”) for the school located at 12 Story Street, Essex MA 01929 and as further described in the article, including the payment of all costs incidental or related thereto (the “Study”), 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 the Manchester-Essex School Building Committee; that the Town acknowledges that 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; provided further that 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. Provided further that the appropriation made under this article is subject to and contingent upon an affirmative vote of the Town on a Capital Exclusion ballot question in accordance with M.G.L. 59, Section 21C (Proposition 2 1/2); and that the amount authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Discussion

There were speakers in favor and those not in favor of this cost.

Vote

Article 12 was approved with a majority vote; 244 yes, 42 no and 3 abstentions.

ARTICLE 13:

To see if the Town will vote to appropriate or transfer from available funds \$248,348 for the purpose of funding the Town's final share of the cost to refurbish the turf fields, or take any other action related thereto.

Per petition of the Manchester-Essex Regional School Committee

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Ann Harrison moved, and John Round seconded that the Town transfer from Free Cash the sum of \$248,348 for the purpose of funding the Town's final share of the cost to refurbish the turf fields (Hyland Field and Coach Field Field.)

Discussion

Ann Harrison described the history of funding the refurbishment of the turf fields.

Vote

Article 13 was approved with a majority vote; 239 yes, 17 no and 5 abstentions.

Commented [DB1]: I think of this as an introduction and not discussion. I can add this in if that is desired.

Commented [GF2R1]: Same as last comment! This is the initial discussion . . .

ARTICLE 14:

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2024 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 2024; 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 2024 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)	\$ 25,000*
2. Winthrop Field Drainage Project	(open space & recreation)	\$ 10,000
3. Masconomo Park ADA Accessibility Study	(open space & recreation)	\$ 10,000
4. Powder House Hill Parking and Access Easement	(open space & recreation)	\$ 20,000
5. Resurface Basketball Court at Sweeney Park	(open space & recreation)	\$ 28,500
6. Double Lifeguard Chair for Singing	(open space & recreation)	\$ 4,500
7. Mobility Mat for Singing Beach	(open space & recreation)	\$ 7,270
8. Research Unknown Land Parcels, Western Woods	(open space & recreation)	\$ 25,000
9. Causeway Brook Restoration @ Memorial School	(open space & recreation)	\$ 35,000
10. Manchester Affordable Housing Trust Project Funding	(community housing)	\$ 200,000
11. Restoration of Town Cemeteries	(historic preservation)	\$ 25,000
12. Church Steeple Restoration (First Parish Church)	(historic preservation)	\$ 60,000

13. UV Window Protection for Historic Assets (MHM)	(historic preservation)	\$ 7,000
14. Portico Restoration at Hooper Trask House (MHM)	(historic preservation)	\$ 24,400
TOTAL		\$ 481,670

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

Per petition of the Select Board and the Community Preservation Committee

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Joan McDonald of the Community Preservation Committee moved, and Brian Sollosy seconded the motion as presented in the Warrant with the following clarifications:

Items 1, 4, 5, 10, 12, and 14 to be funded from FY2025 Community Preservation estimated receipts for the purposes stated; and

Items 2, 3, 6, 7, 8, 9, 11, and 13 to be funded from the FY2024 Community Preservation undesignated Fund Balance for the purposes state.

Discussion

There was a small exchange about line #10 Affordable Housing Trust whether that is necessary. Gar Morse, 11 Jersey Lane moved to remove line item #10 (\$200,000 to the Affordable Housing Trust). It was seconded.

Vote on the amendment failed with a vote of 45 yes, 178 no and 11 abstentions.

Vote

Article 14 was approved with a majority vote; 208 yes, 21 no and 3 abstentions.

ARTICLE 15:

To see if the Town will vote to authorize the Select Board to acquire an access and parking easement on property owned by the Manchester Housing Authority, located at Newport Park shown as Parcel 1 on Assessor's Map 42 for the purpose of public access to Powder House Hill conservation lands, and, in consideration for the new easement, authorize the Select Board to release an existing easement the Town has on the Housing Authority property, or take any other action related thereto.

Per petition of the Select Board

Recommendation

The Select Board recommended approval. As required by General Town Bylaw Article IV, Section 8, the Planning Board also provided their report, recommending the proposed easement exchange on April 18, 2024.

Motion

Catherine Bilotta moved, and John Round seconded the article as presented in the warrant.

Discussion

Beth Heisey, 49 Pleasant Street raised a concern that the Housing Authority had not approved this easement. Town Administrator Greg Federspiel assured the Meeting that once the final language and funds have been determined that they will be brought to the Housing Authority for final approval.

Vote

Article 15 was approved with a majority vote; 185 yes, 28 no and 3 abstentions.

ARTICLE 16:

To see if the Town will vote to transfer from available funds \$100,000 to supplement the FY24 Legal Expenses account in order to cover additional expenses incurred for various legal services, or take any other action related thereto.

Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Brian Sollosy moved, and Ann Harrison seconded that the Town transfer from Free Cash the sum of \$100,000 to supplement the FY24 Legal Expenses Account to cover additional expenses incurred for various legal services.

Discussion

None

Vote

Article 16 was approved with a majority vote; 181 yes, 4 no and 3 abstentions.

ARTICLE 17:

To see if the Town will vote to raise and appropriate or transfer from available funds \$300,000 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

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

John Round moved, and Ann Harrison seconded that the Town raise and appropriate \$300,000 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.

Discussion

None

Vote

Article 17 was approved with a majority vote; 184 yes, 4 no and 3 abstentions.

ARTICLE 18:

To see if the Town will vote, pursuant to the provisions of MGL c.44, §53E½ to set the following Fiscal Year 2025 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:

1. Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs; FY2025 spending limit: \$400,000.
2. Program or Purpose: Costs Associated with Town of Manchester Board of Health Emergency Dispensing Sites and Clinics Programs; FY25 spending limit: \$50,000.

Or take any other action relative thereto.
Per petition of the Select Board

Recommendation

The Finance Committee and Select Board recommended approval.

Motion

Ann Harrison moved, and Cathy Bilotta seconded the article as presented in the warrant.

Discussion

None

Vote

Article 18 was approved with a majority vote; 186 yes, 2 no and 6 abstentions.

ARTICLE 19:

To see if the Town will vote to amend Section 4, Subsections 5 and 6 of Article I General Provisions (Enforcement: Tobacco Products Regulations and Tobacco Use Regulations) of the Town's General By-laws, as follows, by deleting text shown below as stricken through, or take any action relative thereto. Fines and enforcement are covered by other bylaws and state statutes/regulations.

~~5. Tobacco Products Regulations~~

~~Fine allowed: \$100 for the first violation;~~

~~\$200 for the second violation;
\$300 for the third and subsequent violations.~~
Enforcement agents: ~~Designated employees of the Police Department and the Board of Health Agent.~~ [Added 1997]

6. Tobacco Use Regulations

~~Fine allowed: \$50.00 for the first violation;
\$100.00 for the second violation;
\$125.00 for the third violation.~~

Enforcement agents: ~~Employees of the Police Department designated by the Police Chief and employees of the School Department as designated by the School Superintendent.~~ [Added 1998]

Per petition of the Select Board and the Board of Health

Recommendation

The Select Board recommended approval.

Motion

Ann Harrison moved, and Brian Sollosy seconded to amend Section 4, Subsections 5 and 6 of Article I General Provisions (Enforcement: Tobacco Products Regulations and Tobacco Use Regulations) of the Town's General By-laws, by deleting the text as presented in the warrant.

Discussion

None

Vote

Article 19 was approved with a majority vote; 180 yes, 5 no and 7 abstentions.

ARTICLE 20:

To see if the Town will vote to amend Article X, Section 23 of the General By-law by adding the underlined language after the second sentence: No person shall erect or maintain a non-accessory sign within the Town of Manchester, except as may be permitted by Section 32 of Chapter 93 of the General Laws or the Zoning By-laws of the Town. A non-accessory sign shall mean any sign other than a sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter. **The provisions of this section shall not apply to non-accessory signs located on Town-owned property, subject to the approval by the Select Board, nor to non-accessory signs on Town-owned property used for educational purposes, subject to approval by the Manchester Essex Regional School Committee.**

Per Citizen petition

Recommendation

The Select Board recommended approval at the Meeting.

Motion

Donna Furse moved, and Ann Harrison seconded the article as presented in the warrant.

Discussion

Donna Furse, 8 Blossom Lane explained that the purpose of the amendment was to permit advertising signs at Hyland Field, the proceeds of which would support the school's athletic program.

Vote

Article 20 was approved with a majority vote; 163 yes, 25 no and 7 abstentions.

ARTICLE 21:

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

Recommendation

The Finance Committee and Select Board both recommended passing over this article.

Motion

Ann Harrison moved to pass over (take no action on) this article, and Sarah Mellish seconded.

Discussion

None

Vote

A voice vote was taken, and Moderator Wilson declared a unanimous vote.

Dissolution

Ann Harrison moved, and John Round seconded a motion to adjourn that was unanimous by voice vote.

Moderator Wilson declared the Meeting dissolved at 9:12 p.m. and thanked everyone for coming.