

The Annual Town Meeting of the Town of Manchester-by-the-Sea was held on Monday, April 1, 2019 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 area. They were assisted at the front and on the floor in the gymnasium by Carolyn Kelly, Martha Gubbins, Lee Simonds, Alison Anholt-White, Nancy Hammond, Beth Heisey, Pamela Thorne, Adele Ardolino and Kathy Ryan as well as two Manchester Essex Regional High School students, Max Warnock and Tyler Erdmann. Two hundred and fifty one voters checked in for the meeting. A quorum was reached at 6:45 P.M., and the meeting was called to order at 7:03 P.M. Moderator Alan Wilson waived the reading of the warrant but confirmed it was properly served. Moderator Wilson then asked that the meeting rise for the invocation given by Reverend George Stevens, 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 seventeen former town employees and officials in 2018. 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:

Sgt. William Laskowski

February 8, 2018
Police Department

Samuel Adams

March 4, 2018
Town Moderator
Fence Viewer
School Committee

John Graves

March 11, 2018
Electronic Infrastructure Committee
Sewer Task Force

Carol T. Schanley

April 9, 2018
2008 Volunteer of the Year
Council on Aging Volunteer

Cornelia Adams

April 26, 2018
Pound Keeper
Community Preservation Committee

F. Geraldine Costello

April 26, 2018
School Teacher

David Kahle

May 11, 2018

Conservation Commission
Community Preservation Committee

George Brown

June 17, 2018
Town Counsel

Adele Q. Ervin

June 24, 2018
Finance Committee
Board of Library Trustees
Poll Worker
Friends of the COA
Library Building Committee
2007 Volunteer of the Year

Richard “Archie” Southgate

August 18, 2018
Planning Board, Chair
Town Moderator
Board of Selectmen, Chair

John Gilmore

September 14, 2018
Water & Sewer Commissioner
Finance Committee
Board of Selectmen, Chair

Albert M. Creighton, Jr.

September 17, 2018
Finance Committee, Conservation Commission

Christos G. Nahatis

October 5, 2018
Fire Station Committee
Personnel Board

John “Jack” H. Shea

November 12, 2018
Board of Selectmen

Nancy Bachman

November 17, 2018
School System

Dorothy Gibbon

December 22, 2018
Treasurer/Collector’s Office

Sonja Nichols

December 31, 2018
Library Volunteer

Susan Beckmann, Chair of the Board of Selectmen moved the Memorial Resolution as read, and Eli Boling seconds 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 moved for the meeting to elect the Town's ancient and honorary offices. The Moderator recognized Steven Driscoll for the nomination of Poundkeeper. Mr. Driscoll nominates Mary Fay Noonan for Poundkeeper. Mary Fay Noonan is voted unanimously as Poundkeeper.

The Moderator then called for the election of five Fence Viewers. The meeting nominated Nicholas White, Flordeliza Beloy, Michael Kulick, Gretchen Wood and Andy Harris. The individuals nominated were elected unanimously.

The Moderator then opened the floor for the election of three Field Drivers: The meeting nominated William Canty, Guyton Thorne and Bruce Heisey. The individuals nominated were elected unanimously.

The Moderator then opened the floor for the election of three Measurers of Lumber: The meeting nominated Carley A. Cook, Michael Chapman and Gary Gilbert. The individuals nominated were elected unanimously.

The Moderator then opened the floor for the election of three Measurers of Wood and Bark: The meeting nominated Susan W. Thorne, Gar Morse and Michael Chapman. The individuals nominated were elected unanimously.

The Moderator then read the usual list of procedural points and announced that electronic voting would be used for this meeting, with green voting cards used if for some reason the electronic voting system failed. He thanked the volunteers who were assisting in conduct of the meeting.

Chairman of the Board of Selectmen Susan Beckmann 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



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

Margaret Driscoll moves and Eli Boling seconds the article as printed in the Warrant to receive and place on file the reports on the Town Boards and committees appearing in the Annual Report with the addition of Christos G. Nahatis to the "In Memoriam" section on the first page of the Annual Report.

THE MOTION UNDER ARTICLE 1 IS VOTED UNANIMOUSLY.

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

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

Per petition of the Board of Selectmen

Susan Beckmann moves the article as printed in the warrant and Mory Creighton seconds.

The Finance Committee and the Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 2 IS VOTED UNANIMOUSLY.

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

Rebecca Jaques moves and Margaret Driscoll seconds that the town raise and appropriate \$152,731 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.

The Finance Committee and the Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 3 PREVAILS WITH 227 YES VOTES AND 4 NO VOTES.

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

Per petition of the Board of Selectmen

See following pages for budget line items.

**DEPARTMENTAL REQUESTS AND
FINANCE COMMITTEE RECOMMENDATIONS**

Item No.	Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
GENERAL GOVERNMENT					
32%					
<u>SELECTMEN'S DEPARTMENT</u>					
1 Salaries	202,719	247,473	247,473	TAXATION	
2 Expenses	33,525	32,325	32,325	TAXATION	
3 Audit	47,000	38,000	38,000	TAXATION	
<u>INFORMATION TECHNOLOGY</u>					
4 Salaries	3,750	2,500	2,500	TAXATION	
5 Expenses	99,300	111,500	111,500	TAXATION	
<u>MODERATOR</u>					
6 Expenses	50	-	-	TAXATION	
<u>FINANCE COMMITTEE</u>					
7 Salaries	4,500	4,500	4,500	TAXATION	
8 Expenses	320	320	320	TAXATION	
9 Reserve Fund	170,000	160,000	160,000	TAXATION OVERLAY SUR.	35,000 125,000
<u>ELECTION & REGISTRATION</u>					
10 Salaries	7,300	4,650	4,650	TAXATION	
11 Expenses	23,195	19,205	19,205	TAXATION	
<u>ACCOUNTING</u>					
12 Salaries	149,052	153,927	153,927	TAXATION	
13 Expenses	4,700	4,700	4,700	TAXATION	
<u>ASSESSORS</u>					
14 Salaries	152,687	156,955	156,955	TAXATION	
15 Expenses	38,545	41,375	41,375	TAXATION	
<u>TREASURER/COLLECTOR</u>					
16 Salaries	156,173	174,137	174,137	TAXATION	
17 Expenses	27,490	27,540	27,540	TAXATION	
<u>TOWN CLERK</u>					
18 Salaries	96,095	116,930	116,930	TAXATION	
19 Expenses	6,900	5,300	5,300	TAXATION	
<u>LEGAL</u>					
20 Expenses	110,000	110,000	110,000	TAXATION	
<u>APPEALS BOARD</u>					
21 Salaries	21,859	15,657	15,657	TAXATION	
22 Expenses	9,750	8,750	8,750	TAXATION	
<u>PLANNING BOARD</u>					
23 Salaries	80,356	82,296	82,296	TAXATION	
24 Expenses	9,150	8,600	8,600	TAXATION	
<u>TOWN HALL & COMMON</u>					
25 Expenses	80,100	82,050	82,050	TAXATION	
<u>PENSIONS</u>					
26 Contributory	1,168,756	1,265,948	1,265,948	TAXATION SEWER RATES WATER RATES	1,150,537 65,840 49,571
27 Non-Contributory	2,200	2,111	2,111	TAXATION	

Item No.	Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
INSURANCE					
28 Group Health Insurance	1,560,000	1,450,000	1,450,000	TAXATION	1,304,052
				MOORING FEES	18,500
				SEWER RATES	75,336
				WATER RATES	52,112
29 Workers' Compensation	65,000	75,000	75,000	TAXATION	55,500
				SEWER RATES	9,000
				WATER RATES	10,500
30 Fire/Auto/Liability	120,000	120,000	120,000	TAXATION	98,450
				SEWER RATES	10,000
				WATER RATES	11,550
31 Unemployment Compensation	7,000	7,000	7,000	TAXATION	
32 FICA-Medicare	95,000	95,000	95,000	TAXATION	88,200
				SEWER RATES	3,500
				WATER RATES	3,300
Total General Government	4,552,472	4,623,749	4,623,749	TAXATION	4,189,540
				OVERLAY SUR.	125,000
				MOORING FEES	18,500
				SEWER RATES	163,675
				WATER RATES	127,033
					4,623,749
PUBLIC SAFETY					
24%					
POLICE					
33 Salaries	1,618,786	1,671,909	1,671,909	TAXATION	
34 Expenses	110,806	95,263	95,263	TAXATION	
PARKING CLERK/RESIDENT PARKING					
35 Salaries	12,063	12,365	12,365	TAXATION	
36 Expenses	16,550	16,350	16,350	TAXATION	
FIRE					
37 Salaries	1,256,639	1,274,942	1,274,942	TAXATION	
38 Expenses	125,600	141,850	141,850	TAXATION	
HARBOR MASTER					
39 Salaries	138,968	152,442	152,442	MOORING FEES	
40 Expenses	21,800	19,300	19,300	MOORING FEES	171,742
BUILDING DEPARTMENT					
41 Building Inspector	47,396	48,835	48,835	TAXATION	
42 Gas/Plumbing Inspector	12,977	13,302	13,302	TAXATION	
43 Sealer of Weights & Measures	3,200	3,000	3,000	TAXATION	
44 Electrical Inspector	12,977	13,302	13,302	TAXATION	
45 Inspector's Expenses	4,800	4,500	4,500	TAXATION	
EMERGENCY MANAGEMENT					
46 Salaries	4,000	4,000	4,000	TAXATION	
47 Expenses	1,000	1,000	1,000	TAXATION	
48 Emergency Notification	5,500	4,500	4,500	TAXATION	
ANIMAL CONTROL					
49 Expenses	17,500	16,315	16,315	TAXATION	
Total Public Safety	3,410,562	3,493,175	3,493,175	TAXATION	3,321,432
				MOORING FEES	171,742
					3,493,175

Item No.	Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
PUBLIC WORKS					
14%					
<u>DEPARTMENT OF PUBLIC WORKS</u>					
50 Salaries	811,777	848,971	848,971	TAXATION	822,171
				SEWER RATES	13,400
				WATER RATES	13,400
51 Expenses	353,250	358,950	358,950	TAXATION	
<u>SNOW REMOVAL</u>					
52 Salaries	32,000	32,000	32,000	TAXATION	
53 Expenses	170,000	170,000	170,000	TAXATION	
54 STREET LIGHTING	40,000	40,000	40,000	TAXATION	
<u>SANITATION/COMPOSTING/RECYCLING</u>					
55 Salaries	21,000	14,000	14,000	TAXATION	
56 Expenses	45,000	60,000	60,000	TAXATION	
57 Rubbish Collection/Recycling	395,000	426,000	426,000	TAXATION	
58 Disposal	120,000	120,000	120,000	TAXATION	
Total Dept. of Public Works	1,988,027	2,069,921	2,069,921	TAXATION	2,043,121
				SEWER RATES	13,400
				WATER RATES	13,400
					2,069,921
OTHER ENVIRONMENTAL					
1%					
<u>HISTORIC DISTRICT COMMISSION</u>					
59 Salaries	4,386	1,600	1,600	TAXATION	
60 Expenses	700	850	850	TAXATION	
<u>CONSERVATION COMMISSION</u>					
61 Salaries	64,834	76,657	76,657	TAXATION	71,657
				WETLANDS FD.	5,000
62 Expenses	2,950	2,425	2,425	TAXATION	
Total Other Environmental	72,870	81,532	81,532	TAXATION	76,532
				WETLANDS FD.	5,000
					81,532

Item No.	Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
HUMAN SERVICES					
2%					
HEALTH					
63 Salaries	65,444	64,916	64,916	TAXATION	
64 Expenses	52,550	52,800	52,800	TAXATION	
VETERANS' SERVICES					
65 Expenses	14,500	15,000	15,000	TAXATION	
66 Veterans' Benefits	28,800	20,000	20,000	TAXATION	
COUNCIL ON AGING					
67 Salaries	160,316	168,224	168,224	TAXATION	
68 Expenses	17,125	18,025	18,025	TAXATION	
Total Human Services	<u>338,735</u>	<u>338,965</u>	<u>338,965</u>	TAXATION	<u>338,965</u>
LIBRARY					
3%					
LIBRARY					
69 Salaries	315,157	328,510	328,510	TAXATION	
70 Expenses	161,763	160,300	160,300	TAXATION	
Total Culture and Informational Services	<u>476,920</u>	<u>488,810</u>	<u>488,810</u>	TAXATION	<u>488,810</u>
RECREATION					
2%					
PARKS & RECREATION					
71 Salaries	138,283	142,721	142,721	TAXATION	92,721
				PROGRAM FEES	50,000
72 Expenses	8,334	7,609	7,609	TAXATION	
SINGING BEACH OPERATIONS					
73 Salaries	70,284	72,041	72,041	TAXATION	
74 Expenses	16,800	16,300	16,300	TAXATION	
LIFEGUARDS					
75 Salaries	57,814	59,259	59,259	TAXATION	
76 Expenses	3,400	3,400	3,400	TAXATION	
TUCK'S POINT					
77 Salaries	6,400	6,400	6,400	TAXATION	
78 Expenses	30,370	30,870	30,870	TAXATION	
OTHER RECREATION					
79 Memorial Day	3,000	3,000	3,000	TAXATION	
80 Fourth of July	13,000	14,000	14,000	TAXATION	
Total Recreation	<u>347,685</u>	<u>355,600</u>	<u>355,600</u>	TAXATION	<u>305,600</u>
				PROGRAM FEES	<u>50,000</u>
					<u>355,600</u>

Item No.	Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
DEBT SERVICE					
9%					
<u>DEBT SERVICE</u>					
Principal on Bonds	1,170,387	883,365	883,365		
Interest on Bonds	371,339	349,150	349,150		
Temporary Loans/Interest	30,000	-	-		
WPAT Administration Fees	2,503	2,248	2,248		
81 Total Debt Service	1,574,229	1,234,763	1,234,763	TAXATION	1,004,300
				SEWER RATES	230,463
					1,234,763
ENTERPRISE FUNDS					
11%					
<u>SEWER FUND</u>					
82 Salaries	274,762	284,554	284,554	SEWER RATES	
83 Expenses	352,150	318,300	318,300	SEWER RATES	
<u>WATER FUND</u>					
84 Salaries	224,533	232,071	232,071	WATER RATES	
85 Distribution Expenses	158,000	163,500	163,500	WATER RATES	
86 Treatment Expenses	574,862	591,000	591,000	WATER RATES	
Total Enterprise Funds	1,584,306	1,589,425	1,589,425	SEWER RATES	602,854
				WATER RATES	986,571
					1,589,425
TOTAL ARTICLE 4	14,345,807	14,275,940	14,275,940		

Item No.		Appropriations FY - 2019	Requests FY - 2020	Recommendations FY - 2020	Funding Sources	
<u>EXPENSES BUDGET SUMMARY</u>						
GENERAL GOVERNMENT	32%	4,552,472	4,623,749	4,623,749	TAXATION OVERLAY SUR. MOORING FEES SEWER RATES WATER RATES	4,189,540 125,000 18,500 163,675 127,033 <u>4,623,749</u>
PUBLIC SAFETY	24%	3,410,562	3,493,175	3,493,175	TAXATION MOORING FEES	3,321,432 171,742 <u>3,493,175</u>
DEPARTMENT OF PUBLIC WORKS	14%	1,988,027	2,069,921	2,069,921	TAXATION SEWER RATES WATER RATES	2,043,121 13,400 13,400 <u>2,069,921</u>
OTHER ENVIRONMENTAL	1%	72,870	81,532	81,532	TAXATION WETLANDS FD.	76,532 5,000 <u>81,532</u>
HUMAN SERVICES	2%	338,735	338,965	338,965	TAXATION	<u>338,965</u>
LIBRARY	3%	476,920	488,810	488,810	TAXATION	<u>488,810</u>
PARKS & RECREATION	2%	347,685	355,600	355,600	TAXATION PROGRAM FEES	305,600 50,000 <u>355,600</u>
DEBT SERVICE	9%	1,574,229	1,234,763	1,234,763	TAXATION SEWER RATES	1,004,300 230,463 <u>1,234,763</u>
ENTERPRISE FUNDS	11%	1,584,306	1,589,425	1,589,425	SEWER RATES WATER RATES	602,854 986,571 <u>1,589,425</u>
TOTALS	100%	14,345,807	14,275,940	14,275,940		<u>14,275,940</u>

FUNDING SOURCES SUMMARY	
TAXATION	11,768,301
OVERLAY SURPLUS	125,000
MOORING FEES	190,242
PROGRAM FEES	50,000
WETLANDS FD	5,000
SEWER RATES	1,010,392
WATER RATES	1,127,004
TOTAL	14,275,940

Susan Beckmann moves and Mory Creighton seconds that the Town raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2019, and appropriate the same as presented in the “Expenses Budget Summary” section under the “recommended” and “funding sources” columns of the Finance Committee Report, page 27 and 28 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).

The Finance Committee and the Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 4 PREVAILS WITH 224 YES VOTES AND 9 NO VOTES.

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

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

30. Sewer	Infiltration and Inflow work; pipes	\$250,000	\$250,000	Sewer Enterprise
	Total	\$4,525,000	\$3,865,000	

Per petition of the Board of Selectmen

Susan Beckmann moves and Mory Creighton seconds that the Town 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.

- Item 1 \$250,000 to be funded by Fund Balance**
- Items 2-7 \$550,000 to be funded by taxation**
- Items 9 & 11 \$389,000 to be funded by Fund Balance**
- Item 12 \$45,000 to be funded by taxation**
- Item 13 \$33,500 to be funded by Fund Balance**
- Item 14 \$50,000 to be funded by taxation**
- Item 16 \$20,000 to be funded by Fund Balance**
- Item 18-23 \$467,500 to be funded by taxation**
- Items 24-26 \$125,000 to be funded from the Waterways Fund**
- Items 27-28 \$30,000 from taxation, \$880,000 from Fund Balance, and \$165,000 from Water Enterprise Funds and \$350,000 from Water Retained Earnings**
- Items 29-30 \$230,000 from Sewer Enterprise Funds and \$280,000 from Sewer Retained Earnings**

The Finance Committee and The Board of Selectmen both recommend approval.

The Moderator called for any holds. Holds were placed on items: 3, 5, 6, 17 and 24.

THE MOTION ON THE NON-HOLD ITEMS UNDER ARTICLE 5 WAS APPROVED WITH 215 YES VOTES AND 7 NO VOTES.

The meeting then voted on the non-hold items:

- ITEM 3 – APPROVED, MOTION PREVAILS WITH 212 YES VOTES AND 18 NO VOTES.**
- ITEMS 5 AND 6 – APPROVED, MOTION PREVAILS WITH 211 YES VOTES AND 15 NO VOTES.**
- ITEM 17 – NO VOTE, \$0 APPROPRIATION**
- ITEM 24 – APPROVED, MOTION PREVAILS WITH 223 YES VOTES AND 8 NO VOTES.**

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

Per petition of the Board of Selectmen

Eli Boling moves and Rebecca Jaques seconds that the Town raise and appropriate \$270,000 for the purpose of purchasing a new ambulance; provided, however, that said appropriation shall be contingent upon the approval by the voters of a Capital Expenditure Exclusion question at the ballot in accordance with G.L. c.59, §21C.

The Finance Committee and The Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 6 PREVAILS WITH 222 YES VOTES AND 14 NO VOTES.

ARTICLE 7: To see if the Town will vote to raise and appropriate \$295,000 for the purpose of paying for drainage and sidewalk repair projects including possibly contributing to the cost of replacing the Central Street culvert; provided, however, that said appropriation shall be contingent upon the approval by the voters of a Capital Expenditure Exclusion question in accordance with G.L. c.59, §21C; or take any other action relative thereto.

Per petition of the Board of Selectmen

Margaret Driscoll moves and Rebecca Jaques seconds that the Town raise and appropriate \$295,000 for the purpose of paying for drainage and sidewalk repair projects including possibly contributing to the cost of replacing the Central Street culvert; provided, however, that said appropriation shall be contingent upon the approval by the voters of a Capital Expenditure Exclusion question in accordance with G.L. c.59, §21C.

The Finance Committee and The Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 7 PREVAILS WITH 217 YES VOTES AND 11 NO VOTES.

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

Per petition of the Manchester-Essex Regional School Committee

The Finance Committee and The Board of Selectmen both recommend approval.

Motion #1

Shannon Erdmann of the Manchester Essex Regional School Committee moves and Caroline Weld, also of the Manchester Essex Regional School Committee seconds 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 nineteen.

MOTION 1 UNDER ARTICLE 8 PREVAILS WITH 214 YES VOTES AND 6 NO VOTES.

Motion #2

Shannon Erdmann of the Manchester Essex Regional School Committee moves and Caroline Weld, also of the Manchester Essex Regional School Committee seconds that the Town raise and appropriate \$14,688,257 to fund the Town's assessment from the Manchester Essex Regional School District for the fiscal year beginning July first, two thousand nineteen for the gross operating and maintenance budget.

MOTION 2 UNDER ARTICLE 8 PREVAILS WITH 196 YES VOTES AND 17 NO VOTES.

Motion #3

Shannon Erdmann of the Manchester Essex Regional School Committee moves and Caroline Weld, also of the Manchester Essex Regional School Committee seconds that the Town raise and appropriate \$2,993,490 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 nineteen.

MOTION 3 UNDER ARTICLE 8 PREVAILS WITH 197 YES VOTES AND 13 NO VOTES.

ARTICLE 9. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, including land for recreational space,

historic resources, and community housing purposes, as well as a sum of money to be placed in the 2020 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee as follows; or take any other action relative thereto.

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

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

Per petition of the Community Preservation Committee

Per petition of the Board of Selectmen

Sue Thorne of the Community Preservation Committee moves, and Ron Mastrogiacomo seconds the article as presented with the following clarifications:

Items 1 and 6 to be funded from FY2020 estimated receipts for the purposes stated, and

Items 2-5 and 7-12 to be funded from FY2019 undesignated fund balance for the purposes stated with the exception of Item 3 and Item 5 which are for open space and recreation purposes, not historic preservation.

- 1) To appropriate \$22,913 from the Community Preservation Fund FY-2020 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 \$25,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for design efforts for restrooms at Masconomo/ Reed Parks.
- 3) To appropriate \$14,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for preservation efforts of the Dexter Pond resource area.
- 4) To appropriate \$26,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for Park and Recreation facility improvements.
- 5) To appropriate \$5,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for restoration work at the Singing Beach bathhouse.
- 6) To appropriate \$100,000 from the Community Preservation Fund FY-2020 estimated annual revenues for community housing; for the Manchester Affordable Housing Trust.
- 7) To appropriate \$25,000 from the Community Preservation Fund FY- 2019 undesignated fund balance for open space and recreation; for research by the Assessor's Office of parcels of unknown owners for possible open space.
- 8) To appropriate \$80,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for the Masconomo Park entrance way and parking lot.

- 9) To appropriate \$10,000 from the Community Preservation Fund FY-2019 undesignated fund balance for open space and recreation; for a detailed filming of the Saw Mill Brook watershed.
- 10) To appropriate \$25,000 from the Community Preservation Fund FY 2019 undesignated fund balance for historic preservation; for the preservation of original historic Town documents by the Town Clerk.
- 11) To appropriate \$100,000 from the Community Preservation Fund FY 2019 undesignated fund balance for historic preservation; for the restoration of the Town Common.
- 12) To appropriate \$35,000 from the Community Preservation Fund FY 2019 undesignated fund balance for historic preservation; for Town Cemetery Restoration work.

For a grand total of \$467,913

Financial Summary:

FY-2020 Total estimated Annual Revenues = \$ 458,000
 \$ 390,000 (1.5 % surcharge) + \$ 68,000 (estimated 17.5% Mass. State matching revenue)

Reserved for Open Space Fund balance = \$ 106,455
 Reserved for Community Housing balance = \$ 28

CPC Undesignated Fund balance 06/30/19 = \$ 400,000 (estimated)

Total Funds Available for FY20 = \$ 858,000 (\$400,000 est. unreserved as of 6/30/19
 + est. revenue of \$458,000)

Total Proposed Expenditures for FY20 = \$ 467,913

THE MOTION UNDER ARTICLE 9 PREVAILS WITH 217 YES VOTES AND 10 NO VOTES.

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

Per petition of the Board of Selectmen

Margaret Driscoll moves and Eli Boling seconds that the Town transfer \$10,000 from the Town's Undesignated Fund Balance to a new account for the purpose of paying expenses of the 375th Anniversary Celebration Committee.

The Finance Committee and The Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 10 PREVAILS WITH 226 YES VOTES AND 10 NO VOTES.

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds \$258,311 to be deposited into the Town's Other Post Employment Benefits Trust Fund, subject to said appropriation being expended from the Trust Fund only for the purposes authorized by section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts; or take any other action relative thereto.

Per petition of the Board of Selectmen

Eli Boling moves and Susan Beckmann seconds the Town transfer from the Undesignated Fund Balance \$258,311 for the purpose and subject to the conditions stated in the article.

The Finance Committee and The Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 11 PREVAILS WITH 205 YES VOTES AND 11 NO VOTES.

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

Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs;
FY2019 spending limit: \$280,000.
Or take any other action relative thereto.

Per petition of the Board of Selectmen

Rebecca Jaques moves the article as printed in the warrant and Eli Boling seconds.

The Finance Committee and The Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 12 IS APPROVED WITH 211 YES VOTES AND 3 NO VOTES.

Moderator Alan Wilson, with the consent of the meeting, appointed Jay Bothwick as Assistant Moderator as Wilson planned to speak to Article 13.

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

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

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

Subsection C would be unchanged.

Per petition of the Board of Selectmen

Alan Wilson moves the article as printed in the warrant with the addition of Subsection D: The Moderator and Town Clerk shall ensure that any electronic voting system used pursuant to this By-law produces an anonymous log of all votes recorded, so that a voter may retain his or her handset identifier and determine, after the meeting dissolves, how his or her votes were recorded. Susan Beckmann seconded the motion.

The Board of Selectmen recommends approval.

THE MOTION UNDER ARTICLE 13 PREVAILS WITH 224 YES VOTES AND 6 NO VOTES.

Assistant Moderator Jay Bothwick turned the meeting back over to Moderator Alan Wilson.

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

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

Per petition of the Board of Selectmen

Margaret Driscoll moves the article as printed in the warrant, and Susan Beckmann seconds.

The Board of Selectmen recommends approval.

THE MOTION UNDER ARTICLE 14 PREVAILS WITH 206 YES VOTES AND 13 NO VOTES.

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

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

Per petition of the Board of Selectmen

Eli Boling moves the article as printed in the warrant, but with the word "fine" changed to "late fee" in both places that it appears, and Rebeca Jaques seconds the motion.

The Board of Selectmen recommends approval. The Finance Committee is not taking a position on this article.

THE MOTION UNDER ARTICLE 15 PREVAILS WITH 216 YES VOTES AND 12 NO VOTES.

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

Per petition of the Board of Selectmen

Rebecca Jaques moves the article as printed in the warrant and Eli Boling seconds.

The Board of Selectmen recommends approval. The Finance Committee is not taking a position on this article.

Moderator Wilson reminds the meeting that Article 4, Section 8 of the Town's General Bylaw provides that no acquisition of an interest in real property should be authorized by Town Meeting unless it has been referred to the Planning Board and the Planning Board has made a report to the Town. The Planning Board met on March 25, 2019 and their report recommends acceptance of this gift by the Town.

THE MOTION UNDER ARTICLE 16 PREVAILS WITH 226 YES VOTES AND 7 NO VOTES.

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

SECTION 43: FOOD WARE AND POLYSTYRENE REDUCTION BY-LAW

A. Purpose and Intent

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

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

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

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

C. Exemptions

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

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

D. Definitions

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

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

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

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

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

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

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

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

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

“Reusable” means products that will be used more than once by a food establishment.

Reusable includes tableware, flatware, cleanable durable containers, packages, or trays used on-premises or returnable containers such as soft drink bottles and milk containers that are designed to be returned to the distributor and supplier for reuse as the same food or beverage container.

E. Administration and Enforcement

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

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

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

F. Severability

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

G. Enactment

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

Per Citizen's Petition

Gary Gilbert moves to amend Article X of the Town's General Bylaw by adopting new Section 44, as printed on the handout titled "Motion under Article 17." Allison Anholt-White seconds the motion.

MOTION UNDER WARRANT ARTICLE 17

(Additions to the Warrant Article are shown in bold.)

Revisions were made primarily for clarity and to include the Building Inspector as enforcement agent, to allow for appeals, to exempt medicine containers, and to modify the phase-in period to 3 months.)

SECTION 43 44: FOOD WARE AND POLYSTYRENE REDUCTION BY-LAW

A. Purpose and Intent

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

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

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

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

C. Exemptions

- a) Foods **and goods** prepared or packaged outside the Town are exempt from the provisions of this By-law.
- b) Food and retail establishments ~~will~~ **may** be exempted from the provisions of this ~~Article~~ **By-law** for specific items ~~or types of disposable food service ware~~ if the Department of Health Director or designee ~~finds for up to one year based on the decision of the Building Inspector~~ that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific **product** application and ~~for that imposing the requirements of this chapter By-law on that item or type of disposable food service ware would cause undue hardship to the establishment. An appeal of the Building Inspector's decision may be filed with the Board of Selectmen.~~
 - i) "Undue hardship" is a situation unique to the food **or retail** establishment where there are no reasonable alternative food service ~~equipment~~ **products** or packaging and compliance with this provision would cause significant economic hardship to that food **or retail** establishment. ~~Re-application to demonstrate continued undue hardship is required for continued exemptions on an annual basis.~~
 - ii) **Extensions of the exemption may be granted upon application to the Building Inspector upon**

showing that the circumstances justifying the exemption continue to exist.

~~(c) Any establishment may seek an exemption from the requirements of this chapter by filing a request in writing with the Department of Health or designee. Any specific requirement of this chapter may be waived for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship.~~

(c) Containers used in the packaging of prescription medicines are exempt from the provisions of this By-law.

D. Definitions

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

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

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

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

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

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

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

“Polystyrene” includes foam and rigid polystyrene. Foam polystyrene includes expanded polystyrene (EPS) and extruded polystyrene, such as “Styrofoam” a trademark. EPS is generally used to make cups, bowls, plates, trays and cartons.

Rigid or oriented polystyrene is generally used to make clear containers, cups, plates, straws, lids and utensils.

“Recyclable” shall mean material that can be sorted and reconstituted using the Town’s municipal recycling program or a comparable recycling program.

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

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

E. Administration and Enforcement

The Police Department and the Building Inspector will be the enforcement agents for this By-law and both are authorized to issue notices of violation. Food and retail establishments are required to provide product, sales and any other product related information upon request.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to GL. C.40 §21D.

Fines for civil penalties shall be issued as follows:

- 1) A written warning will be issued with 30 days granted to correct the violation;**
- 2) \$50 per day for subsequent violations concerning the same product(s);**
- 3) \$100 per day for violations that persist in excess of 30 days.**

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

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

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

F. Severability

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

G. Enactment

~~This By-law shall go into effect July 1, 2019, six months after the date of passage at Town Meeting.~~

The Board of Selectmen recommends approval.

Motion made by Thomas Kehoe, duly seconded, to amend section G Enactment, to read as follows: "This bylaw shall go into effect as of October 1, 2019."

THE MOTION TO AMEND THE ENACTMENT DATE PREVAILS WITH 178 YES VOTES AND 57 NO VOTES.

THE MAIN MOTION, AS AMENDED, PREVAILS WITH 214 YES VOTES AND 21 NO VOTES.

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

Per Citizen's Petition

Jessica McGovern moves that the meeting answer the following question: Do you want industrial sodium fluoride added to the public water supply? Joanna Keefe seconds the motion.

The Board of Health recommends a yes vote on this article. The Board of Selectmen shares the position of the Board of Health recommending a yes vote.

Motion made by Mary Jo Feuerbach, duly seconded, to terminate debate.

MOTION TO TERMINATE DEBATE PREVAILS WITH 184 YES VOTES AND 47 NO VOTES.

VOTE ON MAIN MOTION ANSWERED IN THE AFFIRMATIVE WITH 143 YES VOTES AND 80 NO VOTES.

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

Margaret Driscoll moves and Rebecca Jaques seconds that the Town transfers from the Town’s Undesignated Fund Balance \$45,000 to a capital account for the purpose of purchasing town meeting electronic equipment.

The Finance Committee and the Board of Selectmen both recommend approval.

THE MOTION UNDER ARTICLE 19 PREVAILS WITH 187 YES VOTES AND 17 NO VOTES.

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

Susan Beckmann moves and Mory Creighton seconds that the Town pass over, do nothing, article 20.

The Finance Committee and the Board of Selectmen both recommend approval.

THE MOTION PREVAILS WITH A UNANIMOUS VOICE VOTE.

Susan Beckmann moves to dissolve the Annual Town Meeting and Eli Bowling seconds the motion.

THE MOTION TO DISSOLVE THE MEETING PASSES UNANIMOUSLY.

The Moderator declares the meeting dissolved at 9:14 p.m.

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

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

Given under our hands at Manchester-by-the-Sea, aforesaid, this 7th day of March, 2019.
BOARD OF SELECTMEN

/s/ Susan M. Beckmann, Chairman

/s/Arthur Steinert, Vice Chairperson

/s/Eli G. Boling

Rebecca Jaques

Margaret F. Driscoll

To the Town Clerk:

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

/s/Joseph Aiello
Constable

March 6, 2019
Date of Posting

/s/ Adele Ardolino, Asst.
Received by Town Clerk

A True Copy.
Attest:

Christina J. St. Pierre, Town Clerk