

**TOWN of ROCKPORT
WARRANT for
ANNUAL TOWN MEETING**

Saturday, May 15, 2021
The Commonwealth of Massachusetts

Essex, ss. To: One of the Constables of the Town of Rockport, Massachusetts in
said County of Essex in the Commonwealth of Massachusetts.

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet and assemble at the Rockport High School campus at 24 Jerden's Lane in said Rockport on Saturday, the fifteenth day of May, 2021 A.D., at 9:00 o'clock in the morning, then and there to act on the following articles, to wit:

ARTICLES: Fiscal Year 2021

ARTICLE I. To see if the Town will vote to appropriate by transfer from available funds sums of money to be expended by various Town Departments to balance the FY21 budget; or act on anything relative thereto. *(Town Accountant) (requires majority vote)*

ARTICLE II. To see if the Town will vote to appropriate by transfer from the SPED Stabilization fund to the School Department to pay for Special Education obligations; or act on anything relative thereto. *(School Committee) (requires 2/3 vote)*

ARTICLE III. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, including Free Cash, a sum of money to fund otherwise unanticipated costs of coping with the COVID-19 pandemic; including personnel costs and all other expenses; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLES: Fiscal Year 2022

ARTICLE 1. To choose an agent for the various trust funds of the Town and to choose all other necessary Town Officers in such a manner as the Town may direct; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money to pay unpaid bills and/or payroll of previous years; or act on anything relative thereto. *(Town Accountant) (requires 4/5 vote)*

ARTICLE 3. To see if the Town will vote to rescind any one or more of the authorizations previously given to borrow funds for municipal

purposes, excluding always, any and all authorizations that have been executed by a borrowing; or act on anything relative thereto. *(Town Treasurer) (requires majority vote)*

ARTICLE 4. To see if the Town will vote to amend or revise certain compensation schedules as recommended by the Board of Selectmen and on file in the Town Clerk's Office, which are incorporated herein by reference, namely:

- A. Compensation Schedules A, B, D and H for salaried employees; and
- B. Compensation Schedule C for elected officials;

or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any or all Town expenses and purposes, including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's departments and offices, and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2021 through June 30, 2022, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*

5A. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any and all Town expenses and purposes including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's Water Enterprise and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2021 through June 30, 2022, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*

5B. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any and all Town expenses and purposes including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's Sewer Enterprise and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2021 through June 30, 2022, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*

5C. To see if the Town will vote to appropriate and transfer from the FY2022 Estimated Annual Revenue of the Community Preservation Fund a sum of money for any and all necessary and proper expenses of the Community Preservation Committee, all for the Fiscal Year beginning on July 1, 2021 through June 30, 2022, inclusive; or act on anything relative thereto. *(Finance Committee)*

(requires majority vote)

ARTICLE 6. To see if the Town will vote to appropriate for Capital Outlay Items, such sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee) (requires 2/3 vote if funded with borrowing)*

6A. To see if the Town will vote to appropriate for Capital Outlay Items for the Water Enterprise, sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee) (requires 2/3 vote if funded with borrowing)*

6B. To see if the Town will vote to appropriate for Capital Outlay Items for the Sewer Enterprise, sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee) (requires 2/3 vote if funded with borrowing)*

ARTICLES: Lottery System

ARTICLE A. To see if the Town will vote to accept the reports of its officers, boards, departments, committees and commissions, as printed in the 2020 Annual Town Report or as otherwise submitted to Town Meeting; or act on anything relative thereto. *(Town Moderator) (requires majority vote)*

ARTICLE B. To see if the Town will vote to expend a sum of money allocated to the Town under the provisions of M.G.L. Ch. 90 or otherwise, so-called "Chapter 90 monies"; or act on anything relative thereto. *(DPW Commissioners) (requires majority vote)*

ARTICLE C. To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds, including Free Cash, the following sums, or any other sum, as a grant to the following charitable organizations

Action, Inc.	\$4,000
HAWC	\$3,000
Senior Care	\$3,100
Open Door	\$5,000

; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE D. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, including Free Cash, the following sums of money to the following Stabilization Funds and Trusts to pay for future expenditures:

General Stabilization Fund	\$125,000
SPED Stabilization Fund	\$200,000
Capital Reserve Stabilization Fund	\$200,000
OPEB Trust Fund	\$100,000
Conservation Trust Fund	\$450

; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE E. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, including Free Cash, a sum of money for Assessor Revaluation Expenses; or act on anything relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE F. To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money to fund the local share for FEMA Back Beach Mitigation - Design & Construction or act on anything relative thereto *(DPW Commissioners) (requires majority vote)*.

ARTICLE G. To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money to fund the local share for FEMA Long Beach Mitigation – Design, Engineering, & Permitting or act on anything relative thereto *(DPW Commissioners) (requires majority vote)*.

ARTICLE H. To see if the Town will vote to amend the Town’s Zoning By-Law Section IV(A)(11) and replace in its entirety with the following:

11. RESIDENTIAL BUILDINGS.

a. Application and Purpose

This Section applies to residential buildings in the SRAA, SR, RA, and R zoning districts. The purpose of this Section is to require a minimum proportionality between the size of a building lot and the buildings on that lot.

b. Aggregated Gross Floor Area

“Aggregated Gross Floor Area” is the sum of the Gross Floor Areas of existing or proposed buildings.

c. Gross Floor Area and Side Setbacks

1. On a lot of 2 acres or less, no residential building, or any combination of a residential building and accessory building(s), shall have an aggregated Gross Floor Area of greater than 7,000 square feet. The limitation of this section shall apply to the aggregated Gross Floor Area of an existing or proposed residential building and an accessory building proposed for construction on the same lot.

2. Residential and accessory buildings shall have the following side setbacks:

i. **11(c)(2)(i)** 20 ft.—for residential buildings with 4,000-5,999 square feet of Gross Floor Area or for any combination of residential and accessory buildings with 4,000-5,999 square feet of Aggregated Gross Floor Area.

ii. **11(c)(2)(ii)** 25 ft.—for residential buildings with 6,000 square feet or more of Gross Floor Area or for any combination of residential buildings and accessory buildings with 6,000 square feet or more of Aggregated Gross Floor Area.

[Notes “a” and “b” are to be deleted]

;or act on anything relative thereto. (*Planning Board*) (*requires 2/3 vote*)

ARTICLE I. To see if the Town will vote to amend the Town’s Zoning By-Law Section I (C) and replace in its entirety with the following:

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I. GENERAL

C. DEFINITIONS

GROSS FLOOR AREA: The square footage of the floor area within the perimeter of the exterior walls of a Building or a combination of Buildings. A Gross Floor Area calculation makes no deduction for interior architectural features such as stairs, hallways or closets. Subsurface basements and attic space with a ceiling height of no more than 7 feet at its highest point are excluded from a Gross Floor Area calculation. Notwithstanding the preceding sentence, a calculation of Gross Floor Area solely for determining whether Site Plan Review is required for a residential structure shall include the gross floor area of a basement and attic.

;or act on anything relative thereto. (*Planning Board*) (*requires 2/3 vote*)

ARTICLE J To see if the Town will vote to amend the Code of By-Laws Chapter 7, Finances and Fiscal Procedures, Section 10, Establishment of Revolving Accounts to create a revolving fund and set fiscal year spending limits for Board of Health public health clinics, emergencies, and related drills, and authorize the Board of Health to make expenditures without appropriation; or act on anything relative thereto. (*Board of Selectmen*) (*requires majority vote*)

ARTICLE K To see if the Town will vote to transfer from the tax custodian for tax title purpose to the Conservation Commission under the provisions of G.L. c. 40, §8C for conservation, passive recreation and open space purposes in perpetuity, the care, custody and control of the parcel of land identified on Assessor's Map 15 as Lot 92, and described in tax title foreclosure case recorded with the Essex South District Registry of Deeds in Book 5086, Page 363, and to dedicate and designate said parcel to the foregoing purposes, reserving and excepting, however, such rights of access in, on and under such portion or portions of the parcel as the Board of Selectmen may determine and the right to improve, but not pave, said access areas; or take any other action relative thereto. *(Board of Selectmen) (requires 2/3 vote)*

ARTICLE L To see if the Town will vote to transfer from the tax custodian for tax title purposes to the Conservation Commission under the provisions of G.L. c. 40, §8C for conservation, passive recreation and open space purposes in perpetuity, the care, custody and control the parcel of land identified on Assessor's Map 26 as Lot 81 and described in tax title foreclosure case recorded with the Essex South District Registry of Deeds in Book 5086, Page 369, and to dedicate and designate said parcel to the foregoing purposes, reserving and excepting, however, such rights of access in, on and under such portion or portions of the parcel as the Board of Selectmen may determine and the right to improve, but not pave, said access areas; or take any other action relative thereto. *(Board of Selectmen) (requires 2/3 vote)*

ARTICLE M To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, an easement on a portion or portions of the parcel of land located at 33-37 Phillips Avenue for access and recreational purposes on such terms and conditions as the Board of Selectmen deems appropriate; or take any other action relative thereto. *(Board of Selectmen) (requires majority vote)*

ARTICLE N To see if the Town will vote to amend Chapter 2, Section 5(b)(iv) of the Town Code of Bylaws, regarding the duties of the Government and Bylaw Committee, by deleting the words "decennial review of the bylaws" and replacing them with "quinquennial review of the bylaws," and further by adding at the end of such section the words "The Committee shall investigate and report on those bylaws which appear to need revision as evidenced by non-compliance.", or act on anything relative thereto. *(Citizen Petition) (requires majority vote)*

ARTICLE O To see if the Town of Rockport shall vote at the Annual Town Meeting to amend the appropriate chapter and section of the town By-laws and/or authorize and direct the Board of Selectmen to petition the General Court for a special act, whichever is most appropriate, in the providing that

“No town department may be created, expanded, dissolved, or otherwise manipulated through the creation, consolidation or elimination of roles, titles or other hierarchy by contract or otherwise without the support of a majority vote of town residents at Annual Town Meeting or Special Town meeting.”

And authorize the Town and/or General Court, whichever is most appropriate, to make any revisions that are necessary or appropriate to the form of such by-law and/or bill. *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE P To see if the Town of Rockport shall vote at the Annual Town Meeting to authorize and direct the Board of Selectmen to petition the General Court for a special act in providing that

“No person may be elected to serve as a member of the Board of Selectmen of the Town of Rockport for more than three full terms or ten and one half years, whichever is lesser. When the term of office for any person elected to the Board of Selectmen would extend membership on the Board of Selectmen beyond nine years if the member served the full term, that seat shall be deemed vacant at the time of the next scheduled town election to fill that particular seat. Any tenure served in a seat on the Board of Selectman equaling or exceeding half of that seat’s entire term of office will be considered having served a full term.”

And authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill. *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE Q To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form set for below, authorizing an amendment to the By-Laws of the Town of Rockport, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

Amend Chapter 3, Section 4., part a. Composition: Term of Office by adding at the end:

“A person shall serve on the Board of Selectmen no more than a lifetime total of nine (9) years. Upon enactment, any person who may be affected by this limit may serve out their current term.”

This amendment shall become effective upon enactment by the General Court. *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE R To see if the Town will vote to refer the following to the Board of Selectmen:

“This legislative vote of the Town meeting requests the BOS to petition the General Court of the MA legislature for an exemption to Chapter 111, 8C under Home Rule law in order to establish a town regulation that bans the addition of any fluoridation products to municipal water supplies in order to protect flora and fauna from cumulative effect of waste water, as well as the health of residents with reason to avoid fluoridation chemicals.” *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE S To see if the Town will vote to refer the following to the Board of Selectmen:

“Summary: Parcel 26-81 on Straitsmouth Way is the companion site to the Kieran Nature Preserve. It is the primary water source for the preserve. Consisting of mature woods and extensive wetlands, it is home to abundant wildlife. It is also the breeding ground for salamanders, tree frogs and other species. Together, with the Kieran Preserve, parcel 26-81 is a stopover on a coastal bird migration route. As stewards of the woods, we want to do the right thing and protect parcel 26-81 from sale and development.

We, the undersigned, would like to propose the following:

That parcel 26-81 on Straitsmouth Way be proposed as conservation land and a companion site to the Kieran Nature Preserve on Straitsmouth Way.” *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE T To see if Town Meeting will vote to send the following text to the Nuclear Regulatory Commission NRC explaining that:

“We have been informed that the Seabrook Nuclear Reactor has been discharging radioactive operating gasses daily to the air and ocean outfall since 1990. The ocean discharge travels by coastal gyres south to all shores, beaches and rock outcropping. The discharge to the atmosphere travels by airborne plumes of hot gasses that cool and drop over coastal interfaces and topographic features such as higher elevations. We must refuse any and all deposition of radioactive gasses, fallout particles or any form of ionizing radiation discharge on

town of Rockport geography, coastal or inland, all water surfaces fresh or salt water. Research from Scotland, Germany and Serbian universities show that radiation fallout kills chlorophyll this stopping photosynthesis. This radioactive discharge kills plankton, trees and other living organisms.” *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE U A Conservation resolution of the following text to be adopted by the Town of Rockport:

“We recognize as a principle of law, the intrinsic value of natural lands in their natural historic state, said lands are to be preserved in perpetuity for the purpose of sustaining life.

Definition of “intrinsic value” of natural land:

- 1) Nature is the only source of life.
- 2) Nature is the only self-renewing living system providing clean air, clean water, chlorophyll, photosynthesis, trees, leaves, all life sustaining processes...All living beings.
- 3) Nature once destroyed cannot be restored.” *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE V The following article is proposed as an amendment to the Town By-Laws:

Amend Chapter 3, Section 4, part a. Composition: Term of Office by adding at the end:

“No person elected to serve as a Selectman may serve more than three consecutive terms of office or nine (9) consecutive years, whichever is greater. If a lapse in service of at least two (2) years occurs between any previous terms and the term for which election is sought, a person may be elected to serve as a Selectman for a fourth (4th) non-consecutive term or twelve (12) non-consecutive years in the aggregate.”

This amendment shall become effective July 1, 2020. *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE W The following article is proposed as an amendment to the Town By-laws:

Replace Chapter 3, Section 3, Part b. Compensation in its entirety with the following:

“b. Compensation. Elected officers of Town Clerk and Moderator shall receive for their services such compensation as may annually be provided for that purpose by appropriation. All other Elected Town

Officials shall receive no compensation and no compensation shall be appropriated for such officials.”

This amendment shall become effective July 1, 2020. *(Citizen Petition)*
(requires majority vote)

ARTICLE X To see if the Town will vote to refer the following to the Board of Selectmen:

“Shall the Town of Rockport ask the Board of Selectmen to perform a FEMA (Federal Emergency Management Agency) Mitigation Study for FEMA’s Hazard Mitigation Grant Program to have the cottages removed from Long Beach’s leased land due to rising sea levels and continual expenses to tax payers to repair or replace the seawall at an estimated cost of 32 million dollars. In place of the cottages have the lands used for an ecologically sustainable parking lot and walking paths for accessing our Public Long Beach by all Rockport taxpayers and residents.” *(Non-Binding Citizen Petition)* *(requires majority vote)*

ARTICLE Y To see if the Town will hear, receive and act upon the report of the Ad Hoc Committee on Town Water Supply appointed pursuant to the vote of the 1980 Annual Town Meeting under Warrant Article 16 and extended by votes of successive Annual Town Meetings through and including the 2018 Annual Town Meeting under Warrant Article V and extend the term of the Committee; or act on anything relative thereto. *(Town Moderator)* *(requires majority vote)*

And you are directed to serve this Warrant by posting attested copies of the same at each of the Post Offices, and in other public places in each village of the Town, seven days at least before the day of the holding of said ANNUAL TOWN MEETING.

Hereof fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, three days at least before Saturday, May 15, 2021.

Given under our hands and seal of the Town this 20th day of April 2021, A.D.

BOARD OF SELECTMEN
TOWN OF ROCKPORT



Ruth C. George, Chairperson



Donald J. Campbell, Jr., Vice Chair

Sarah J. Wilkinson, Selectperson

Paul F. Murphy, Selectperson



Ross C. Brackett, Selectperson

A TRUE COPY ATTEST:



Constable for the Town of Rockport