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TOWN CLERK'S OFFICE
ROCKPORT, MASSACHUSETTS

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

Saturday, April 6, 2024
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 sixth day of April, 2024 A.D., at 8:30 in the morning, then and there to act on the following articles, to wit:

ARTICLES: Fiscal Year 2024

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 FY24 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 majority vote)*

ARTICLES: Fiscal Year 2025

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. *(Select Board) (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, amend, or revise 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 Select Board 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. *(Select Board) (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, 2024 through June 30, 2025, 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, 2024 through June 30, 2025, 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, 2024 through June 30, 2025, 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 FY2025 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, 2024 through June 30, 2025, 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 2023 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. *(Select Board) (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	\$150,000
SPED Stabilization Fund	\$200,000
Capital Reserve Stabilization Fund	\$150,000
OPEB Trust Fund	\$100,000
Conservation Trust Fund	\$450

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

ARTICLE F. To see if the Town will vote in accordance with the provisions of Chapter 77 of the Acts of 2023 to rescind the vote taken under Article F of the April 1, 2023 Town Meeting creating a Special Opioid Settlement Stabilization Fund and dedicating 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 a special revenue fund to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents; or act on anything relative thereto. *(Select Board) (requires majority vote)*

ARTICLE G. To see if the Town will vote to provide a non-binding recommendation to the Select Board on the future of the Old Firehouse Trust Building with one of the following options:

- Demolish Structure and Replace with Public Park
- Restore Structure
- Sell Property

(Select Board) (requires majority vote/Non-Binding)

ARTICLE H. To see if the Town will vote to authorize the Board of Selectmen to convey the parcel of land located at 3 Dock Square, identified on Assessors Map 36 as Lot 38, with the Old Firehouse Trust Building thereon, on such terms and conditions, and for such consideration, or act on anything relative thereto. *(Select Board) (requires 2/3 vote)*

ARTICLE I To see if the Town will vote to approve the following citizen petition:

Do you want the Board of Selectmen to reduce environmental pollution and reduce expenditures to the Town by taking legislative steps to end fluoridation policy? If so, we respectfully request the Board of Selectmen to Petition the State Legislature for a Home Rule Exemption to Chapter 111, Section 8C, in order to remove the fluoride from our municipal water supply. *(Non-Binding Citizen Petition) (requires majority vote)*

ARTICLE J

To amend Chapter 2, TOWN MEETINGS, Section 6(b), Town Government & By-Law Committee, Sub-Section (iv) Duties, as follows with bold font indicating additions and strike throughs indicating wording proposed for removal:

-(iv) Duties. The Town Government and By-Law Committee shall review all warrant articles which would, if adopted, effect or require changes in these By-Laws or the Charter. The Committee shall hold a public hearing on any proposed changes to the By-Laws or Charter to hear public comment prior to the Town Meeting the changes shall be presented at.

The Committee shall also be responsible for the quinquennial (5 year) review of the By-Laws and for the review of proposed changes in the Charter. The Committee shall investigate and report on those By-Laws that appear to need revision as evidenced by non-compliance, at any time.

The Committee shall prepare a written report stating the Committee's recommendations for favorable action or unfavorable action or for no recommendation, stating the reasons therefore, pertaining to any warrant articles which would, if adopted, effect changes in the By-Laws or the Charter.

(Citizen Petition) (requires majority vote)

ARTICLE K

To see if the Town will vote to amend Chapter 2, TOWN MEETINGS, Section 6(b), Town Government & By-Law Committee as follows:

Chapter 2, Section 6(b). Remove "Town Government & By-Law Committee" and insert "By-Law Review Committee."

Chapter 2, Section 6(b)(i). In first line remove "the Town Government & By-Law Committee" and insert "By-Law Review Committee."

Chapter 2, Section 6(b)(ii). In first line remove "the Town Government & By-Law Committee" and insert "By-Law Review Committee."

Chapter 2, Section 6(b)(iii). In first line remove "the Town Government & By-Law Committee" and insert "By-Law Review Committee."

Chapter 2, Section 6(b)(iv). After the word "duties" remove the entire first sentence and replace the first sentence with the following:

A. The Committee shall review the Town's Code of By-Laws on a regular basis to ensure their internal consistency and their conformity in formatting, placement, and chapter numbering.

B. The Committee shall review the Town's Code of By-Laws on a regular basis to ensure their consistency with any applicable law and the Town Charter.

C. The Committee may propose to the Select Board for inclusion in the warrant for the next annual or special Town Meeting any amendments or additions to the Code of By-Laws that the Committee determines should be made so as to resolve inconsistencies within the By-Laws or with applicable law or the Town Charter.

D. The Committee shall assist any Town board, officer, administrator, or member of the public, if requested, in drafting amendments or additions to the Code of By-Laws that will be proposed for inclusion in a Town Meeting Warrant.

E. Whenever practicable, the Select Board shall submit to the Committee all proposed amendments or additions to the Code of By-Laws prior to their inclusion in the warrant for any Town Meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Select Board its recommendations as to their form and consistency with existing provisions of the Code of By-Laws and Town Charter and as to their placement in the Code of By-Laws.

F. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting its recommendation on any article in the Warrant that proposes an amendment or addition to the Code of By-Laws. The Committee's recommendation shall be based on the form and consistency of the proposed amendment or addition and on its placement in the Code of By-Laws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.

G. The Committee shall assist the Town Clerk in preparing from time to time the publication of the Code of By-Laws including all amendments and additions thereto.

In the existing second sentence, remove "and for the review of proposed changes in the charter."

Remove the existing fourth sentence.

(Citizen Petition) (requires majority vote)

ARTICLE L

To see if the Town will vote to amend Chapter 14, Section C(3) as follows:

Use of Gas-Powered Leaf Blowers Prohibited

1. Definitions

“Leaf blower”- Any powered machine used to blow leaves, dirt and other matter by forced air for landscape maintenance.

“Gas powered leaf blower” – A leaf blower powered by gas or gas and oil.

“Electric leaf blower” – A leaf blower powered by attaching a cord to an electricity source or rechargeable battery or batteries.

“Commercial landscaper” – A person or entity that receives compensation to utilize landscaping equipment on another’s property.

“Resident” – The legal owner of record of real property, as listed by the tax assessor’s records, operating on their own property; tenants operating a leaf blower on the property for which they hold a lease; and condominium associations operating on condominium property.

2. Responsibility for Administration

This by-law will be administered and enforced by the Rockport Police Department.

3. Prohibited Activities

a) No person shall operate a gas-powered leaf blower within the Town of Rockport except in accordance with Subsection 5 of this bylaw.

b) No person shall use more than one leaf blower on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

c) No person shall use a leaf blower that emits sound that measures greater than 65 decibels at a distance of 50 feet from the leaf blower.

4. Penalties shall apply as follows:

I. For the first violation in a calendar year, a written warning shall be issued.

II. For the second violation, a fine of \$300 shall be issued.

III. For each subsequent violation in a calendar year, a fine of \$300 shall be issued.

IV. Where the violation is committed by a commercial landscaper, the warning and the fines issued under sections i-iii above will be issued to both the commercial landscaper and the resident.

V. Reporting of Violations – Violations may be reported by any person who observes a gas-powered leaf blower in use in the Town, in violation of this bylaw, with appropriate evidence to support the claim. Members of the Police Department may enforce any violations that they observe. Witnesses to violations of this bylaw may submit a complaint to the Police Department that must include:

a. The name of the person alleged to have violated this bylaw;

b. The location of the alleged violation;

c. The date and time of the alleged violation;

d. Any additional identifying information regarding the use of the leaf blower;

e. All complaints must be submitted within seven days of the alleged violation. All complaints must be signed by the complainant before an investigation can be initiated. Photographic and recorded evidence in support of the complaint is permitted, but not required.

5. Effective Date and Transitional Period

There shall be a Transitional Period in implementing this bylaw, lasting from the date it is effective pursuant to M.G.L. 40, §32 until its fully effective date below. During the Transitional Period, gasoline powered leaf blowers are prohibited except between the following dates:

September 30, 2024 – November 15, 2024;

March 16, 2025 – April 2025; and

September 30, 2025 – November 15, 2025,

but only on Monday – Saturday, excepting legal holidays, from 8:30am to 5:30 pm.

The fully effective date, after which no gas-powered leaf blowers may be used within the Town of Rockport, will be March 16, 2026.

(Citizen Petition) (requires majority vote)

ARTICLE M

To see if the Town will vote to appropriate a sum of money for FEMA Project #73018 to include the improvement and replacement of over 500 cubic yards of concrete seawall and the improvement and replacement of concrete stairs at the westerly end of the Long Beach Seawall, and costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. *(Select Board) (requires 2/3 vote)*

ARTICLE N

To see if the Town will vote to authorize the Select Board to petition the General Court for a special act providing for recall elections in the town of Rockport, in the form set forth herein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and, provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

SECTION 1. Any holder of an elective town office in the town of Rockport may be recalled from office for any reason by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit signed by at least 20 registered voters of the town containing the voters' names and addresses may be filed with the town clerk. The initial recall affidavit shall contain the name of the officer sought to be recalled, the office sought to be recalled and a statement of the grounds for recall. The grounds for a recall shall include but not be limited to any of the following reasons: lack of fitness; neglect of duties; corruption; malfeasance; misfeasance; nonfeasance; violation of Massachusetts General Law(s); Town of Rockport By-law(s), regulation(s), oath of office or other abdication of the applicable requirement for the elected position. Exercising discretion in voting or acting on matters before such office holder shall not be a reason for recall. The town clerk shall immediately forward the recall affidavit to the board of registrars of voters for verification of signatures.

SECTION 3. The board of registrars of voters shall verify the signatures on the initial recall affidavit within 14 calendar days of the receipt of the initial recall affidavit. If the initial recall affidavit is found to contain a sufficient number of verified signatures, the town clerk shall deliver to the first 10 registered voters who signed the affidavit a formal numbered and printed recall petition sheet with the town clerk's official seal and addressed to the board of selectmen demanding the recall and the election or appointment to a successor to the office. Prior to the delivery of the recall petition sheet, the town clerk shall fill out the top portion of each recall petition sheet naming the elected official sought to be recalled, the

grounds for recall stated in the initial recall affidavit, the names of the first 10 registered voters that signed the affidavit and shall demand the election or appointment of a successor to the office. A copy of the recall petition, the initial recall affidavit, and/or related supporting documents shall be entered in a record book to be kept in the office of the town clerk, available for public review. The 10 registered voters of the town to whom the town clerk delivered recall petition sheets shall have 30 days from the date of delivery of the recall petition sheets in which to file their signed recall petition sheets with the town clerk. To proceed with the recall election, the town clerk shall receive within 30 days from the date of delivery of the recall petition sheets, the required number of signed recall petition sheets containing the signatures, names and street addresses of a least 10 per cent of the registered voters of the town as of the date the signed recall petition sheets are delivered to the town clerk. Within 5 working days of receipt of the recall petition sheets, the town clerk shall submit the recall petition sheets to the board of registrars of voters and the board of registrars of voters shall verify the number of signatures which are names of registered voters of the town.

SECTION 4. If the total number of voters on official recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be submitted with the certificate of the town clerk to the Select Board without delay. The Select Board shall give written notice of the receipt of the certified petition to the officer sought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given by the Select Board, then the Select Board shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after receipt of the certified petition; provided, however, that if any other town election is scheduled to occur within 100 days after the date of receipt of the certified petition, the Select Board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for another election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. No officer sought to be recalled may be a candidate to succeed themselves. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided for in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If the incumbent is recalled, and no other candidates were on the ballot, the office will be declared vacant.

SECTION 7. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF THE
[NAME OF OFFICER] ()
AGAINST THE RECALL OF THE
[NAME OF OFFICER] ()

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to the voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided in this act. Adjacent to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates (if any) shall be counted. In that instance the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of a term. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

SECTION 9. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against them shall not be appointed to any town office within 3 years after the recall or resignation. *(Government & By-Law Committee)*
(requires majority vote/Non-Binding)

ARTICLE O

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 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.

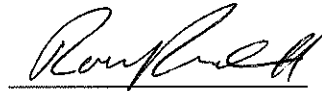
Hereof fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, three days at least before Saturday, April 6, 2024.

Given under our hands and seal of the Town this 26th day of March, 2024, A.D.

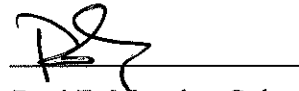
SELECT BOARD
TOWN OF ROCKPORT



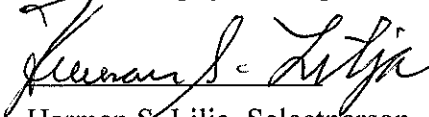
Sarah J. Wilkinson, Chair



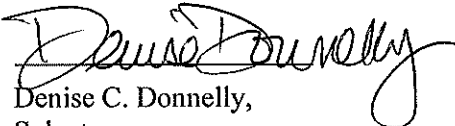
Ross C. Brackett, Vice Chair



Paul F. Murphy, Selectperson

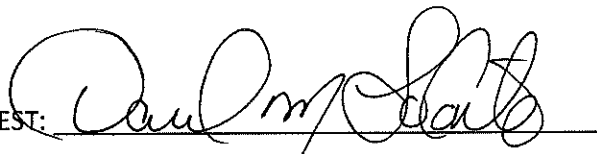


Herman S. Lilja, Selectperson



Denise C. Donnelly,
Selectperson

A TRUE COPY ATTEST:



Constable for the Town of Rockport