

WARRANT

TOWN OF IPSWICH

**ANNUAL TOWN MEETING
APRIL 2, 2007**

**Prepared by:
Robert T. Markel
Town Manager**

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ESSEX, ss

To the Constable of the Town of Ipswich in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Ipswich, qualified to vote in Town affairs, to meet in the Performing Arts Center of the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on MONDAY, THE SECOND OF APRIL, 2007, at 7:30 o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1 **CONSENT CALENDAR**

To see if the Town will vote: (1) to fix the salary and compensation of all elected Town Officers; (2) to choose the following officers, viz: a Moderator for one [1] year; two [2] Selectman for three [3] years; and two [2] members of the School Committee for three [3] years; the above officers to be voted on one ballot at the YMCA Hall, County Road, on Tuesday, April 10, 2007; the polls shall open at 7:00 a.m. and shall close at 8:00 p.m.; (3) to act on the transfer of any surplus funds in the Electric Division, Department of Utilities; (4) to rescind the unexpended balance of \$130,100 from the bond authorization approved under Article 19 of the April 5, 1999, Annual Town Meeting; and (5) to authorize the Board of Selectmen to temporarily appoint a member of said Board to Acting Town Manager for a limited period of time not to exceed the date of the 2008 Annual Town Meeting for purposes of vacation, leave, or absence in accordance with Massachusetts General Laws Chapter 268A, Sections 20 and 21A; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 2 **FINANCE COMMITTEE ELECTION**

To see if the Town will vote to choose one [1] member of the Finance Committee for three [3] years. *(Requested by: Board of Selectmen)*

ARTICLE 3 **DATE OF THE ANNUAL TOWN MEETING**

To see if the Town will vote to amend The General By-Laws of the Town of Ipswich, Chapter II, Section 1 (a), "Annual Town Meeting" to replace:

"The Annual Town Meeting of the Town shall be held on a date and at a time as specified by the Board of Selectmen in the warrant, within the first seven calendar days of the month of April; and all business, except the election of such officers and the determination of such matters as by law or by this chapter are required to be elected or determined by ballot, shall be considered at that meeting or at an adjournment thereof to another day. That part of the Annual Town Meeting devoted to the election of officers and the determination of such questions as by law or by this chapter are required to be elected or determined by ballot shall be held on a Tuesday in April not less than eight

(8) nor more than fifteen (15) days after the first date of said meeting, in accordance with the provisions of Section 6.”

with:

“The Annual Town Meeting of the Town shall be held on the second Tuesday of the month of May and at a time as specified by the Board of Selectmen in the warrant; and all business, except the election of such officers and the determination of such matters as by law or by this chapter are required to be elected or determined by ballot, shall be considered at that meeting or at an adjournment thereof to another day. That part of the Annual Town Meeting devoted to the election of officers and the determination of such questions as by law or by this chapter are required to be elected or determined by ballot shall be held on a Tuesday in May not less than seven (7) nor more than fifteen (15) days after the first date of said meeting, in accordance with the provisions of Section 6.”

(Requested by: Board of Selectmen)

ARTICLE 4

SPECIAL STABILIZATION FUND

To see if the Town will vote to establish under Chapter 40, Section 5B of the Massachusetts General Laws, a Capital Improvements Stabilization Fund, for the purpose of accepting funds from a variety of sources to be used exclusively for annual capital expenditures by town departments; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 5

FY'07 TOWN BUDGET AMENDMENTS

To see if the Town will vote to amend its action taken under Article 5 of the April 3, 2006, Annual Town Meeting (the FY'07 Municipal Operating Budget), as amended by Article 2 of the October 16, 2006, Special Town Meeting: (a) by transferring sums of money between departmental accounts and/or by consolidating categories within departmental accounts, the total appropriation to remain the same as previously appropriated as a result of these transfers and/or consolidations; and (b) by appropriating additional sums, offset by available funds; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 6

PRIOR YEAR UNPAID BILLS

To see if the Town will vote to raise and appropriate, or transfer a sum of money from available funds to pay unpaid bills incurred in prior years and remaining unpaid; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 7

FY'08 MUNICIPAL BUDGET

To hear and act upon the report of the Finance Committee relative to the municipal budget, and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including the compensation of elected Town officers, and to authorize the Town to enter into lease-purchase contracts for office equipment having a term of five years or less; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 8

FY '08 MUNICIPAL BUDGET AMENDMENT

To see if the Town will vote to amend its action taken under Article 7 of the April 2, 2007, Annual Town Meeting (the FY08 Municipal Budget), by increasing the appropriation thereunder and by transferring an equal sum from available funds for said purposes; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 9

FY'08 SCHOOL BUDGET

To hear and act upon the reports of the Finance Committee and of the School Committee relative to the FY'08 School Department budget and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including entering into lease-purchase agreements having a term of five years or less for a school bus and/or for other purposes; and to act upon a request to reauthorize existing revolving funds pursuant to state law; or to take any other action relative thereto.

(Requested by: School Committee)

ARTICLE 10

SCHOOL DEBT PROJECT

To see if the Town will vote: (1) to appropriate a sum of money for debt service payments and other costs related to the construction and furnishing of the new middle school and high school including, without limitation, moving expenses and expenses necessary to secure the former Whipple Middle School; and (2) to determine whether said appropriation shall be raised by taxes, by transfer from available funds, or otherwise; or to take any other action relative thereto.

(Requested by: School Committee)

ARTICLE 11

FY'08 SCHOOL BUDGET AMENDMENT

To see if the Town will vote to amend its action taken under Article 9 of the April 2,

2007, Annual Town Meeting (the FY08 School Budget), in loan, by increasing the appropriation thereunder and by transferring an equal sum from available funds for said purposes; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 12 **FY'08 WHITTIER REGIONAL HIGH SCHOOL BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to cover the Town's share of the ensuing year's annual operating and debt service expenses of the Whittier Regional Vocational Technical High School District; or to take any other action relative thereto.

(Requested by: Whittier RVTHS Representative Raymond Morley)

ARTICLE 13 **FY'08 WATER & SEWER BUDGETS**

To see if the Town will vote: (1) to raise and appropriate a sum of money for the ensuing year's expenses of the Water Division, Department of Utilities, said sum to be offset by revenues of the Water Division during FY'08; and (2) to raise and appropriate a sum of money for the ensuing year's expenses of the Sewer Division, Department of Utilities, said sum to be offset by revenues of the Sewer Division during FY'08; or to take any other action relative thereto. *(Requested by: Board of Water/Sewer Commissioners)*

ARTICLE 14 **EQUIPMENT BOND**

To see if the Town will vote: (1) to appropriate a sum of money to purchase heavy equipment for the Department of Public Works and to fund replacement of the Town's I-Net (data network); and (2) to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 15 **CHAPTER 90**

To see if the Town will vote: (1) to appropriate a sum of money under the provisions of Chapter 90 of the Massachusetts General Laws, and to obtain any materiel, equipment and/or services incidental thereto; (2) to authorize the Board of Selectmen to acquire easements in conjunction therewith by purchase, gift, lease, eminent domain, or otherwise; (3) in furtherance of the project(s), to authorize the Board of Selectmen to apply for, accept, and expend any federal, state and/or private grants without further appropriation thereof; (4) to reduce the appropriation of Chapter 90 funds approved in Article 11 of the April 3, 2006, Annual Town Meeting from \$392,000 to \$262,413; and (5) to determine whether said appropriation shall be raised by taxes, by transfer from

available funds, or by borrowing; or to take any other action relative thereto.
(Requested by: Board of Selectmen)

ARTICLE 16 **CITIZEN PETITION: YOUTH DIRECTOR**

To see if the Town will vote to appropriate the sum of \$28,098 to maintain the position of Youth Director for the Recreation Department in order to continue offering current levels of indoor and outdoor programs for local children and youth; or to take any other action thereto.

ARTICLE 17 **HARBORMASTER BOAT PURCHASE**

To see if the Town will vote to appropriate \$73,500 to the Harbormaster budget for the purchase of a new Harbormaster's boat; and to meet this appropriation by transferring \$73,500 from the Waterways Improvement Fund. (Requested by: Board of Selectmen)

ARTICLE 18 **COA, HEALTH DEPARTMENTS, HISTORICAL COMMISSION & SHELLFISH DEPARTMENT REVOLVING FUNDS**

To see if the Town will vote: (1) to re-authorize for FY'08 the following revolving funds established under Massachusetts General Laws Chapter 44, Section 53E½: (a) Council on Aging activity fees, the use of said fund to pay for special activities, expendable supplies and/or part-time wages, and to determine that no more than \$100,000 may be expended by the Council on Aging from monies transferred into said fund during FY'08; (b) Historical Commission Revolving Fund, the use of said fund to be to pay for preservation of Town records and to purchase expendable supplies, and to determine that no more than \$5,000 may be expended by the Historical Commission from monies transferred into said fund during FY'08 (source of funds: sale of publications); (c) Health Division Revolving Fund, the use of said fund to finance additional part-time help in the Health Division and to pay related expenditures, and to determine that no more than \$7,000 may be expended by the Health Division in FY'08 from such excess funds transferred into said fund during FY'08 (source of funds: Housing Code Inspection Fees); and (d) a Shellfish Department Revolving Fund, said fund to be used for enhancements to the shellfish resources of the Town, and to determine that no more than \$10,000 may be expended by the Shellfish Commission from monies transferred into said fund during any given fiscal year, and to use the surcharge on commercial shellfish licenses as the source of funds; or to take any other action relative thereto.
(Requested by: Board of Selectmen)

ARTICLE 19 **COMMITTEE REPORTS**

To hear and act on the reports of the Committees and to continue such Committees as

the Town may vote to continue; or to take any other action relative thereto.
(Requested by: Board of Selectmen)

ARTICLE 20 **SPECIAL ACT: POLICE CHIEF CIVIL SERVICE**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to exempting the position of Chief of Police from the civil service law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve 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 this petition:

AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF IPSWICH FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. The position of Chief of Police in the Town of Ipswich shall be exempt from Chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of any person holding the office of Chief of Police of the Town of Ipswich on the effective date of this act.

SECTION 3. This act shall take effect on January 1, 2009.
(Requested by: Board of Selectmen)

ARTICLE 21 **LIQUEURS AND CORDIALS**

To see if the Town will vote to accept the provisions of Section 2 of Chapter 481 of the Acts of 1993 which became effective on April 14, 1994, to permit a common victualer who holds a license to sell wines and malt beverages in accordance with the provisions of Massachusetts General Law Chapter 138, Section 12, to also sell, upon written approval of the local licensing board, liqueurs and cordials pursuant to said license subject to all other licensing provisions of Massachusetts General Law Chapter 138.
(Requested by: Board of Selectmen)

ARTICLE 22 **HIGH STREET SEWER EXTENSION**

To see if the Town will vote: (1) to approve a sewer extension greater than 500 feet in the area of 203 High Street to 247 High Street consistent with the provisions of town

bylaws; (2) to appropriate a sum of money to survey design and prepare bid documents for construction of a sanitary sewer extension in the area of 203 to 247 High Street; and (3) to determine that this project shall be subject to betterment assessment at a rate sufficient to recover 100% of said project costs, and to determine the method of calculation, and to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 23 **ELECTRIC DEPARTMENT SUB STATION PROJECT**

To see if the Town will appropriate of a sum of money to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station on property owned by the Electric Department, and to meet such appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum in accordance with Massachusetts General Laws Chapter 44 or any other enabling authority, or to take any other action relative thereto. *(Requested by: Board of Selectmen).*

ARTICLE 24 **WATER PROJECT BOND**

To see if the Town will vote: to appropriate a sum of money to survey, design, and construct improvements to the Town’s water distribution system (extending the water main up Route 1, and to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 25 **ESTABLISHMENT OF AFFORDABLE HOUSING TRUST FUND**

To see if the Town will vote: to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, establishing a trust to be known as the Ipswich Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in implementation thereof will vote to authorize the Board of Selectmen to execute a Declaration of Trust and Certificate of Trust for the Ipswich Affordable Housing Trust Fund; and to amend Chapter X of the General Bylaws of the Town as follows:

- 1) Amend “Section 1. Custody of Funds and Securities” by adding, after the words “Park Commissioners”, the following: “, the Affordable Housing Trust Fund trustees,”;
- 2) Rename the paragraphs entitled “Section 1. Custody of Funds and Securities”,

“Section 2. Investments and Expenditures of Trust Funds” and “Section 3. Annual Reports”, to “(a)”, “(b)”, and “(c)”, and place all three paragraphs under a new heading, “Section Two. Other Trust Funds”;

3) Add “Section 1. Affordable Housing Trust Fund”, to read as follows:

“Section 2. Affordable Housing Trust Fund

a) There shall be a Board of Trustees of the Ipswich Affordable Housing Trust Fund established by the vote under Article 26 of the Warrant for the 2007 Annual Town Meeting, in this section called “the board”, which shall include five (5) trustees. The trustees shall be appointed by the Board of Selectmen, after consultation with the Ipswich Housing Partnership. The board shall consist of one member of the Board of Selectmen, at least two members of the Ipswich Housing Partnership, if in existence at the time of appointment, the Town Manager or his designee, and two other members appointed by the Board of Selectmen. Trustees shall serve for a term of two years to be appointed for staggered terms.

b) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws Chapter 44 Section 55C, shall include the following:

(1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law;

(2) to purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, planners, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.”;
or to take any action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 26 **COMBINING AFFORDABLE HOUSING TRUST FUNDS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to transferring the funds and other property held by the Ipswich Affordable Housing Trust Fund, established by special act in 2004, to the new Trust Fund established by vote of Town Meeting under Article 25 of this warrant; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve 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 this petition:

AN ACT AUTHORIZING THE TOWN OF IPSWICH TO COMBINE EXISTING AFFORDABLE HOUSING TRUSTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Chapter 145 of the Acts of 2004, entitled "An Act Establishing the Ipswich Affordable Housing Trust Fund," is hereby rescinded, and the offices of the board of trustees established pursuant to said act are hereby abolished and the terms of any trustees serving on the effective date of this act shall be terminated. No contracts or liabilities then in force shall be affected by such abolition, but the board of trustees of the Ipswich Affordable Housing Trust Fund established pursuant to the terms of Section 55C of Chapter 44 of the General Laws shall in all respects be the lawful successor of the board of trustees created pursuant to chapter 145 of the acts of 2004.

SECTION 2. Upon the effective date of this act, any and all funds, real property and personal property or other assets in the care, custody and control of the board of trustees established under Chapter 145 of the Acts of 2004 shall hereby be transferred by operation of law to the care, custody and control of the board of trustees of the Ipswich Affordable Housing Trust Fund as established pursuant to the terms of Section 55C of Chapter 44 of the General Laws.

SECTION 3. This act shall take effect upon its passage;
or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 27

RIVERWALK BONDS

To see if the Town will vote to amend its actions taken under Article 24 of the Warrant for the April 7, 2003, Annual Town Meeting ("Riverwalk Bonds") and Article 22 of the Warrant for the April 5, 2004, Annual Town Meeting (Riverwalk Supplemental Funding) by changing the purpose for which the bonds were to be expended from: "...survey, design, and construct a pedestrian bridge across the Ipswich River, to be located in the area of South Main Street and Union Street, and to obtain any materiel and/or services incidental thereto", to: "...survey, design, and construct a pedestrian bridge across the Ipswich River, to be located in the area of South Main Street and Union Street, and to obtain any materiel and/or services incidental thereto, and further in conjunction with said project, to survey, design, and construct improvements such as crosswalks, landscaping, sidewalks, foot paths, and parking, in the general vicinity of the Riverwalk entrance on South Main Street, and to obtain any materiel and/or services incidental thereto; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 28

DRAINAGE EASEMENT OVER TOWN LAND

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to authorize the Conservation Commission to grant a drainage easement over land owned by the Town at Hood Farm Road, as shown on a plan entitled "Definitive Subdivision Plan of Land, Open Space Preservation (Cluster) for Winchester Commons", prepared by Meridian Engineering, Inc., dated November 17, 2000, revised January 9, and February 9, 2001; or to take any other action relative thereto.
(Requested by: Planning Board)

ARTICLE 29

RECONSIDERATION

To see if the Town will vote to reconsider any or all previous articles raising and/or appropriating money which have a direct impact on the levy for the next ensuing fiscal year, as contained in this warrant, for the purpose of completing a budget which is balanced and in compliance with the levy limit provisions of Proposition 2½, so called; or to take any other action relative thereto. (Requested by: Board of Selectmen)
And you are directed to serve this Warrant by posting attested copies thereof at the Post Office and at each of the meeting houses in the Town, by publication at least seven days prior to the time for holding said meeting in a newspaper published in, or having a general circulation in, the Town of Ipswich.

Given unto our hands this Fifth day of March in the year of our Lord, Two Thousand and Seven.

TOWN OF IPSWICH
BOARD OF SELECTMEN

Patrick J. McNally, Chair

Elizabeth A. Kilcoyne, Vice-Chair

Edward B. Rauscher, Member

James W. Foley, Member

Ingrid F. Miles, Member