

WARRANT

TOWN OF IPSWICH

ANNUAL TOWN MEETING

MAY 12, 2009

**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 TUESDAY, THE TWELTH DAY OF MAY, 2009, 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; one [1] Selectman for three [3] years; two [2] members of the School Committee for three [3] years; one [1] member of the Housing Authority for five years; one [1] Constable for three [3] years; the above officers to be voted on one ballot at the YMCA Hall, County Road, on Tuesday, May 19, 2009; the polls shall open at 7:00 a.m. and shall close at 8:00 p.m.; (3) to act on the transfer of a payment-in-lieu-of-taxes in the Electric Division, Department of Utilities; (4) 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 2010 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

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 4

FY'10 MUNICIPAL BUDGET

To hear and act upon the reports of the Board of Selectmen and Finance Committee relative to the Fiscal 2010 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 5 **TOWN BUDGET AMENDMENTS**

To see if the Town will vote to amend its actions taken under Article 5 of the May 13, 2008, Annual Town Meeting (the FY'09 Municipal Operating Budget), as amended by Article 2 of the October 20, 2008, Special Town Meeting and its action under Article 4 of the May 12, 2009, Annual Town Meeting, (the FY'10 Municipal Operating Budget) by appropriating sums of money in addition to that appropriated under said Articles (said appropriations to be raised by taxes, by transfer of available funds or otherwise), by transferring sums between departments and/or categories within departments; and/or by determining if a portion of said additional appropriations shall be offset by estimated receipts of user fees, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Sec. 53E½; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 6 **FY'10 SCHOOL BUDGET**

To hear and act upon the reports of the School Committee and Finance Committee relative to the Fiscal 2010 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 7 **HIGH SCHOOL/MIDDLE 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 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 8 **WIND TURBINE PROJECT DEBT**

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 of a wind turbine generator; 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 9 CAPITAL IMPROVEMENTS STABILIZATION FUND APPROPRIATION

To see if the Town will vote to appropriate a sum of money from the Capital Improvements Stabilization Fund for maintenance of public buildings; or to take any other action relative thereto. *(Requested by: Board of Selectmen)*

ARTICLE 10 FY'10 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; or to take any other action relative thereto. *(Requested by: Whittier RVTHS Representative Raymond Morley)*

ARTICLE 11 FY'10 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'10; 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'10; or to take any other action relative thereto. *(Requested by: Board of Water/Sewer Commissioners)*

ARTICLE 12 WATER DEPARTMENT BOND

To see if the Town will vote: (1) to appropriate a sum of money to fund capital improvements at the Water Treatment Plant and reconstruction of a water main; 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 Water Commissioners)*

ARTICLE 13 CITIZENS PETITION: FUNDING FOR THE 375th ANNIVERSARY

We, the undersigned, hereby petition the town of Ipswich to appropriate or transfer from available funds the sum of \$50,000 to the Ipswich Partnership to provide partial public funding for the celebration of the 375th anniversary of the founding of Ipswich.

ARTICLE 14 CAPITAL IMPROVEMENTS BOND

To see if the Town will vote: (1) to appropriate a sum of money to purchase small trucks and passenger vehicles to replace the least efficient vehicles in the Town fleet; to fund replacement of windows at Town Hall; and to fund replacement of the play structure for children at Bialek Park and to renovate the 90' baseball diamond at Bialek Park 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 **PAVEMENT MANAGEMENT PROGRAM BOND**

To see if the Town will vote: (1) to appropriate a sum of money to fund the Pavement Management Program in the Department of Public Works 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: The DPW Director)

ARTICLE 16 **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 material, 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; and (4) 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 17 **COA, HEALTH DEPARTMENT, HISTORICAL COMMISSION
FACILITIES DEPARTMENT & SHELLFISH DEPARTMENT
REVOLVING FUNDS**

To see if the Town will vote to re-authorize for FY'10 the following revolving funds established under Massachusetts General Laws Chapter 44, Section 53E½:

- (a) a Council on Aging revolving fund, 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'10;
- (b) an Historical Commission revolving fund, the use of said fund 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'10 (source of funds: sale of publications);
- (c) a Health Department revolving fund, the use of said fund to finance additional part-time help in the Health Department and to pay related expenses, and to determine that no more than \$7,000 may be expended by the Health Department in FY'10 from such funds transferred into said fund during FY'10 (source of funds: Housing Code inspection fees);

(d) a Health Department Public Health revolving fund, to be funded through Medicare Part B reimbursements for the administration of influenza and pneumococcal vaccines and fees charged for vaccine clinics and to be used to finance part-time wages and pay related expenditures such as the cost of vaccine, medical supplies, and other administrative costs, and to determine that no more than \$10,000 may be expended by the Health Department from monies transferred into said fund during FY'10.

(e) a Facilities Department revolving fund to pay for custodial services associated with the use of the gymnasium and other Town Hall facilities by outside organizations or for special events sponsored by municipal departments, and to determine that no more than \$10,000 may be expended from the Facilities Department revolving fund from monies transferred into said fund during the fiscal year; and

(f) a Shellfish Department revolving fund, said funds 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 Commissioners 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 18

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 19

PUBLIC CONSUMPTION OF MARIJUANA

To see if the Town will vote to amend the General Bylaw, Chapter XV, MISCELLANEOUS PROVISIONS FOR PUBLIC ORDER AND SAFETY, Section 1, Disorderly Behavior, with the following subsection (d) to read:

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Ipswich; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. The penalty for violations shall be as follows:

1st Offense -- \$100.00

2nd Offense - \$200.00

3rd and Subsequent Offense -- \$300.00

or to take any other action relative thereto.

(Requested by the Chief of Police)

ARTICLE 20 ACCEPTANCE OF STATE LEGISLATION: MILITARY LEAVE

To see if the Town will vote to accept the following local option legislation: 1) M.G.L. Ch. 33, Sec. 59, which provides a limited number of training days to members of the National Guard or reserves; and 2) M.G.L., Ch. 182, Sec. 77 of the Legislative Acts of 2008, which provides for compensation and other benefits to public employees who have been called to active military service since September 11, 2001; or take any other action relative thereto.

(Requested by: The Chief of Police)

ARTICLE 21 ACCEPTANCE OF STATE LEGISLATION: POST EMPLOYMENT BENEFITS TRUST FUND

To see if the Town will vote to accept local option legislation entitled, An Act Providing for the Establishment of Other Post Employment Benefits Liability Trust Funds in Municipalities and Certain Other Governmental Units; or take any other action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 22 LEASE-PURCHASE AGREEMENT

To see if the Town will vote to authorize a five year lease-purchase agreement with Carousel Industries of North America to replace the Centrax communications system with a Voice over Internet Protocol (VOIP) communications system.

(Requested by: Board of Selectmen)

ARTICLE 23 SPECIAL ACT: TO AMEND CHAPTER 5 OF THE ACTS OF 1775

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact special legislation substantially in the following form (subject to clerical or editorial changes of form), and further to authorize the Board of Selectmen to approve any additional amendments which are within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING THE APPOINTMENT OF THE FEOFEES OF IPSWICH GRAMMAR SCHOOL

“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. The existing Feoffees of Ipswich Grammar school shall upon passage of this act be replaced with seven individuals appointed for three years terms (with the initial terms shortened as appropriate so as to provide staggered term appointments) in the following manner:

- 2 appointed by School Committee

- 2 appointed by Board of Selectmen
- 2 appointed by Finance Committee
- 1 appointed by Town Meeting

To be eligible to be appointed as a Feoffee or to continue to serve as a Feoffee, a person's primary residence shall be in Ipswich. No person shall serve as a Feoffee for more than three consecutive terms. Feoffees shall serve without compensation, other than reimbursement for reasonable and necessary trust related expenses. No person may be a Feoffee while serving as a member of the School Committee, Board of Selectmen or the Town Finance Committee or as Town Manager or Superintendent of Schools. In the appointment of Feoffees, the appointing bodies shall appoint persons who acknowledge at the time of appointment the Feoffees' fiduciary duties and obligations of trusteeship and the purpose of the Trust to benefit the Ipswich public schools. Persons will be appointed who also possess expertise and skills that will enable the Feoffees collectively to carry out their responsibilities.

SECTION 2. This act shall take effect upon its passage."

(Requested by: The Finance Committee)

ARTICLE 24 **RENAMING A PORTION OF SOFFRON LANE TO "BREWERY PLACE"**

To see if the Town of Ipswich will vote to rename that portion of the accepted street Soffron Lane, which is located between the easterly and westerly legs of Brown Square, from its current name to "Brewery Place"; or to take any other action relative thereto.

(Requested by: The Planning Director)

ARTICLE 25 **INCREASING DEMAND PAYMENT FOR DELINQUENT TAXES**

To see if the Town will vote to increase the fee charge for each written demand issued by the Town Collector from Five Dollars (\$5.00) to Fifteen Dollars (\$15.00) to be added and collected as part of the tax as authorized by M.G.L., Chapter 60, Section 15; or take any take any action relative thereto.

(Requested by: Board of Selectmen)

ARTICLE 26 **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)

4/24/2009

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 Fourteenth day of April in the year of our Lord, Two Thousand and Eight.

TOWN OF IPSWICH
BOARD OF SELECTMEN

Chair, Ingrid F. Miles

Vice-Chair, James W. Foley

Charles D. Surpitski, Member

Patrick J. McNally, Member

Elizabeth A. Kilcoyne, Member