

# **TOWN OF IPSWICH**

## **WARRANT ARTICLE SYNOPSIS**

**SPECIAL TOWN MEETING  
October 15, 2007**

**SPECIAL TOWN MEETING SYNOPSES**

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**SPECIAL TOWN MEETING SYNOPSES**  
**October 15, 2007**

**ARTICLE 1**      **FY 2007 Unpaid Bills**

**Summary:**

This article will raise and appropriate **\$53,806.86** to pay unpaid bills incurred at the end of FY'07.

| <b>DEPARTMENT</b>  | <b>VENDOR</b>                 | <b>AMOUNT</b> | <b>TOTALS</b> |
|--------------------|-------------------------------|---------------|---------------|
| Misc Finance       | The Ipswich Center            | 377.50        |               |
|                    | The Ipswich Center            | 385.91        |               |
|                    | Coastal Orthopedics           | 40.33         | 803.74        |
| Consolidated Maint | Ipswich Electric              | 1,642.15      |               |
|                    | Ipswich Water                 | 44.56         |               |
|                    | Ambient Temperature Corp      | 411.50        | 2,098.21      |
|                    |                               |               |               |
| Legal              | Kopelman & Paige              | 18,719.38     |               |
|                    | Kopelman & Paige              | 6,896.52      | 25,615.90     |
| Fire Dept          | Call Firefighter              | 150.00        |               |
|                    | Arthur Howe                   | 850.00        | 1,000.00      |
| Recreation Dept    | Trustees of Reservation       | 800.09        |               |
|                    | Ipswich Electric              | 110.46        | 910.55        |
| Town Manager       | REW Environmental             | 18,068.40     |               |
|                    | Community News                | 591.60        |               |
|                    | Eagle Tribune                 | 488.24        | 19,148.24     |
| Water Treatment    | Verizon                       | 195.32        |               |
|                    | ABB Inc                       | 193.71        | 389.03        |
| Veterans'          | Dr. Amesbury                  | 29.10         |               |
|                    | Beacon Family Med             | 37.41         |               |
|                    | Charter Prof.                 | 89.68         |               |
|                    | Commonwealth Rad              | 44.12         |               |
|                    | Lahey Clinic                  | 20.00         |               |
|                    | NS Cardiovascular             | 17.89         |               |
|                    | Neurological Consultants Inc. | 39.50         |               |
|                    | Essex Cty OBGYN               | 240.00        |               |
|                    | NS Ear Nose & Throat          | 28.25         | 545.95        |

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|          |                     |                  |                  |
|----------|---------------------|------------------|------------------|
| Police   | Beverly Radiology   | 11.66            |                  |
|          | Coastal Orthopedics | 40.33            | 51.99            |
| Electric | Recycled Office     | 43.47            |                  |
|          | UPS                 | 113.78           |                  |
|          | Verizon             | <u>3,086.00</u>  | <u>3,243.25</u>  |
| TOTAL    |                     | <b>53,806.86</b> | <b>53,806.86</b> |

**Fiscal Impact:**

To pay these bills **\$50,174.58** from Fiscal 2008 taxes; **\$389.03** from the Water Division surplus and **\$3,243.25** from the Municipal Light Department surplus account.

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**ARTICLE 2 FY 2008 Town Budget Amendments**

**Summary:**

The Board of Selectmen proposes the following amendments to the FY'08 budget:

- 1) appropriate **\$20,000** from the Waterways Improvement Fund to fund for the repair and reconstruction of the main platform area at the Town Wharf and the purchase of a gangway and float for the Town Wharf; and
- 2) appropriate **\$17,445** from Federal Emergency Management Agency payments to the Town to reimburse the Highway Department for expenses incurred during the April 2006 Nor'easter flood emergency; and
- 3) transfer **\$74,600** from Ambulance Account to the Fire Department Overtime account; and
- 4) transfer **\$6,000** from the DPW-Equipment Maintenance account and **\$14,211** from the DPW-Equipment Maintenance account to the DPW-Highway account to fund the purchase of ancillary equipment for the sidewalk snow plow;
- 5) transfer **\$14,665** from the Ambulance account to the Town Hall Maintenance account to pay for repairs and painting of the exterior woodwork at Town Hall; and
- 6) appropriate up to **\$68,000** into the Stabilization Fund.

**Fiscal Impact:**

These changes in the FY'08 municipal budget will not affect the Fiscal 2008 tax rate.

**SPECIAL TOWN MEETING SYNOPSES**  
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**ARTICLE 3      School Budget Amendments**

**Summary:**

- 1) **\$73,152** – to be appropriated from free cash to reimburse the School Department for Medicaid funds deposited into the General Fund during Fiscal 2007. This is a routine transfer. Medicaid funds are deposited into the General Fund each year and transferred from free cash to the School Department in the following fiscal year.
  
- 2) **\$117, 675** – to be appropriated from the School Insurance Recovery Fund (D-5) reimburse the School Department for insurance payments for the flooding and ice damage incurred at the Middle School/High School complex and the Winthrop Elementary School in 2007. Insurance payments were **\$26,535** for Winthrop flooding and **\$91,140** for the MS/HS ice damage.
  
- 3) **\$60,000** -- to be appropriated from the additional Chapter 70 funds (**\$50,000**) and free cash (**\$10,000**) for additional Cherry Sheet contributions from the Commonwealth over and above the estimates used for the school budget at the Annual Town Meeting. The Town's practice is to contribute all new Chapter 70 monies for the fiscal year to the School Department budget.

**Fiscal Impact:**

There is no impact on the Fiscal 2008 tax rate.

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**ARTICLE 4      Whittier Budget Amendment**

**Summary:**

The Whittier Regional School Committee's budget for FY'08 resulted in an assessment to the Town of **\$544,746**. On April 2, 2007, the Annual Town Meeting vetoed the Whittier assessment at **\$539,935**. Subsequently, the Whittier School Committee made some adjustments and re-submitted the budget to member communities. The final Whittier budget increased the assessment for Ipswich, thereby requiring the Town of Ipswich to appropriate an additional **\$4,811**.

**Fiscal Impact:**

These funds will be appropriated from tax revenue, and there will be an impact on the Fiscal 2008 tax rate.

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**ARTICLE 5      FY 2008 Water Budget Amendments**

**Summary:**

This article amends Article 13 of the April 2, 2007 Annual Town Meeting (the FY'08 Water and Sewer Budgets) by increasing the Water Division appropriation to be raised and assessed from **\$2,398,921** to **\$2,453,921**. The Water Division of the Utilities Directorate had planned to change one of the carbon filters at the water treatment plant. The Superintendent has not recommended that both carbon filters be changed, thus increasing the cost by **\$55,000**.

**Fiscal Impact:**

The addition of **\$55,000** to the Water Division budget will be funded from the reserve; there is no impact upon the tax rate.

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**ARTICLE 6 Chapter 90 Acceptance**

**Summary:**

Chapter 90 funds are provided annually to cities and towns via a formula grant from the Commonwealth of Massachusetts. These funds become available to the Ipswich Department of Public Works for improvements to streets and infrastructure.

N.B. No new Chapter 90 funds have been allocated at this time. This article is a placeholder so that the Town can accept any Chapter 90 funds announced prior to October 15.

**Fiscal Impact:**

These are grant monies from the state; there is no impact on the local tax rate.

**SPECIAL TOWN MEETING SYNOPSES**  
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**ARTICLE 7      Town Charter Amendment**

**Summary:**

This article, proposed by the Government Study Committee, will initiate two changes in the Town Charter: 1) the date on which the Town Manager is required to submit a draft budget for the next fiscal year will be changed from December 10 to “no later than 100 days prior to the Annual Town Meeting”; and 2) the date on which the Selectmen are required to submit a proposed budget to the Finance Committee will be changed from January 12 to “no later than 65 days prior to the Annual Town Meeting.”

At the Annual Town Meeting on April 2, 2007, the date of the Annual Town Meeting was changed from the first week in April to the second Tuesday in May. This will allow more time for the Selectmen and the Finance Committee to review the proposed operating and capital budgets for the next fiscal year.

Local aid, i.e., state revenues shared with cities and towns, constitutes 19% of the Ipswich’s revenue in Fiscal 2008. One of the challenges for the Town Manager building a budget for the new fiscal year is predicting the amount of local aid revenue from the state. Although the actual amount of local aid is not known until the legislature enacts the state budget in June, the best indicator of amount of local aid for the new fiscal year is “H-1,” the budget proposal submitted by the governor to the legislature at the end of January.

Requiring the Town Manager to submit a draft budget on December 10 means creating a budget document without knowing the recommendations in H-1.

Changes in the Town Charter must be approved by two successive town meetings. These amendments to the Town Charter only take effect if they are approved for a second time by the Annual Town Meeting in May 2008.

**Fiscal Impact:**

The proposed charter amendments do not have a fiscal impact.

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**ARTICLE 8      Town Bylaw Amendment**

**Summary:**

This article would amend the Town Bylaws to bring consistency with the proposed amendment to the Town Charter in Article 8. Specifically, this article provides that the Selectmen will present a proposed budget to the Finance Committee "no later than 65 days prior" to the Annual Town Meeting.

Also, the Ipswich Municipal Light Department is governed by the Board of Selectmen acting as IMLD Commissioners. The IMLD does not submit a budget to the Town Meeting. IMLD has recently converted its budget from the calendar year to the fiscal year (June 30-July 1).

The Selectmen, acting as IMLD Commissioners, approve the IMLD budget. Although the IMLD budget is not submitted to the Town Meeting, the IMLD budget is submitted to the Finance Committee for informational purposes.

The Government Study Committee recommends that the requirement for submission of Municipal Light Department's budget to the Finance Committee be changed from, "It shall be the duty of the Electric Commissioners to lay before the Finance Committee, on or before March 1st ...." to "It shall be the duty of the Electric Commissioners to lay before the Finance Committee, **no later than 65 days prior** to the beginning the beginning of the fiscal year...."

**Fiscal Impact:**

There will be no impact upon the FY 2008 tax rate. These amendments will have no impact upon the tax rate.

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**ARTICLE 9      Town Bylaw Amendment**

**Summary:**

This article will impose a normal adjournment time of 11:00 p.m. for the Annual and Special Town Meetings. However, the Moderator, with the consent of the assembly, may continue a meeting beyond the 11:00 p.m. adjournment until a specific time or until all warrant articles are completed.

**Fiscal Impact:**

There is no impact on the tax rate.

**SPECIAL TOWN MEETING SYNOPSES**  
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**ARTICLE 10**      **Special Act on Sewer Extensions**

**Summary:**

This article seeks the endorsement by Town Meeting of a Special Act to change the legal requirement for acceptance of a petition to extend the sewer system from 75% of the owners of the land abutting a proposed project to 2/3rds (66 2/3rds per cent)

The Special Act will amend Chapter 83 of the Acts of 1999 regarding the method of assessing sewer betterments upon petition of abutters; sentence: "Notwithstanding the provisions of the first sentence to the contrary, if the owners of not less than 66 2/3rds per cent of the land abutting a proposed sewer project, calculated on a basis consistent with the determined method of betterment of those lots to be served by said project, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system."

**Fiscal Impact:**

None

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**ARTICLE 11**      **Citizens' Petition: Sewer Extension**

**Summary:**

This citizens' petition seeks to reduce the requirement for acceptance of a sewer extension from 75% to 2/3rds of the owners of the land abutting a proposed project.

The citizens' petition is in the form of a resolution requesting that the town change the required percentage. Article 10 above is intended to carry out the sense of this resolution by amending the Special Act which regulates sewer extensions.

**Fiscal Impact:**

None.

**SPECIAL TOWN MEETING SYNOPSES**  
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**ARTICLE 12      Stormwater Bylaw**

**Summary:**

The proposed Ipswich Stormwater Management Bylaw recognizes the importance to the Town and its environs of flood control, water supply protection, water pollution abatement, and the reliability of its storm drainage systems. The Bylaw proposal also responds to the federal and State mandate under the National Pollutant Discharge Elimination System (NPDES) Permit issued to the Town of Ipswich.

This proposed Bylaw accomplishes 5 primary tasks:

- 1) Creates a Connection and Discharge Permit for connections to the MS4;
- 2) Controls stormwater management from large new and re-development projects (covering both construction phase and post-construction stormwater management);
- 3) Creates a Stormwater Permit to control storm water management from small new and small redevelopment projects that would otherwise require only a building permit;
- 4) Prohibits illicit discharges to the MS4 and waters of the Commonwealth;
- 5) Meets certain Ipswich requirements under the NPDES Phase II General Permit.

Primary authority for the permits and for enforcement is delegated to the Director of Public Works

The basic criteria (standards) for stormwater management for the construction and post-construction phases are provided in this Bylaw, and subsequent regulations. All existing permitting processes (Special Permit, Site Plan Review, Subdivision Review, and Conservation Commission Wetlands Review) would incorporate these criteria.

The threshold for the Stormwater Permit is "land alteration of 5000 square feet or more," with certain clear exemptions.

This bylaw will bring the town into partial compliance with the NPDES Phase II Stormwater Permit by implementing or enabling six Best Management Practices (BMPs) listed in the Ipswich Notice of Intent (7/15/03) as following Minimum Control Measures.:

A funding mechanism or mechanisms also needs to be developed. The Ipswich Stormwater Committee, established by the Board of Selectmen, is discussing user fees, permit fees, and the establishment of an enterprise fund through which all or selected stormwater management activities and programs would be supported in a reliable, dedicated, and equitable manner.

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The committee intends, through discussions with the Board of Selectmen and Finance Committee, to develop a recommended program for consideration by the 2008 Annual Town Meeting.

**Fiscal Impact:**

The estimated cost to implement the initial phase of this bylaw in fiscal year 2009 is the cost of one new management level position in the Department of Public Works at an estimated cost of **\$133,300**.

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**ARTICLE 13      Energy Efficient Zoning**

**Summary:**

As new sources of energy become more commonly used, the Town's land use regulations should be modified in order to accommodate them. This article would revise the zoning bylaw by:

- Establishing regulations for wind energy conversion systems (WECS)
- Adding energy efficiency as a site plan review standard
- Expanding purpose statement to include efficient use and conservation of energy

At present, the zoning bylaw allows for municipal WECS by special permit of the Planning Board, but it does not provide any regulations to govern the use. This article, by adding a new subsection "M. Wind Energy Conservation Systems" to IX. Special Regulations of the bylaw, establishes dimensional standards and general standards that include provisions for height, setbacks, noise, electromagnetic interference and maintenance. The article also allows homeowners, by Planning Board special permit, and subject to the same regulations governing municipal WECS, to use wind energy to help meet their energy needs. The bylaw allows no such option at present.

By adding energy and resource efficiency as a site plan review standard, the article allows the Planning Board to consider these issues during the site plan review approval process. The article also amends the existing site plan review standards for lighting and landscaping to require that energy and water efficiency be considered when those improvements are undertaken.

**Fiscal Impact:**

No direct impact.

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**ARTICLE 14      Expansion of the In-Town Residence District**

**Summary:**

The In-town Residence Zoning District, as currently mapped, covers the central portion of the Town of Ipswich, which is for the most part densely built (lots on average less than 10,000 square feet in size), served by public water and sewer, and comprised primarily of single-family, two-family, and multi-family dwellings. The nature of the area located within the IR District is generally consistent with the intent of the district as defined in Section IV.B. of the zoning bylaw. There are two areas of the Town center, however, that share the characteristics and development pattern of the IR District, but are inexplicably excluded from it. These areas are:

- An area along and above the northerly side of East Street, extending from slightly west of Spring Street to the end of the Town Wharf, 39 lots in total. All of the lots on the southerly side of East Street are already included in the IR District.
- An area along North Perley Avenue and Farley Avenue, 17 lots in total. The remainder of the lots on North Perley, and all but a few of the lots on Farley Avenue, are already included in the IR District.

These areas are currently included within the Rural Residence A District, which requires a minimum lot size of two acres, and is intended primarily for the rural, outlying areas of Town.

As originally initiated, this article would have rezoned the two densely-built areas described above to the IR District, and thus bring the zoning into consistency with the land use. Because of strong opposition to the proposed article from the affected residents of the Farley/North Perley neighborhood, and from many of the affected residents in the East Street area, the Planning Board voted, at its meeting of September 13<sup>th</sup>, to exclude all of the Farley/North Perley area and most of the East Street area from the proposed rezoning. The proposed expansion of the IR District is now limited to 15 parcels either on or in the vicinity of Highland Avenue and lower Spring Street.

**Fiscal Impact:**

There is no impact on the FY'08 tax rate.

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**ARTICLE 15**      **Planned Commercial District Revisions**

**Summary:**

One of the policies contained in the Town's Community Development Plan is to "adopt a set of business-oriented zoning districts that are conducive to attracting the type of businesses that Ipswich wishes to see." To achieve that objective, the Plan recommends several zoning map/text changes, one of which is to revise the Planned Commercial (PC) District to encourage this area as a center for high-value light industrial, office, and high technology uses. The plan also recommends that "strip commercial" uses be generally discouraged in the Planned Commercial district.

This article attempts to satisfy these objectives by making the following changes to the PC District:

- Revising the intent of the PC District to include manufacturing uses;
- Amending the use schedule to:
  - require special permits for mini-storage warehouses and for general retail uses;
  - allow enclosed manufacturing by special permit;
  - prohibit outdoor processing and treating of raw materials;
- Increase maximum building area from 40% of the lot to 45%, thus increasing the potential building square footage that can be developed on a lot, without reducing the required open space;
- Establishes a performance standard that prohibits curb cuts from being closer than 150 linear feet from any existing curb cut except under certain circumstances, and discourages new curb cuts and encourages access via common driveways.
- Revise screening requirements to provide increased flexibility for Planning Board in allowing alternatives to current requirements.

**Fiscal Impact:**

None.

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**ARTICLE 16      Miscellaneous Zoning**

**Summary:**

As the building inspector and the planner work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies. The situations addressed by this article include:

- Definition of "Lot Area" conflicts with Section VI.C. of zoning bylaw
- Definitions of "Maximum Building Area" and "Private Guest House" are difficult to find
- Transfer of SPGA authority when site plan review approval is required is too narrow
- Fence requirement for pools unnecessarily restrictive and inconsistent with building code
- General fence requirements appear in wrong section and are not properly footnoted
- Method of calculating maximum floor area in RRB District needs clarification
- Parking requirement for shopping centers is excessive
- Surface requirements for parking areas are too limiting
- Sign requirements in non-residential districts are too inflexible
- Residency requirement for houses with accessory apartments are too restrictive
- Maximum occupancy requirement for accessory apartment is unnecessary

This article addresses these deficiencies as follows:

(1) Amends "III. DEFINITIONS" by:

- revising definition of "Lot Area" to remove exclusion of private ways
- renaming "Maximum Building Area" and "Private Guest House";

(2) Amends "V. USE REGULATIONS" by:

- extending transfer of SPGA authority to Planning Board for all projects requiring site plan review approval, regardless of district they are located within
- reducing fence height requirement for above-ground swimming pools from 5 to 4 feet
- relocating fence requirements from Use Footnotes to Dimensional Footnotes;

(3) Amends "VI. DIMENSIONAL AND DENSITY REGULATIONS" by excluding open decks from maximum floor area calculation and by making footnote to maximum building area currently tied to RRB District applicable to all districts;

:

(4) Amends "II. OFF-STREET PARKING AND LOADING" by:

- reducing shopping center parking requirement from 5 per 1000 square feet to 4 per 1000
- removing requirement that all parking areas be asphalt or concrete;

(5) Amends "VIII. SIGNS, D." by allowing certain increases in size and number of non-residential signs by Planning Board special permit;

(6) Amends "IX. SPECIAL REGULATIONS, J. Accessory Apartment" by allowing property owner to live in either principal dwelling or apartment, eliminating the maximum occupancy requirement for accessory apartment, and correcting conflict between purpose statement and condition "g.";

**Fiscal Impact:** None

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**ARTICLE 17      Street Acceptances**

**Summary:**

This article would accept four streets in Ipswich: (1) Pitcairns Way, a nine lot subdivision road located off of Plains Road; (2) Ruth Way, a road serving three house lots, located off of Essex Road; (3) Cogswell Street Extension, located off of East Street, an extension of Cogswell Street which serves two house lots; and (4) Partridgeberry Place, a 20 lot subdivision road located off of Boxford Road.

All four of the above-named streets were built within the past several years. All but one, Ruth Way, was built in accordance with an approved definitive subdivision plan approved by the Planning Board, pursuant to the Town's subdivision regulations. Ruth Way was built pursuant to a 40B comprehensive permit and thus did not receive direct Planning Board approval. However, the road construction was done in accordance with the subdivision regulations, and was done so to the satisfaction of the Department of Public Works.

On October 1<sup>st</sup>, as part of the street acceptance process outlined in the Town's general bylaws and in the state statutes, the Board of Selectmen will hold a public hearing before deciding on whether to vote to layout the aforementioned streets. On October 4<sup>th</sup>, the Planning Board will vote on whether or not to recommend that Town Meeting accept the streets as public ways.

Acceptance of the roads means that the Town will be responsible for their maintenance.

**Fiscal Impact:**

Public ways in the Town of Ipswich typically receive the following maintenance: 1) semi-annual street cleaning; 2) semi-annual cleaning of catch basins; and 3) snow plowing as needed.

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**ARTICLE 18      Personal Property Assessments**

**Summary:**

This article asks the Town Meeting to accept state enabling legislation, G.L. Chapter 59, Section 5 (54), which will allow the Ipswich Assessors to establish a minimum fair cash value of \$10,000 for taxation of personal property, beginning in Fiscal 2009.

Personal property is composed of goods, merchandise, equipment, tools machinery, furniture, cash, securities, stocks, promissory notes, furnishings in secondary homes and other moveable property.

Ipswich has a number of second or vacation homes that generate a small amount of revenue, but some bills are so small that it costs more to generate and send the bill than the income derived.

The Assessors urge adoption of the enabling legislation because the cost of assessing and processing tax bills for personal property with a value below \$10,000 is in excess of the revenue benefit.

**Fiscal Impact:**

The impact on the FY 2009 tax rate will be negligible.

**SPECIAL TOWN MEETING SYNOPSES**  
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**ARTICLE 19      Open Space Program – Additional Parcel**

**Summary:**

This article would add one new parcel to the list of properties that could be acquired through the Ipswich Open Space Program. The Open Space Program, funded through a \$10 million bond issue, was authorized by Article 18 of the Warrant for the April 3, 2000 Annual Town Meeting. All parcels to be potentially purchased under the Program must be added to the Bond List by vote of Town Meeting.

The additional parcel is 300 High Street, Map 20A, Parcel 033, consisting of approximately 2.05 acres; now/formerly owned by Carol A Lopes, TE, and Peter Lopes. The parcel is located in the Zone A Surface Water Supply Protection District of the Dow Brook Reservoir. Acquisition of the fee or a conservation interest in this property would provide further protection of the Reservoir's water quality.

This article has been initiated at the request of the Utilities Director.

**Fiscal Impact:**

The impact will not be known until any changes in appropriations are implemented.

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**ARTICLE 20      Electric Department Sub Station Project**

**Summary:**

This article seeks Town Meeting approval for the second time of a project approved by Town Meeting on April 2, 2007. With a cost estimated at \$7.5 million, the project did not go forward because a Town Bylaw requires that whenever a bond issue exceeds one-tenth of one percent (0.1%) of the current total equalized valuation, there are two steps required before the borrowing can take place: 1) A 2/3rds vote of the Town Meeting; and 2) approval by the voters at a Town election. No election was called after Town Meeting voted approval of the Sub Station bonds at the April 2 Annual Town Meeting.

The Ipswich Municipal Light Department commissioned a study of its distribution based on system loading information obtained in the year 2006. This study compliments ongoing planning issues addressed in past studies. Planning studies are the industry accepted tool for providing short term and long term horizon planning of utilities systems. The original study issued in September 2006 was up dated in January 2007. The study findings have been presented to the Electric Subcommittee with recommendations of going forward with planned distribution upgrades outlined in Improvement Plan #1.

Improvement Plan #1 recommends the construction of a new 23 kV -13 kV double ended substation at the present site of the 13 kV to 4 kV substation on Vermette Court. The site, owned by IMLD, is a 20,088 square foot (.461 acres) parcel of land located at the end of Vermette Court, a dead end court of Washington Street.

The substation will contain two new power transformers which will be supplied by two new 23 kV sub transmission lines. One sub transmission line will run directly from the High Street substation. The second will run from Vermette Court to an area close to Town Farm Road where it will tie into the existing 23kV sub transmission line, currently feeding the Fowlers Lane substation. These two new lines will complete a 23 kV loop throughout the west side of Ipswich.

Five new 13 kV distribution feeders will originate at the new substation. These feeders and their associated equipment will be built as overhead feeders through the roadways in the area. They will provide needed load relief to existing feeders originating at the High Street and Fowlers Lane substations. Based on initial and redefined cost, IMLD seeks authorization through Article 20 to borrow the estimated \$7.5 million dollars to fund this project.

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**Fiscal Impact:**

Based on the project cash flow analysis, borrowing of \$4 million will occur shortly after Town Meeting. The remainder of the borrowing will occur late in FY 2008 with the first interest payment due in FY 2009. It is expected that the debt service for this project will increase electric rates by one-half cent (\$0.5).

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**ARTICLE 21** **Special Act: Incurring Indebtedness**

**Summary:**

This article will correct two legal defects in Chapter II, Section 6 of the Town's General Bylaws and superseding Chapter 324 of the Acts of 1994. The Town Bylaw, known as the Bamford Bylaw, requires that whenever a bond issue exceeds one-tenth of one percent (0.1%) of the current total equalized valuation of the Town, there must be a Town election to approve the bond in addition to a 2/3rds vote of Town Meeting.

The existing Bylaw provides that the Town Meeting will call the election following a 2/3rds vote to approve the bond. This is illegal, according to Town Counsel. Only the Board of Selectmen may call a Town election under Massachusetts General Laws.

This Special Act provides the Board of Selectmen will call a Town election to seek voter approval of a qualifying bond issue.

Also, the legislature enacted a General Law in 1996 that requires that ballot questions be given to the Town Clerk at least 35 days in advance of the election. Assuming that the Town election will occur on the third Tuesday in May, the Selctmen, will be required to call an election and send the ballot question to the Town Clerk in mid-April to comply with the 35 day rule.

In sum, the Special Act will provide for an election and ballot question to be called by the Board of Selectmen at least 35 days in advance, but it will not change the essence of the Bamford Bylaw which requires that there be an election whenever Town Meeting approves a borrowing that exceeds one-tenth of one percent of the current equalized valuation of the Town.

**Fiscal Impact:**

None

10/18/2007

**SPECIAL TOWN MEETING SYNOPSES**  
**October 15, 2007**

**ARTICLE 22**                      **Reconsideration**

**Summary:**

This article will permit the Town Meeting to reconsider any and all previous articles raising and appropriating money which have a direct impact on the tax levy for the next fiscal year. The purpose is to finalize a budget which is balanced and in compliance with the levy limit provisions of Proposition 2½, so that certification of the FY 2008 tax rate can be completed successfully.