

**RECORD OF ACTION TAKEN AT THE  
ANNUAL TOWN MEETING  
MAY 19, 2009**

Pursuant to the foregoing warrant, the legal voters of the Town of Ipswich met in the Ipswich High School/Middle School Performing Arts Center in said Town of Ipswich on Tuesday, May 12, 2009. A quorum being present (219 present - 200 required), the meeting was called to order by the Moderator Mr. A. James Grimes, III, at 7:50 p.m.

Counters appointed by the Moderator were Shirley Berry and Janice Colter.

Non-registered persons were given permission to attend the meetings as spectators and were seated on the floor in the back of the room on the left of the stage.

**ARTICLE 1**

**CONSENT CALENDAR**

On Motion of Ingrid F. Miles, duly seconded, it

**Carried Unanimously to:**

- (1) Fix the salary and compensation of all elected Town Officers as presented in the town and school operating budgets;
- (2) 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; and one (1) member of the Housing Authority for five years, the above officers to be voted on one ballot at the YMCA Gymnasium, 110 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) Transfer \$275,000 from surplus funds in the Electric Division to the General Fund;
- (4) Authorize the Board of Selectmen to appoint temporarily 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.

**ARTICLE 2**

**FINANCE COMMITTEE ELECTION**

On Motion of Janice A. Clements-Skelton, duly seconded, it

**Carried Unanimously to:**

Elect Robert White to the Finance Committee for a term of three (3) years.

**ARTICLE 3**

**PRIOR YEAR UNPAID BILLS**

On Motion of Charles D. Surpitski, duly seconded, it

**Carried Unanimously to:**

Appropriate the sum of \$1,016.83 to pay bills incurred in prior years and remaining unpaid:

DEPARTMENT	VENDOR	AMOUNT	NOTES
Facilities Management	Verizon	\$582.00	Five unpaid bills from 2008
	Verizon	\$51.90	Visitor Center - 2008
	Verizon	\$26.47	Police Dept - 2007
Fire Department/Emergency Mgt.	Gall's	\$120.16	Uniform expense
	Northeast Hospital Corp	\$28.26	Injured on duty claim – town share
	Northeast Hospital Corp	\$99.29	Injured on duty claim – town share
Police	Ipswich Center, Inc.	\$108.75	Injured on duty claim – town share
	Total	\$1,016.83	

And to meet this appropriation by raising \$1,016.83 in taxes.

**ARTICLE 4**

**FY 2010 MUNICIPAL OPERATING BUDGET**

On Motion of Ingrid F. Miles, duly seconded, it

**Carried Unanimously to:**

- (1) Raise and appropriate the sum of \$12,798,554 for the purposes indicated in the FY 2010 Municipal Operating Budget as outlined in the Finance Committee Report, and that, in addition to the \$12,798,554, the Town vote to raise and appropriate:

for Excluded Debt Service..... \$1,064,392

for a Total Appropriation of..... \$13,862,946;

- (2) And to transfer from available funds:

from Free Cash..... \$50,000

from Free Cash (restricted revenue - Library)..... \$27,125

from 4% Tourism .....\$1,000  
 from Library Construction Grant..... \$60,300  
 from the overlay surplus..... \$92,500

Total Available Funds..... \$230,925

Leaving a net to be raised and assessed of.....\$13,632,021

**ARTICLE 5**

**TOWN BUDGET AMENDMENTS**

On Motion of Patrick J. McNally, duly seconded, it

**Carried Unanimously to**

Amend the Town’s action taken under Articles 5 and 10 of the May 13, 2008, Annual Town Meeting (the FY’09 Municipal Operating Budget), to transfer:

			<u>FROM</u>	<u>TO</u>
Misc Exp	11931-5110	Mgmt Transfer	7,221.56	
Legal	11242-5312	Services		7,221.56
Reserve Fund	11322-5730	Reserve Fund	12,054.00	
Veterans	15432-5772	Veteran's Medical		12,054.00
Equip				
Maint	14221-5115	Perm Wages	3,100.00	
	14221-5131	Overtime	1,010.06	
	14222-5215	Gasoline	40,000.00	
	14222-5216	Diesel Fuel	35,000.00	
	14222-5482	Tires	1,466.20	
	14222-5486	Sweeper Maint.	4,161.81	
Highway	14241-5115	Perm Wages	14,936.47	
	14241-5121	Temp PT	1,000.00	
	14241-5123	Other Pay	13,000.00	
	14241-5131	Overtime	5,000.00	
	14241-5141	Diff/Inc	2,231.20	

			<u>FROM</u>	<u>TO</u>
	14241-5197	Uniform Allow	455.00	
	14241-5198	CDL	1,500.00	
	14242-5214	Street Lights	5,000.00	
	14242-5241	Paint Lines	14,533.81	
	14242-5242	Road Treatment	49,482.21	
	14242-5408	Infras Activ	631.92	
	14242-5511	Training	110.00	
	14242-5532	Traffic Signs	1,277.01	
	14242-5534	Rails/Fences	4,484.59	
	14242-5711	Mileage	100.00	
	14242-5712	Meals/Lodging	1,100.00	
	14242-5713	License Reg	80.00	
	14242-5731	Assoc Dues	10.00	
	14242-5811	Building Study	25,000.00	
Forestry	14251-5115	Perm Wages	11,479.24	
	14251-5121	Temp PT	5,944.00	
	14251-5123	Other Pay	3,527.63	
	14252-5731	Assoc Dues	105.00	
Sanitation	14312-5385	Sanit Coll	2,000.00	
	14312-5536	Shop Supplies	5,950.00	
SWTS	14322-5383	Oth Purch Svc	<u>80.00</u>	
Facilities	1472-5251	Building Repairs		25,000.00
Snow & Ice	14231-5131	OT		40,902.26
Snow & Ice	14232-5539	Other PW Supp		<u>187,853.89</u>
			<b>273,031.71</b>	<b>273,031.71</b>

And,

That the Town vote to amend its action taken under Article 4 of the May 12, 2009, Annual Town Meeting (the FY'10 Municipal Operating Budget), to appropriate:

<u>From</u>	<u>To</u>	
Free Cash	Assessors	\$39,000
Waterways Improvement Fund	Harbormaster	<u>\$30,564</u>
	Total:	\$69,564

So that the 2010 Municipal Operating Budget, as so amended and inclusive of override debt service, shall total \$13,932,510, offset by revenues totaling \$300,489, leaving an amount to be raised and assessed of \$13,632,021.

**ARTICLE 6**

**FY 2010 SCHOOL BUDGET**

On Motion of Joan K. Arsenault, duly seconded, it

**Carried Unanimously to**

(1) Raise and appropriate the sum of \$19,980,995 for the School Department budget for FY 2010, and

(2) Transfer from available funds:

Free Cash.....	\$50,000
Overlay Surplus.....	<u>\$92,500</u>
Total Available Funds.....	\$142,500

Leaving a net to be raised and assessed of... \$19,838,495

**ARTICLE 7**

**HIGH SCHOOL/MIDDLE SCHOOL DEBT SERVICE**

On Motion of Dianne Ross, duly seconded, it

**Carried Unanimously to**

Raise and appropriate the sum of \$2,542,513 for FY 2010 debt service payments 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.

**ARTICLE 8**

**WIND TURBINE PROJECT DEBT**

On Motion of Hugh M. O’Flynn, duly seconded, it

**Carried Unanimously**

That action on this article be postponed indefinitely.

**ARTICLE 9**

**CAPITAL IMPROVEMENTS STABILIZATION FUND APPROPRIATION**

On Motion of James W. Foley, duly seconded, it

**Carried Unanimously to**

Vote the following transfers from the Capital Improvements Stabilization Fund:

1) Transfer \$17,465 to fund conversion of the heating system at the Library to natural gas; and to accept a \$9,000 contribution from the Trustees of the Ipswich Public Library from the annual Library Incentive Grant/Municipal Equalization Grant from the Commonwealth of Massachusetts to fund part of the expense; and

2) Transfer \$45,000 to fund conversion of the heating system at the Police Department Headquarters to natural gas;

so that the amount transferred from the Capital Improvements Stabilization Fund totals \$62,465.

**ARTICLE 10** **WHITTIER REGIONAL HIGH SCHOOL BUDGET**

On Motion of Raymond K. Morley, duly seconded, it

**Carried Unanimously to**

Raise and appropriate the sum of \$452,406 for the Town's share of the FY 2010 annual operating, capital and debt service expenses of the Whittier Regional Vocational Technical High School District.

**ARTICLE 11** **FY 2010 WATER & SEWER BUDGETS**

On Motion of Patrick J. McNally, duly seconded, it

**Carried Unanimously to**

1) Raise and appropriate the sum of \$2,403,850 for the FY 2010 operating, debt service, and capital expenses of the Water Division, Department of Utilities, said sum to be offset in part by \$23,836 from the water surplus account; \$43,500 from water liens; \$22,000 in application fees and other miscellaneous revenues, with the balance of said appropriation being met by revenues of \$2,314,514 of the Water Division during FY 2010; and

2) Raise and appropriate the sum of \$1,562,843 for the FY 2010 operating, debt service, and capital expenses of the Wastewater Division, Department of Utilities, said sum to be offset in part by \$22,972 from sewer liens; \$8,000 in sewer betterment payments; \$458,500 in septage treatment fees, Agresource royalties, application fees and other miscellaneous revenues; with the balance of said appropriation being met by revenues of \$1,073,371 of the Wastewater Division during FY 2010.

**ARTICLE 12****WATER DEPARTMENT BOND**

On Motion of James W. Foley, duly seconded, it

**Carried Unanimously to**

- 1) Authorize the Treasurer to borrow a sum of \$2,395,000, to replace water mains on Washington Street (\$814,220) and North Main Street (\$931,280) and to fund capital improvements at the Water Treatment Plant (\$649,500); and
- 2) Raise this appropriation by authorizing the Treasurer, with the approval of the Board of Water Commissioners, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended.

**ARTICLE 13****CITIZENS PETITION: FUNDING FOR THE 375<sup>TH</sup> ANNIVERSARY**

On Motion of Nathaniel Pulsifer, duly seconded,

**Main Motion passed (123 - Yes and 93 - No) to**

- 1) Appropriate \$50,000 in public funds to support a series of programs during the summer of 2009 in commemoration of the 375th anniversary of the founding of Ipswich; and
- 2) Transfer these funds from Free Cash to the Ipswich Partnership, a 501(c) 3 nonprofit corporation.

A motion was made by Elizabeth A. Kilcoyne, to

Amend the Citizen's Petition to replace the \$50,000 with \$20,000 and to

- 1) Appropriate \$20,000 in public funds to support a series of programs during the summer of 2009 in commemoration of the 375th anniversary of the founding of Ipswich; and
- 2) Transfer these funds from Free Cash to the Ipswich Partnership, a 501(c) 3 nonprofit corporation.

**The amended motion failed to pass (97 - Yes and 114 - No)**

**ARTICLE 14****CAPITAL IMPROVEMENTS BOND**

On Motion of Shirley A. Berry, duly seconded,

**Motion carried to divide the question.**

On Motion of James W. Foley, duly seconded,

**Motion passed by a 2/3<sup>rd</sup> vote (30 - Yes and 8 - No) to**

Authorize the Treasurer to borrow a sum of \$171,231 for the following capital purchases:

Department #	Department	Object Code	Description	Funding
472	Facilities	5812	Town Hall Phase II Window Replacement	\$50,000
620	Recreation	5815	Bialek Park Play Structure Replacement	\$36,231
620	Recreation	5815	Renovation of 90' Baseball Diamond	\$85,000
				\$171,231;

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.

On Motion of James W. Foley, duly seconded,

**Motion failed (22 - Yes and 44 - No) to**

Authorize the Treasurer to borrow a sum of \$131,145 for the following capital purchases:

CAR 1644	FORD	2006	Crown Vic (Patrol)	
<b>Replace with</b>	<b>FORD</b>	<b>2009</b>	<b>Crown Vic (Patrol)</b>	<b>\$28,205</b>
CAR 1648	FORD	2001	Crown Vic (Chief)	
<b>Replace with</b>	<b>FORD</b>	<b>2009</b>	<b>Fusion</b>	<b>\$23,000</b>
CAR 1646	FORD	2003	Expedition (Command)	
<b>Replace with</b>	<b>FORD</b>	<b>2009</b>	<b>Ford Escape Hybrid (4x4)</b>	<b>\$28,470</b>
C2	FORD	1996	Explorer (Fire Prevention)	
<b>Replace with</b>	<b>FORD</b>	<b>2009</b>	<b>Ford Escape Hybrid (4x4)</b>	<b>\$28,470</b>
TM-1	FORD	1996	Taurus (TM & Health)	
<b>Replace with</b>	<b>FORD</b>	<b>2009</b>	<b>Ford Fusion</b>	<b>\$23,000</b>

**ARTICLE 15**

**PAVEMENT MANAGEMENT PROGRAM BOND**

On Motion of James W. Foley, duly seconded,

**Motion failed to pass (88 - Yes and 72 - No) to**

- 1) Borrow \$550,000 to implement the first year of the Pavement Management Program of the Department of Public Works; and
- 2) 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.

On Motion of Patrick J. McNally, duly seconded,

**Motion carried by a 2/3<sup>rd</sup> voice vote to**

Appropriate the sum of \$331,523 under the provisions of Chapter 90 of the General Laws to obtain any materiel, equipment and/or services incidental thereto; and to authorize the Board of Selectmen to acquire easements in conjunction therewith by purchase, gift, lease, eminent domain or otherwise; and 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; and to meet this appropriation by transferring an equal sum from Chapter 90 available funds.

**A motion by the Moderator, duly seconded, to continue the meeting after 11:00 p.m. was approved by a voice vote.**

**The quorum was questioned by registered voter, William A. Gottlieb, 14 Middle Road. A count of the registered voters was conducted and the Moderator declared that there were 179 registered voters in the auditorium. The meeting was adjourned at 11:34 p.m. The Moderator announced that there would be a meeting on Wednesday, May 13, 2009, at 11:00 a.m. in the Town Manager's Office, Town Hall, 25 Green Street, to set the date for the adjourned session.**

**Adjourned Session- May 13, 2009:**

**The May 13, 2009, meeting in the Town Manager's Office began at 11:00 a.m. and it was voted to set the adjourned session for June 1, 2009, at 7:30 p.m. at the Ipswich High School/Middle School Performing Arts Center and, if need be, on June 2, 2009, at the Town Hall Gymnasium, 25 Green Street, at 7:30 p.m. This meeting was adjourned at 11:50 a.m.**

**Adjourned Session- June 1, 2009:**

Pursuant to the foregoing warrant, the legal voters of the Town of Ipswich met in the Ipswich High School/Middle School Performing Arts Center in said Town of Ipswich on Monday, June 2, 2009. A quorum being present (245 present – 200 required), the meeting was called to order by the Moderator Mr. A. James Grimes, III, at 7:45 p.m.

Counters appointed by the Moderator were Shirley Berry, Janice Colter and Michelle Jolliffe.

Non-registered persons were given permission to attend the meetings as spectators and were seated on the floor in the back of the room on the left of the stage.

**ARTICLE 17      REVOLVING FUNDS: COUNCIL ON AGING; HISTORICAL COMMISSION**  
**HEALTH DIVISION; SHELLFISH DEPARTMENT & FACILITIES**  
**MANAGEMENT**

On Motion of Elizabeth A. Kilcoyne, duly seconded,

**Motion carried unanimously to**

Re-authorize for FY 2010 the following revolving funds established under Massachusetts General Laws Chapter 44, Section 53E ½:

- (1) A **Council on Aging Revolving Fund**, to be funded through activity fees and to be used to pay for special activities, expendable supplies and/or part-time wages, with no more than **\$100,000** to be expended by the Council on Aging from monies transferred into said fund during FY 2010; and
- (2) An **Historical Commission Revolving Fund**, to pay for preservation of Town records and the purchase of expendable supplies, with no more than **\$5,000** to be expended by the Historical Commission from monies transferred into said fund during FY 2010, with the source of such funds being the sale of publications such as replicas of the Declaration of Independence and other historical documents; and
- (3) A **Health Division Revolving Fund**, the use of said fund to finance additional part-time help in the Health Division and to pay related expenditures with no more than **\$7,000** to be expended by the Health Division in FY 2010 from funds transferred into said fund during FY 2010, with the source of such funds being housing code inspection fees; and
- (4) A **Health Department Public Health Revolving Fund**, to be funded through Medicare Part B reimbursements, the use of said fund to cover the costs of administering influenza and pneumococcal vaccines with no more than **\$10,000** to be expended by the Health Department from monies transferred into the Public Health revolving fund during Fiscal 2010; and
- (5) A **Shellfish Department Revolving Fund**, to be funded through a surcharge of **\$50** on commercial shellfish licenses, the use of said fund to enhance the shellfish resources of the Town under the guidance of the Shellfish Advisory Subcommittee to the Selectmen and Town Manager with no more than **\$15,000** to be expended from the Shellfish Department Revolving Fund during Fiscal 2010; and
- (6) A **Facilities Department Revolving Fund**, to be funded from custodial fees charged to users of Town Hall facilities, the use of said fund to pay for custodial services associated with the use of the gymnasium and other Town Hall facilities by outside organizations and for special events sponsored by municipal departments. No more than **\$10,000** may be expended from the Facilities Department Revolving Fund from monies transferred into the fund during Fiscal 2010

**ARTICLE 18**

**COMMITTEE REPORTS**

On Motion of Charles D. Surpitski, duly seconded,

**Motion carried unanimously to**

Accept the reports of, and continue the following committees as standing committees of the Town: the Historic District Study Committee; the Commuter Rail Committee; Ipswich Coalition on Youth; Hall-Haskell Committee; the Open Space & Recreation Committee and the Ad Hoc Committee examining the Feoffees of the Grammar School.

**ARTICLE 19**

**PUBLIC CONSUMPTION OF MARIJUANA**

On Motion of Ingrid F. Miles, duly seconded,

**A motion to move the question was voted unanimously and the**

**Main Motion was defeated by a voice vote to**

Amend the Town by-laws, as printed in Article 19 of the Warrant, to prohibit public consumption of marijuana (tetrahydrocannabinol), making use of the drug in public places and on passenger conveyances operated by a common carrier a violation punishable by a fine of up to \$300 for repeat violations, with enforcement through a noncriminal citation.

**ARTICLE 20**

**ACCEPTANCE OF STATE LEGISLATION: MILITARY LEAVE**

On Motion of Charles D. Surpitski, duly seconded,

**A motion to move the question carried by a voice vote and**

**Main Motion passed by a voice vote to**

Accept two provisions of state enabling legislation providing benefits to Town employees, specifically, 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.

**ARTICLE 21**

**ACCEPTANCE OF STATE LEGISLATION: POST EMPLOYMENT  
BENEFITS TRUST FUND**

On Motion of Elizabeth A. Kilcoyne, duly seconded,

**Motion carried by a voice vote to**

Accept state enabling legislation, M.G.L., Chapter 32B, Section 20, which governs group health insurance for active and retired employees of local governments and which permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees.

**ARTICLE 22**

**LEASE PURCHASE AGREEMENT**

On Motion of Charles D. Surpitski, duly seconded,

**Motion carried unanimously to**

Approve of a five year lease/purchase agreement for the procurement and installation of an office communications system that will take advantage of the Town's newly installed fiber optic network.

**ARTICLE 23**

**SPECIAL ACT: TO AMEND CHAPTER 5 OF THE ACTS OF 1775**

On Motion of Jamie M. Fay, duly seconded,

**Motion to move the question failed (289 - Yes and 158 - No)**

**Main motion carried (295 - Yes and 148 - No) to**

Authorize the Board of Selectmen to petition the General Court to approve a special act amending a 1765 statute specifying the method of appointing the Feoffees of the Grammar School, the proposed legislation establishing a new board of Feoffees with two members appointed by the School Committee, two members appointed by the Board of Selectmen, two members appointed by the Finance Committee and one member appointed by the Town Meeting, as printed in Article 23 of the Warrant, and further to authorize the Board of Selectmen to approve any additional amendments thereto which are within the scope of the general public objectives of this petition.

**ARTICLE 24**

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

On Motion of Patrick J. McNally, duly seconded,

**Motion carried unanimously 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."

