

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 1. FY 2006 Unpaid Bills

Summary:

This article will raise and appropriate **\$757.55** to pay unpaid bills incurred in the prior year at the end of FY'06.

<u>Vendor</u>	<u>Department</u>	<u>Amount</u>
Overhead Door Co.	Consolidated Maint.	305.00
Ipswich Utilities	Consolidated Maint.	10.84
Avaya	Police	267.71
Dept. Veteran Affairs	Veteran Services	<u>174.00</u>
Total to Date		757.55

Fiscal Impact:

The funds to pay these bills will be raised from Fiscal 2007 taxes.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 2. FY 2007 Town Budget Amendments

Summary:

- 1) **\$45,000** – to be transferred from free cash to fund the 1% salary and wage increase for bargaining and exempt employees scheduled for January 1, 2007. This will not impact the FY 2007 tax rate. The FY'07 budget provides funds for a 2% raise.
- 2) **\$4,500** – to be transferred from free cash to replace a Library employee for a period of four months on unanticipated medical leave. The Library budget has no funding for overtime, and no other funds are available to cover the need.
- 3) **\$5,542** – to be transferred from free cash to reimburse the Town for legal fees expended for the National Union Fire Insurance Company (NUFIC) litigation. The NUFIC litigation was filed by the School Department, but \$5,542 in Town funds were used to fund the initial cost of the litigation with the understanding that these funds would be replaced following a successful settlement.
- 4) **\$10,000** – to be transferred from the Waterways Improvement Fund to fund emergency repairs to the jet of Harbormaster's patrol boat.
- 5) **\$188,517** – to be appropriated from FEMA payments to the Town to reimburse the Town for expenses incurred during the May 2006 flood emergency. FEMA is reimbursing the Town for 75% of the cost of overtime during the recent floods and bridge closures. ** Decision needed on allocation ***

Total appropriations from free cash: **\$55,042**

Fiscal Impact:

These transfers from free cash and the Waterways Fund will have no impact on the Fiscal 2007 tax rate. The Town has **\$1,148,214** million in certified free cash for Fiscal 2007. If all transfers from free cash are approved, the free cash reserve for Fiscal 2007 will be reduced to **\$1,093,172**.

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 3. School Budget Amendments

Summary:

- 1) **\$133,386** – to be appropriated from free cash to reimburse the School Department for Medicaid funds deposited into the General Fund during Fiscal 2006. This is a routine transfer. Medicaid funds are deposited into the General Fund each year transferred from free cash to the School Department in the following fiscal year.

- 2) **\$81,313** – to be appropriated from free cash to reimburse the School Department for legal expenses related to the National Union Fire Insurance Company (NUFIC) settlement. The NUFIC settlement was deposited into the General Fund in FY'06 with the understanding that these funds would be appropriated to the School Department from free cash in Fiscal 2007.

- 3) **\$ 48,659** -- to be appropriated from the additional Chapter 70 funds added to the Cherry Sheet during the budget process in the Massachusetts Legislature. The state budget added **\$76,403** to the Chapter 70 program. The Town's practice is to add the additional Chapter 70 monies to the School Department budget, discounted by any increases in "choice out" assessments from the state. This year, "choice out" assessments increased **\$27,744** above estimates in the FY'07 School budget.

Fiscal Impact:

There is no impact on the Fiscal 2007 tax rate. If the transfers from free cash are approved, the Town will have a reserve of **\$829,814** in free cash.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 4. Whittier Budget Amendment

Summary:

The Whittier Regional School Committee's budget for FY'07 resulted in an assessment to the Town of **\$509,935**. On April 3, 2006, the Annual Town Meeting vetoed the Whittier assessment and level funded the contribution at **\$400,720**. The Whittier School Committee made some adjustments and re-submitted the budget to member communities. The re-submitted Whittier budget was approved by seven member towns, thereby requiring the Town of Ipswich to appropriate an additional **\$109,215**.

Fiscal Impact:

These funds will be appropriated from free cash, and there will be no impact on the Fiscal 2007 tax rate. This transfer will reduce the Town's free cash reserve to **\$720,599**.

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 5. FY 2007 Sewer Budget Amendments

Summary:

This article amends Article 4 of the April 3, 2006 Annual Town Meeting (the FY'07 Water and Sewer Budgets) by increasing the Sewer Division appropriation to be raised and assessed from **\$1,275,272** to **\$1,355,669**, said sum to be offset by revenues from the Sewer Division during Fiscal 2007.

This article does not authorize new spending. Rather, it corrects a technical error in the appropriation number that was approved at the April 3, 2006, Annual Town Meeting.

Fiscal Impact:

The Sewer Division budget is supported by a user fee; there is no impact upon the tax rate.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

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. This grant of **\$120,120** was provided through a supplemental state appropriation and is in addition to the **\$392,000** in Chapter 90 funds accepted at the April 3, 2006 Annual Town Meeting.

Fiscal Impact:

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

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 7. Proceeds From the Sale of the Former Town Hall

Summary:

This article would accept **\$300,000** from the sale of the former Town Hall to be deposited into a special capital account. Under MGL Chapter 44, Section 63, these funds “may be used for any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more...” There has been no decision for use of these funds, but members of the Board of Selectmen have discussed renovation of the Central Fire Station and/or capital improvements in the center of Town.

Fiscal Impact:

Removing these monies from the free cash and the General Fund, permissible because these monies are proceeds from the sale of public property, will have no impact upon the Fiscal 2007 tax rate.

10/12/2006

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 8. Reports of Town Committees

Summary:

This article allows committees appointed by the Town Meeting to report on their activities. The Community Development Plan Implementation Task Force will give a report.

Fiscal Impact:

These reports do not have an immediate fiscal impact.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 9. Acceptance of State Enabling Legislation

Summary:

A vote of the Town Meeting to accept this enabling legislation would permit the Town to work with the School Department to consolidate certain business functions. The effort to consolidate Plant and Facilities operations was halted earlier this year when Town and School custodians objected to a merger. Under existing regulations, if the Town and Schools wish to continue pursuing the merger of plant and facilities operations, the Town Meeting must first adopt the enabling legislation.

In addition, this enabling legislation would permit the Town to work with the School Committee to consolidate other business functions. The safeguard is that both the Town Meeting and the School Committee must consent to any such consolidations.

Fiscal Impact:

There will be no impact upon the FY 2007 tax rate. However, the purpose of consolidation Town/School consolidations would be to streamline operations in order to reduce costs in future years.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 10. Open Space Program – Additional Parcels

Summary:

This article would add three new parcels 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 three additional parcels are: 1) Seven acres of land at 71 Town Farm Road, the corner of Town Farm and Greens Point Roads, now/formerly owned by Frederick A. Wegzyn; 2) 94.17 acres of land at 24 Candlewood Road, now/formerly owned by Pony Express Farms, Inc.; and 3) 44± acres of land between Ipswich Woods Drive and the Ipswich River, just south of Colonial Drive, now/formerly owned by M + L Realty Trust. The Wegzyn and Pony Express Farms properties are under consideration for use as athletic playing fields, while the M + L Realty Trust land, already under agreement to be purchased by the Town, will be under the care and control of the Conservation Commission (see Article 11).

Fiscal Impact:

The bond account for purchases under the Open Space Program currently holds \$4.2 million. Funding for the purchase of these parcels may also come from the Commonwealth of Massachusetts and private sources.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 11. M & L Realty Acquisition

Summary:

This article will authorize the Treasurer with the approval of the Selectmen to borrow a sum of money for the purchase of the M + L Realty Trust property added to the Open Space Program in Article 10. The approximately 44-acre parcel is located between Ipswich Woods Drive and the Ipswich River, just south of Colonial Drive, with access at the southern end of the Colonial Drive cul-de-sac (a map is on file with the Town Clerk). The property is being acquired for its important wildlife habitat and for passive recreation, and will be under the care and control of the Ipswich Conservation Commission pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 8C. The property also expands a local riparian corridor of existing protected open space, and could potentially be used as leverage to obtain future grants for the acquisition of additional conservation land in the area.

Fiscal Impact:

The Conservation Commission, on behalf of the Town, will file an application to the Commonwealth of Massachusetts under the Self-Help Act. Given the Town's long track record of success with the Self-Help Program, the Self-Help Grant will likely be awarded, and will fund **\$63,800** of the **\$110,000** purchase price. Applications for grants have also been filed with five non-profit organizations (Fields Pond Foundation, Bafflin Foundation, William P. Wharton Trust, Boston Foundation and Mifflin Memorial Fund) which, if all approved, will prevent the need to use any local Open Space Bond funds.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 12. High Street Sewer Line Extension

Summary:

At the April 7, 2003 Annual Town Meeting Article 20 authorized the borrowing of **\$116,000** for the design and construction of 750 feet of sewer main to serve 9 dwellings in the vicinity of 199-225 High Street. The properties served by this main would be bettered 100% of the project costs, provided that 75% of the potential participants agree in advance through the signing of covenants.

On September 7, 2006 construction bids were opened for this project with the low bid being **\$214,576**. To date **\$11,843** had been spent on engineering and an additional **\$3,000** in legal costs. In order for this project to proceed Town Meeting needs to increase the borrowing authorization to **\$275,000** which includes 20% for contingencies. Seventy-five percent of the potential project participants will need to sign amendments to the covenants reflecting the new costs and agree to be bettered 100% of the project costs before the project can proceed. The per dwelling unit cost for this project would be **\$30,555**.

Fiscal Impact:

There is no impact on the FY'07 tax rate.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 13. Affordable Housing Revisions

Summary:

The purpose of this article is to improve the clarity and effectiveness of the Town's inclusionary housing provisions. It does this by amending "IX. SPECIAL REGULATIONS, I. Inclusionary Housing Regulations" by clarifying the allowable minimum lot size requirements under the exemption provided in "2a." for single-lot developments, and by revising the definition of affordability for rental and for-sale dwelling units in "3.a." as follows:

- require that rental units be rented to families earning no more than 60% of the regional household median income, as opposed to 70% as currently required;
- revise the formula for computing for-sale affordability to make it consistent with state affordability definition
- add a statement that sales price or monthly rents established in Section may not exceed the amount necessary to meet the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under 40B.

The current formula for establishing rental affordability is deficient in that rents satisfying the affordability requirement are not significantly different (and sometimes the same or higher) as the market rents in the town. The adjustment to the formula would create a meaningful difference between a market and an affordable rent.

Fiscal Impact:

None.

SPECIAL TOWN MEETING SYNOPSES October 16, 2006

Article 14. Miscellaneous Zoning Revisions

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:

- Definitions of inn, hotel, motel and common driveway unnecessarily restrictive
- Commercial parking area or structure lacks definition
- Use requirements don't adequately distinguish between inns and multi-family uses
- Allowed structural changes to accessory buildings converted to residential use too limiting
- Lot area requirement for mixed uses confusing relative to commercial use
- Bylaw doesn't fully establish dimensional/density requirements for two-family uses
- Threshold for special permit on large accessory buildings set too low
- Exemption from Inclusionary Housing provision for single lot divisions of land too obscure
- Certain sign provisions are deficient/unclear
- Separate setback provisions for Open Space Preservation Zoning developments conflict
- Limitations on dwelling expansion necessitated by accessory apartment overly restrictive
- Current boundary of CB District inadequate to fully accommodate commercial reuse of former town hall

This article addresses these deficiencies as follows: (1) amends "III. DEFINITIONS" by revising the definitions of "Common Driveway", "Inn", and "Hotel, Motel", and by adding a definition of "Parking Area or Structure, Commercial"; (2) amends "V. USE REGULATIONS" by requiring a special permit for an "Inn" when rooms are commingled with multi-family dwelling units, and by revising footnote "23" to allow exterior changes that enhance historical integrity of building; (3) amends "VI. DIMENSIONAL AND DENSITY REGULATIONS" by revising the Table of Dimensional & Density Regulations to clarify that density requirement for "Mixed Residential/ Business Use" in the CB and GB Districts is met by residential square footage requirement provided lot is at least 5,000 s.f. in size, by adding the use "Two-family" within the Rural Residence B (RRB) row, and assigning it dimensional and density requirements, by revising "F. Requirements for Accessory Buildings and Structures" by increasing the threshold size for accessory buildings requiring a ZBA special permit from 600 to 750 s.f., and by adding language to footnote 26. calling attention to an exemption from the provisions of Section IX.I.; (4) amends VIII. SIGNS by adding language about requirements for signs associated with special permit or site plan approval projects, adding definition and requirements for "Hanging sign", and modifying definition of "Sandwich Board Sign"; (5) amends "IX. SPECIAL REGULATIONS" by revising "A. Open Space Preservation Zoning, 5.d." to eliminate a conflicting setback requirement, and revising "J. Accessory Apartment, "h." by modifying the degree to which an existing dwelling can be expanded beyond the footprint to accommodate an accessory apartment; and amend the Official Zoning Map of the Town of Ipswich by rezoning an approximately 5,000 s.f. portion of 36 South Main Street, further identified as Parcel 113 on Assessor's Map 42A, from Intown Residence (IR) to Central Business (CB).

Fiscal Impact:

None.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 15. Ipswich Historical Society Property

Summary:

In 1965 the Town of Ipswich conveyed a 4,050 square foot parcel of registered land on County Street (near its intersection with Elm Street) to the Ipswich Historical Society, in exchange for the Historical Society abandoning its rights to a way adjacent to the police station. For some unknown reason, the conveyance is not currently and may never have been reflected in the Town's assessor's records. It was only within the past year that current Town officials and the present Board of Directors of the Historical Society learned of the parcel's status.

The Board of Selectmen would like to regain ownership of the parcel, largely because the existing access to the Elm Street municipal parking lot is located over it. The Historical Society has agreed in principle to gifting the parcel back to the Town, subject to certain terms and conditions.

This article would authorize the Board of Selectmen to accept this gift of land from the Ipswich Historical Society, subject to certain terms and conditions, one of which is a prohibition on any new buildings being erected on the property and others of which may include, but not necessarily be limited to, requirements to make certain improvements to the property subject to approval of the Historical Society, and a release and hold harmless of the Historical Society from liability or any hazardous materials that may be contained within the property;

Fiscal Impact:

The Town will not lose any tax revenue from reclaiming this property, but there may be some expenses associated with the negotiated terms and conditions.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 16. Acceptance of the Mullin Rule Statute

Summary:

Earlier this year the State Legislature adopted legislation which adds a new local option for municipal boards (e.g., zoning, planning, health boards) that provides that no member will be disqualified from voting due to a member's absence from one public hearing on a specific matter. Before voting, the member must certify that he has examined all the evidence submitted at the missed hearing, including an audio or video record of the meeting, as well as minutes.

The legislation is beneficial because sometimes a municipal board will hold multiple public hearings on a specific matter. If a member attends all of the hearings but misses one, until now he could not legally vote on the matter even if well-versed on the issues.

Municipal boards may take advantage of the Legislation only after its acceptance by town meeting vote.

Fiscal Impact:

None.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 17. Acceptance of Town Streets

Summary:

Ruths Way is a recently constructed road which serves three single-family residential lots and a four-room group home operated by the Ipswich Housing Authority. The developer, Cape Ann Habitat for Humanity, has requested that the road be accepted by the Town. Ruths Way was built pursuant to a 40B approval from the Zoning Board of Appeals, in general conformance with the rules and regulations governing subdivisions. Cape Ann Habitat will be submitting an as-built plan within the next week, which the Planning Board will review and then make a recommendation to Town Meeting as to whether or not the road should be accepted a public street.

Pitcairns Way is a recently constructed subdivision road which serves 11 residential lots. The developer has requested that the road be accepted by the Town. Pitcairns Way has been built in accordance with the subdivision regulations as applied by the Planning Board, but as of this date, several punch list items remain. The Planning Board will make its recommendation to Town Meeting based on whether the applicant completes these items before the meeting.

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.

SPECIAL TOWN MEETING SYNOPSES
October 16, 2006

Article 18. General Bylaws Administrative Modification

Summary:

Five years ago the Town Meeting voted to modify Chapter XI of the Town's General Bylaws, "Section 2. Conveyances of Land," which authorizes the Board of Selectmen to accept certain easements on behalf of the Town. The intent of the article was to allow the Board of Selectmen to convey an easement to a building that is built to a front property line (as are most buildings in the downtown) but happens to have a building feature such as a cornice or eave that extends over the public right of way. Appurtenances that overhang the public right-of-way are technically illegal without the Town conveying an easement to the property owner. The argument for giving the Selectmen the right to grant this easement rather than Town Meeting is that this type of instance is likely to arise more than once in the downtown area (it has once already).

Unfortunately, the change that was made in 2001 limited the authority of the Selectmen in this regard to **accepting** an easement, not **conveying** an easement as would be required to resolve this issue. This article corrects this deficiency in the previous modification by adding a paragraph (d) so that the intent of the original article is met. In addition to building or signage overhang purposes, the article would also authorize the Board to grant other nonexclusive easements for walkway and sidewalk purposes, storm drainage, including above ground and below ground purposes, utility purposes, and for the purpose of rounding street corners, provided that the Board of Assessors have determined to have said easements to have a fair market value of less than **\$25,000** or which are less than 5,000 square feet in size.

Fiscal Impact:

None.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 19. All Alcoholic License – Former Town Hall

Summary:

The Town of Ipswich has issued 21 all alcoholic licenses, which is the maximum permitted under the state formula. All alcoholic licenses permit the holder to sell alcoholic beverages year around.

The Owner's plans for the reuse of the Old Ipswich Town Hall building, as outlined in their original proposal for this project, which was selected and approved by the Town of Ipswich, include a film and live theater on the upper floor, a restaurant on the main level, and a coffee house/ jazz club on the lower level. The plans for the theater include an area for tables and chairs where light food, deserts and beverages are to be served. For any restaurant to be competitive in Ipswich, being able to serve alcoholic beverages is critical for its success. The same is true for the success of the coffee house/ jazz club. The passage of this Warrant Article would enable Ipswich RE Holdings, LLC, the new Owner to seek approval from the General Court and the ABCC for one additional license to provide these three venues.

The Owner will be providing a variety of uses that will not only help make the Old Ipswich Town Hall Arts & Entertainment Center a success, but will provide a very strong attraction to bring Ipswich residents, as well as those from surrounding towns, to downtown Ipswich. It is anticipated that the success of this venture will also mean a strengthening of the economic viability of the downtown and increased success for all Ipswich businesses.

Since Ipswich has already reached its quota, a special act of the Massachusetts Legislature is required to issue another full alcoholic license. The legislation is written in a manner similar to what was adopted at the annual town meeting for the Hellenic Center. As a result, the additional license, if granted by the State Alcoholic Beverage Licensing Board, will not increase the Town's quota for allowable licenses, and if the Owner should terminate use of the former Town Hall property, then the license will be vacated.

Fiscal Impact:

The fee for an all alcoholic license is **\$1800**. The additional fee revenue to the Town will have a negligible impact on the local tax rate.

**SPECIAL TOWN MEETING SYNOPSES
October 16, 2006**

Article 20. Reconsideration

Summary:

This article is included to allow for the reconsideration of money articles, in the event the end result of Town Meeting action is the compilation of a budget which is out of balance, i.e., would result in the need for a levy which is greater than the levy limit for the year including any approved overrides.

Under the rules of Town Meeting procedure, it is a much clearer and sounder practice to include an article to warn the citizens of the potential for reconsideration.

Fiscal Impact:

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