

SPECIAL TOWN MEETING MOTIONS

(October 15, 2007)

ARTICLE 1

FY'07 UNPAID BILLS

I move that the Town vote:

to appropriate the sum of **\$53,806.86** to pay unpaid bills incurred in prior years and remaining unpaid:

DEPARTMENT	VENDOR	AMOUNT	TOTALS
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	

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		53,806.86	53,806.86

and to meet this appropriation by raising **\$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.

(9/10 majority)

ARTICLE 2 **FY'08 TOWN BUDGET AMENDMENTS**

I move that the Town vote to amend its action taken under Article 7 of the April 2, 2007, Annual Town Meeting (the FY'08 Municipal Operating Budget), as amended by Article 8 of the April 2, 2007 Annual Town Meeting, as follows:

- 1) appropriate **\$20,000** from the Waterways Improvement Fund to be added to the Harbormaster budget (12952-5432) 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 (1110-45801) to be added to the Highway Department - Road Treatment Account (14242-5242) to reimburse the Department for expenses incurred during the April 2007 Nor'easter flood emergency; and
- 3) transfer **\$74,600** from Police Department, Ambulance Account (12102-5381) to the Fire Department Overtime account (12201-5131); and
- 4) transfer **\$6,000** from the DPW-Equipment Maintenance account (14222-5486) and **\$14,211** from the DPW-Equipment Maintenance account (14222-5483) to the DPW-Highway account (14243-5818) to fund the purchase of ancillary equipment for the sidewalk snow plow;

(Simple majority)

And further:

- 5) transfer **\$14,665** from the Police Department, Ambulance Account (12102-5381) to Consolidated Buildings, Town Hall Maintenance Account (14722-5251) to pay for

repairs and painting of the exterior woodwork at Town Hall; and

6) appropriate **\$68,000** to be raised by taxes into the Stabilization Fund.

(2/3rds majority)

so that the total Fiscal 2008 municipal operating budget of **\$13,348,002**, as so amended and inclusive of override debt service, shall total **\$13,563,277**.

ARTICLE 3 **FY'08 SCHOOL BUDGET AMENDMENTS**

I move that the Town vote to amend its action taken under Article 9 of the April 2, 2007, Annual Town Meeting (the FY'08 School Operating Budget) as follows:

- 1) appropriate **\$73,152** from free cash to the School Department for Medicaid funds deposited into the General Fund during Fiscal 2007; and
- 2) appropriate **\$117, 675** from the School Insurance Recovery Fund (D-5) to 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; and
- 3) appropriate **\$60,000** from additional Chapter 70 funds added to the Cherry Sheet during the state budget process to the School Department.

so that the total appropriation under this article will increase from **\$18,058,816** to **\$18,309,643**.

(Simple majority)

ARTICLE 4 **FY'08 WHITTIER BUDGET AMENDMENT**

I move that the Town vote:

to amend its action taken under Article 12 of the April 2, 2007, Annual Town Meeting (the FY'08 Whittier budget) by increasing the appropriation by **\$4,811** from **\$539,935** to **\$544,746** to meet the Fiscal 2008 assessment, said sum to be transferred from taxes.

(Simple majority)

ARTICLE 5 **FY'08 WATER BUDGET AMENDMENT**

I move that the Town vote:

to amend its action taken under Article 13 of the April 2, 2007, Annual Town Meeting (the FY'08 Water Division Operating Budget) by increasing the appropriation to be raised and assessed

from \$2,398,921 to \$2,453,921, said sum to be offset by revenues from the Water Division during FY'08.

(Simple majority)

ARTICLE 6

CHAPTER 90

I move that action on this article be postponed indefinitely.

(Simple majority)

ARTICLE 7

TOWN CHARTER AMENDMENT

I move that the Town vote:

to amend Sec. 27 of the Town Charter, Estimates of Expenditures, by:

1) changing the date on which the Town Manager is required to submit a draft budget to the Board of Selectmen from "December 10" to "no later than 100 days prior to the Annual Town Meeting";

and to amend Section 28 of the Town Charter, Annual Budgets, by:

2) changing the date on which the Selectmen are required to submit a proposed budget to the Finance Committee from "January 12" to "no later than 65 days prior to the Annual Town Meeting," said amendments to the Town Charter to take effect only if they are approved for a second time by the Annual Town Meeting in May 2008.

(2/3rds majority)

ARTICLE 8

TOWN BYLAW AMENDMENT

I move that the Town vote:

to amend the Town Bylaws, Chapter V, Section 2a, **Consideration of Budgets**, from

"It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, on or before January 20th in each year, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, on or before March 1st their projection of income and expenses for the Electric Department for the year....."

to read:

"It shall be the duty of the Board of Selectmen and the School Committee to lay

before the Finance Committee, no later than 65 days prior to the Annual Town Meeting, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, no later than 65 days prior to the beginning of the fiscal year, their projection of income and expenses for the Electric Department for the year.....”;

(Simple majority)

ARTICLE 9

TOWN BYLAW AMENDMENT

I move that the Town vote:

to amend the Town Bylaws, Chapter II, Section 5, Adjournment, by inserting language at the beginning of the section to establish an adjournment time for the Annual and Special Town meetings to read:

“Annual and Special Town Meetings shall adjourn normally at 11:00 p.m. A meeting can be extended beyond 11:00 p.m. only to complete action on an article already under consideration. No motion to consider a new article may be admitted after 11:00 p.m. unless the Moderator secures a vote of the assembly to continue the meeting to a specific time or to continue until all warrant articles are completed.”

(Simple majority)

ARTICLE 10

SPECIAL ACT ON SEWER EXTENSIONS

I move that the Town vote:

to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to amending Chapter 83 of the Acts of 1999 regarding the method of assessing sewer betterments upon petition of abutters; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, said petition to read as follows:

AN ACT RELATIVE TO THE OPERATION OF THE SEWER SYSTEM OF THE TOWN OF IPSWICH

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. Section 2 of Chapter 83 of the Acts of 1999 is hereby rescinded.

Section 2. Section 7 of chapter 30 of the Acts of 1946 is hereby amended by adding the following 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, in accordance with Massachusetts General Laws, Chapter 83, Sec. 15, 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.”

Section 3. This act shall take effect upon its passage.

(Simple majority)

ARTICLE 11 **CITIZEN’S PETITION: SEWER EXTENSIONS**

I move that action on this article be postponed indefinitely.

(Simple majority)

ARTICLE 12 **STORMWATER BYLAW**

I move that the Town vote:

to amend the General Bylaws of the Town of Ipswich by adding: “Chapter XIX. Stormwater Management”, as set forth in Article 12 of the warrant for the October 15, 2007 Special Town Meeting with the following amendments:

In SECTION 5. APPLICABILITY, delete Subsection A. and insert in place thereof:

“Subsection A. No person may undertake an activity including clearing, grading, and excavation that will result in a land disturbance exceeding an area of one acre or more, without a Stormwater Management Permit from the Permit Granting Authority; except for an activity which requires Site Plan Review, Definitive Subdivision Approval, or a Special Permit from the Planning Board, or which requires an Order of Conditions from the Conservation Commission.”; and

Insert a new Subsection B. to read as follows

“Subsection B. The Board of Selectmen acting as the Board of Public Works may by regulation require that no person may undertake a land disturbance activity not otherwise exempt under Subsection 5A that will exceed any of the following thresholds or higher values, without a Stormwater Management Permit from the Permitting Authority:

1. Any activity that will result in soil disturbance of 5000 square feet or more, or more than 25 per cent (25%) of the area of the parcel or lot, whichever is less;
2. any land disturbance that creates greater than 1000 square feet of impervious area;

3. Paving or repaving in excess of a total of 1000 square feet of driveways, parking lots, and other impervious non-roadway surfaces; or
4. Any activity that will disturb land with 15% or greater slope and where the land disturbance is greater than or equal to 2000 square feet within the slope area.

For the purposes of establishing permitting regulations, criteria, and fees, and inspection, reporting, and certification requirements, the Board of Selectmen acting as the Board of Public Works may by regulation establish and define categories of projects as 'major projects' and 'minor projects'."

Renumber former Subsection B. as "Subsection C."; and

In SECTION 7. ADMINISTRATION:

In Subsection B, "Stormwater Management Permits and Connection and Discharge Permits", in the fifth line after the words "Any such Permit requirements" delete the word "may" and insert in place thereof the word "shall"; and

In Subsection D. "Stormwater Regulations", in the first line, delete the words "Permitting Authority" and insert in place thereof the words "Board of Selectmen acting as the Board of Public Works", and in the last line delete the words "relating to management and operation of the MS4"; and

In SECTION 8. PROCEDURES:

In subpart 3) thereof, after the words "30 calendar days" insert the words "or such longer period as may be accepted by the applicant"; and

In SECTION 13. SEVERABILITY:

At the end thereof delete the quotation mark, the semicolon, and the word "and" and

Insert a new SECTION 14 as follows:

"SECTION 14. EFFECTIVE DATE.

This bylaw shall take effect on July 1, 2008."; and"

(Simple majority)

ARTICLE 13

ENERGY EFFICIENT ZONING

I move that the Town will vote:

to amend the Protective Zoning Bylaw of the Town of Ipswich, as set forth in Article 13 of the warrant for the October 15, 2007 Special Town Meeting.

(2/3rds Majority)

ARTICLE 14 **EXPANSION OF IN-TOWN RESIDENCE ZONING**

I move that the Town will vote:

to amend the Official Zoning Map of the Town of Ipswich by rezoning the area shown on the attached map, which is on file in the office of the Town Clerk and the Department of Planning & Development, from Rural Residence A (RRA) to In-town Residence (IR) as follows:

An area along or near the northerly side of East Street, including lots on Highland Avenue and lower Spring Street, said area containing all or a portion of the following lots:

Assessor's Map: 31C;

Lots: 100, 101, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 127

(2/3rds Majority)

ARTICLE 15 **PLANNED COMMERCIAL DISTRICT REVISIONS**

I move that the Town vote:

to amend the Protective Zoning Bylaw of the Town of Ipswich as set forth in Article 15 of the warrant for the October 15, 2007 Special Town Meeting.

(2/3rds Majority)

ARTICLE 16 **MISCELLANEOUS ZONING**

I move that the Town will vote:

to amend the Protective Zoning Bylaw of the Town of Ipswich as set forth in Article 16 of the warrant for the October 15, 2007 Special Town Meeting.

(2/3rds Majority)

ARTICLE 17 **STREET ACCEPTANCES**

I move that the Town vote to:

(1) to accept Pitcairns Way as a town street as shown a plan entitled "Street Acceptance Plan Located in Ipswich, MA, Roadway Layout, Pitcairn's Way," dated February 23, 2006 and revised August 29, 2006, prepared for BGT Trust by Acres-Engineers, Surveyors, and stamped by Alexander Curcioli, Registered Professional Land Surveyor, on June 1, 2007, a copy of which is on file in the office of the Town Clerk;

(2) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Pitcairns Way) for all purposes for which public ways are used in the Town;

(3) to accept Cogswell Street Extension as a town street as shown on the plan entitled "Definitive Plan of Land, Cogswell Street Extension, for Carl E. Gardner, Jr., dated July 1997 and revised on November 13, 1997, December 8, 1997, January 30, 1998 and May 13, 1998, prepared by Francis M. DeCesare, Registered Professional Land Surveyor and Civil Construction Management, Inc., and recorded at the Essex South District Registry of Deeds, Plan Book 327, Plan 16, a copy of which is on file in the office of the Town Clerk;

(4) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Cogswell Street Extension) for all purposes for which public ways are used in the Town;

(5) to accept Ruth Way as a town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA", dated September 21, 2006, prepared for Habitat for Humanity by Meridian Associates, Inc., Donald E. Bowen, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk;

(6) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Ruth Way) for all purposes for which public ways are used in the Town;

(7) to accept Partridgeberry Place as a town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA," dated August 17, 2007, prepared for the Martins Companies by Meridian Associates, Inc., Donald E. Bowen, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk; and

(8) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Partridgeberry Place) for all purposes for which public ways are used in the Town.

(Simple majority)

ARTICLE 18

PERSONAL PROPERTY ASSESSMENTS

I move that the Town vote:

to accept Massachusetts General Laws, Chapter 59, Section 5(54), added by Chapter 159 of the Acts of 2000, to permit the Assessors of the Town of Ipswich to establish a minimum fair cash value of \$10,000 for personal property accounts to be taxed, starting in FY 2009.

(Simple majority)

ARTICLE 19

OPEN SPACE PROGRAM – ADDITIONAL PARCEL

I move that the Town vote:

to add the following parcel to the Open Space Parcels List (as referenced in Article 18 of the Warrant for the April 3, 2000, Annual Town Meeting) on file in the office of the Director of Planning and Development and in the Office of the Town Clerk, said changes having been placed on file in the office of the Director of Planning and Development and in the Office of the Town Clerk by October 1, 2007:

Land now/formerly of Carol A. Lopes, TE, and Peter Lopes, located at 300 High Street, also known as Assessor’s Map 20A, Parcel 033, consisting of approximately 2.05 acres.

(Simple majority)

ARTICLE 20

ELECTRIC DEPARTMENT SUB STATION PROJECT

I move that the Town vote:

to appropriate the sum of \$7,500,000 to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station and other improvements to the Town’s electric system, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$7,500,000 under G.L. c.44, §8 or any other enabling authority to meet this appropriation;

And further move that that the Town Meeting adjourn, after acting on all articles in the warrant, to vote by printed ballot on October 30, 2007, at the YMCA Hall, County Road, the polls being open from 7:00 A.M. to 8:00 P.M. on the following question:

“Shall the Town appropriate the sum of \$7,500,000 to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station and other improvements to the Town’s electric system and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$7,500,000 under G.L. c.44, § 8 or any other enabling authority to meet this appropriation?”

(2/3rds majority)

ARTICLE 21

SPECIAL ACT: INCURRING INDEBTEDNESS

I move that the Town vote:

to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to amending Chapter II, Section 6 of the Town’s General Bylaws and superseding Chapter 324 of the Acts of 1994 which ratified the current bylaw; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, said petition to read as follows:

AN ACT RELATIVE TO INCURRING INDEBTEDNESS IN THE TOWN OF IPSWICH

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. Chapter three hundred twenty-four of the acts of 1994 is hereby rescinded.

Section 2. Notwithstanding the provisions of any general or special law to the contrary, Section 6 of Chapter II of the Town of Ipswich general bylaws is hereby rescinded and the following provision is inserted in its place:

Section 6. Bond Appropriations

No appropriation to be raised by bonds of the Town of Ipswich, except for an appropriation of an amount of less than one tenth of one percent (0.1%) of the current total equalized valuation of the Town for any purpose, shall be adopted unless the article calling for such appropriation first shall have received a two-thirds majority vote by Town Meeting, in accordance with the provisions of Chapter 44 of the General Laws, as amended, after there has been full opportunity for debate on the merits of the said article, and second shall have received a majority vote on a printed ballot. If said article shall have received a two-thirds majority vote of Town Meeting, the Board of Selectmen shall forthwith call for a special election for the purpose of voting on such appropriation, said election to be called in accordance with the Massachusetts General Laws. Notwithstanding the previous sentence, the Board of Selectmen may, but are not required to, vote to include a ballot question required by this section on the Town's annual election ballot, which vote will only be effective if the corresponding Annual Town Meeting has approved the appropriation pursuant to this section. The statement of the purpose of the appropriation shall be substantially the same in the article as in the ballot question.

Section 3. Nothing in this special act shall preclude the right of the Town Meeting to modify Chapter 2, Section 6 of the Town Bylaws without seeking a special act of the General Court.

Section 4. This act shall take effect upon its passage.

(Simple majority)

ARTICLE 22

RECONSIDERATION

I move that action on this article be postponed indefinitely.

(Simple majority)