

TOWN OF IPSWICH

WARRANT ARTICLE SYNOPSIS

**SPECIAL TOWN MEETING
October 25, 2010**

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October 6, 2010

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ARTICLE 1

FY 2010 UNPAID BILLS

This is a stock article to pay any unpaid bills incurred in prior fiscal years and remaining unpaid. This article will raise and appropriate **\$8,698.20** to pay unpaid bills incurred at the end of FY'10.

<u>ACCOUNT</u>	<u>VENDOR</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>LEGAL</u>	Anderson & Kreiger	5,011.32	
	Anderson & Kreiger	152.00	
	Anderson & Kreiger	25.00	
<u>POLICE</u>	Police Department	<u>3,509.88</u>	
		8,698.20	

Explanation:

- 1) The Anderson & Kreiger legal bills were incurred in June 2010 and arrived after the FY 2010 books were closed on July 15.
- 2) It was discovered earlier in the year that Officer Mike Tullercash was being paid incorrectly due to a step-grade error in FY 2008. He was six months behind in receiving his first step increase and so each year moving forward, he was being underpaid. Tullercash's salary is correct in the FY'11 budget, and he was paid correctly for FY'10. He is owed **\$3,509.88** in retroactive salary for fiscal years 2008 and 2009.

Fiscal Impact: There is no impact on the FY 2011 tax rate.

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ARTICLE 2

FY 2011 TOWN BUDGET AMENDMENTS

Summary: The Board of Selectmen proposes the following amendments to the FY'11 budget:

- 1) Transfer from the Police Budget Salaries **\$220,917** to the newly established Civilian Dispatch Budget Salaries.
- 2) Transfer from the Police Budget Expenses **\$2,550** to the newly established Civilian Dispatch Budget Expenses.

Explanation: This transfer moves money from the Police Budget to the newly created Civilian Dispatch Budget. The salary and benefit transfers result in no increase in the approved FY'11 Municipal Budget. All salaries and benefits are already accounted for within the Police Budget; the change is strictly for accounting purposes. The intent in creating a Civilian Dispatch Budget is to establish a true accounting of Civilian Dispatch costs.

- 3) Transfer **\$104,732** from free cash to the special Other Post Employment Benefits account (OPEB). These funds are from Federal Medicare Part D contributions and are transferred to the OPEB account as partial funding for other post employment benefits.

Explanation: The special OPEB account was established in FY'09 pursuant to the new GASB 45 regulation and enabling state legislation. The Ipswich OPEB account contains **\$53,994** from prior year Medicare Part D contributions. The addition will bring the total to **\$158,726**.

- 4) Amend Article 4 of the May 11, 2010 Annual Town Meeting (the **\$14,191,874** FY'11 Municipal Operating Budget) by transferring **\$30,188** from the Waterways Improvement Fund to the Harbormaster Budget leaving a net of **\$13,995,737** to be raised and assessed.

Explanation: This item does not increase the operating budget of the Town but switches the funding for the Harbormaster budget from the General Fund to the Waterways Account.

Beginning in FY 2011, all revenues from mooring fees will be deposited into the Waterways Improvement Fund instead of the General Fund. In FY 2010, mooring fees amounted to **\$66,874**. Moving mooring fees from the General Fund into the Waterways Fund, which is state mandated, will result in a significant loss of General Fund revenue. When mooring fees went into the General Fund, the

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Harbormaster budget was supported by the General Fund. Now that mooring fees go to Waterways, it is reasonable for the Harbormaster budget to be funded from the Waterways Fund.

- 5) Appropriate **\$50,000** from the **\$100,000** reserved under the levy limit to the D.P.W. Snow and Ice account.

Explanation: Increasing the snow and ice account by **\$50,000** will bring the total to **\$482,564** for Fiscal 2011. Average spending for snow and ice operations over the previous three years was **\$537,847**.

Fiscal Impact: The **\$50,000** appropriation for snow and ice operations will have a small impact on the FY 2011 tax rate.

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ARTICLE 3 **FY 2011 SCHOOL BUDGET AMENDMENTS**

Summary: The following financial transfers are proposed for the School budget:

- 1) **\$76,572** from free cash to reimburse the School Department for Medicaid funds deposited into the General Fund during Fiscal 2010. 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) **\$98,016** from free cash to the School Department to reimburse for the state School Building Authority's increase in reimbursements for the High School/Middle School project.

- 3) **\$126,277.95** from a special insurance account to reimburse the School Department for the cost of roof damage to the High School and Doyan School during the severe storm in February 2010.

The following reduction in the School Budget is required:

- 1) **\$50,551** from School Budget due to the change in Chapter 70 funding for FY 2011. The change in Chapter 70 funding occurred after the School budget was voted at the Annual Town Meeting.

Fiscal Impact: Reduction of the School Department budget will result in a small decrease in the Fiscal 2011 tax rate.

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ARTICLE 4 _____ **FY'11 WHITTIER RVT HIGH SCHOOL BUDGET**

Summary: **\$350,095** is appropriated for the Whittier RVT High School. This represents a decrease of **\$102,311** over the FY '10 assessment. The FY'11 Whittier budget recommendation was approved by the Regional School Committee on March 6, 2010.

Enrollment of students from Ipswich decreased from 27 in 2009 to 23 in FY 2010. The Town's assessment constitutes **2.28%** of the total assessment for the Whittier School.

Fiscal Impact: The proposed Whittier budget for Fiscal 2011 represents a **22.6%** decrease in the assessment for Ipswich over Fiscal 2010.

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ARTICLE 5

FEOFFEEES LITIGATION

Summary: This article asks the Town Meeting to fund further legal action by the Town to effectuate the modification of the Trust which created the Feoffees of the Grammar School. The form of the legal action would be determined by the School Committee in consultation with other Town bodies, including the Board of Selectman and Finance Committee.

The Selectmen have authorized a transfer from free cash of **\$300,000** into a special account controlled by the Town for Feoffees litigation and associated expenses, and they have included a requirement that any funds expended from this account be repaid to the Town by the School Department as soon as the first disbursement of funds to the Schools is released by the Feoffees. Full repayment must be accomplished within three years.

Fiscal Impact: There is no impact on the Fiscal 2011 tax rate.

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- It would not significantly increase the burdens on the Conservation Commission.

What **would** this amendment do?

- It would codify the intent of the Stormwater Bylaw by eliminating the possibility of a land disturbance project requiring approvals from **both** the DPW and the Conservation Commission for stormwater management.
- By so doing, it would eliminate the fee that would otherwise be charged by the DPW for a Stormwater Management Permit.
- It would simplify the process for applicants
- It would eliminate the possibility of an applicant having to engage additional consultant services to assist in procuring two permits.

ARTICLE 7 CONVERSION OF ACCESSORY BUILDING INTO RESIDENTIAL UNIT

Summary: In 2001, a provision was added to the zoning bylaw that allows for an accessory building to be converted, by special permit, to a single-family detached dwelling in the Intown Residential District. The applicability of the provision was

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expanded in 2004 to include properties in the RRA District. The primary objective of the provision (i.e., footnote 23 to the Use Table) was to provide a means for creating additional residential units to meet an identified community need without significantly affecting the character and built area of the surrounding neighborhood. An anticipated benefit was the preservation and renovation of historic or architecturally significant accessory buildings.

Ten special permits have been sought since the implementation of the bylaw in 2001, an average of about one per year. All but one of the ten applications was approved. Overall, the provision has been successful in achieving its objectives. All of the approved projects were found to meet a community need, one by a long-term affordability restriction, one by a contribution into the Town's affordable housing trust fund, and seven by providing housing to a family member subject to a requirement that the dwelling unit be made permanently affordable if vacated by the resident.

Based on the Town's experience in applying these regulations, however, it has become apparent that the current provision does not provide sufficient guidance to applicants or to the Planning Board on a variety of issues, including: determining the building envelope, assessing and preserving historically or architecturally significant buildings, and in what instances demolition and reconstruction might be appropriate.

This article seeks to address these issues by eliminating footnote 23 and instead regulating accessory building conversion with a new special regulation in Section IX. of the zoning bylaw.

The proposed revisions would clearly identify eligible community benefits. Providing an affordable dwelling unit would remain the preferred benefit. Other defined community benefits might include use of the unit by a family member, a payment to the affordable housing trust fund, or the preservation of an historic or architecturally significant structure, as determined by the Planning Board.

The article would also substantially expand and clarify renovation requirements and allowances related to the conversion. The proposed changes specifically regulate reconstruction as well as the envelope and siting of the structure.

The revised regulation, as does the current footnote, would require a special permit from the Planning Board. Additionally, the revised provision would include as basic requirements what the Planning Board now requires as conditions of approval of the special permit, including the provision that the property shall not be subdivided. The intent of these revisions is to provide the Planning Board, as well as applicants, with clearer, more comprehensive language and guidance so as to better achieve the purposes of the provision.

Fiscal Impact: There is no direct cost to the Town.

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ARTICLE 8 **MISCELLANEOUS ZONING CHANGES**

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

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- The terms agriculture, aquaculture, kennel, riding academy, stable and viticulture are not defined
- Allowance of manufacturing does not explicitly provide for renewable or alternative energy manufacturing facilities as required for Green Communities designation
- Manager's unit as an accessory use is not permitted for agricultural uses
- Method for determining front setback relief based on neighboring setbacks is unclear
- Off-premises signs are not defined and the size allowance is unnecessarily large
- Size limitations on temporary real estate signs are overly restrictive
- Establishments with frontage on more than one public way are restricted to one wall sign except by special permit
- Overall maximum sign sizes are restricted by specific measurements without consideration of context or proportionality
- Co-location is not explicitly defined in relation to Wireless Communications Facilities
- Commercial stables or kennels are prohibited activities for Home Occupations, perhaps conflicting with state agricultural statute
- Requirement for businesses involving hazardous or toxic materials to inventory all sales and to reconcile their operations quarterly may be unnecessarily burdensome in certain instances
- The filing and appeals provisions of site plan review are inconsistent with administrative review process.

This article addresses these deficiencies as follows:

- (1) amends "III. DEFINITIONS" by adding definitions of "Agriculture", "Aquaculture", "Kennel", "Riding Academy", "Stable" and "Viticulture";
- (2) amends "V. USE REGULATIONS" by:
 - Adding a footnote to manufacturing clearly identifying renewable and alternative energy facilities as allowable uses
 - Adding a manager's unit related to agricultural activities as an accessory use;
- (3) amends "VI. DIMENSIONAL AND DENSITY REGULATIONS" by:
 - Revising footnote "1." to define the front setback comparison area to be properties within 250 feet of each lot line and on both sides of the street in the same district;
- (4) amends "VIII. SIGNS" by:
 - Adding a definition of "Off-premises sign"
 - Changing the maximum size of real estate signs from four square feet to six square feet

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- Reducing the maximum size of off-premises signs from 20 square feet to two square feet per business, up to a maximum of 12 square feet and six signs on a directory signs
 - Allowing buildings with frontages on multiple public ways to have 2 secondary wall signs by right
 - Allowing maximum sign size to be increased by special permit based on the context rather than a specific measurement;
- (5) amends “IX. SPECIAL REGULATIONS”, G. Wireless Communications Facilities” by adding a definition of “Co-location”;
- (6) amends “IX. SPECIAL REGULATIONS”, L. Home Occupations” by removing commercial stables or kennels from prohibited activities;
- (7) amends “IX. SPECIAL REGULATIONS”, N. Requirements for Uses Involving Hazardous Materials” by allowing annual reconciliation of inventory by special permit after one year of operation;
- (8) amends “X. SITE PLAN REVIEW” by:
- Removing from the submission procedure the time constraints related to notice of a public hearing
 - Adding a paragraph to the submission procedure clearly designating site plan review as an administrative review process
 - Removing approval lapse from the compliance provisions
 - Removing the subsection regarding appeal.

Fiscal Impact: None.

ARTICLE 9 **NORTH GREEN STREETScape IMPROVEMENT PROJECT**

Summary: As part of the North Green Streetscape Improvement Project, the Town will be making a number of improvements in and around the North Green, including adding curbs and sidewalks. The total amount of green space within the Green is being

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maintained, but the configuration of the Green will be altered in a few instances. The Green is owned by the Town, except for the land area immediately surrounding the First Church, which is Church property.

It appears as if the Town-owned land is considered park land by the Commonwealth, and as such may be subject to Chapter 97 of the Mass. General Laws. Chapter 97 requires that any improvements undertaken on park land, such as sidewalks or drives, which are not specifically related to the use of the land as a park, must be first approved by an Act of the Legislature.

The improvements as currently designed would establish a portion of sidewalk along two small areas (610 square feet in one instance and 730 square feet in the other) that are located outside of the right-of-way and thus within the park land.

Interestingly, the area owned by the Town is not currently designated as such on the Town Assessor's Maps. Rather, Assessor's Map 42A shows the totality of the North Green being owned by First Church of Ipswich. Because of this error (which has been corrected by the Assessor and which will show up correctly on next year's tax maps), the Town has not officially designated an entity with the Town government as the custodian of this property.

This article would first assign care, custody, and control of the North Green to the Cemetery and Parks Commission, which is the unit of government that currently maintains it. The article then authorizes the Cemetery and Parks Commission to authorize the Board of Selectmen to grant easements for the aforementioned areas of sidewalk. Lastly, the article would authorize the Board of Selectmen to petition the Massachusetts General Court to authorize the Board of Selectmen to grant the sidewalk easements.

Once the Town Meeting approves the article, the Town will seek the necessary legislative approval, which we expect to obtain by late spring of 2010. This will allow the project to move forward on schedule, which would mean putting it out to bid in the fall of 2011, and going to construction in the spring of 2012.

Fiscal Impact: None.

ARTICLE 10 LAND SWAP WITH EBSCO AT COMMUTER RAIL STATION

Summary: Land Swap with EBSCO at Saltonstall & Topsfield Road: Earlier this year the Town undertook improvements at the MBTA Station as one of the steps necessary to maintain the railroad crossing quiet zone. To accommodate a required modification

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to the parking lot's access/egress drive, it was necessary to make use of a small portion of land area from the abutting property, owned by EBSCO Industries, Inc. The Town obtained a temporary easement from EBSCO to allow for construction at the MBTA station, with the understanding that it would subsequently undertake a swap a land that would replace some of the land surrendered by EBSCO for the improvements.

This article would authorize the Board of Selectmen to convey 153 square feet of Town-owned land (Lot 49 on Assessor's Map 42C), near the entrance/exit to the commuter station parking lot land to EBSCO (Lot 194 on Assessor's Map 42A), in exchange for 477 square feet of land owned by EBSCO that would be conveyed to the Town.

Fiscal Impact: No direct cost to the Town.

ARTICLE 11 **COMMUNITY SEPTIC MANAGEMENT PROGRAM**

Summary: The purpose of this state program is to provide funding in the form of low cost loans to allow communities to devise a Local Septic Management Plan. The plan must include the provision of financial assistance to homeowners using the technique of

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betterment assessments.

The Local Septic Management Plan – identifies, monitors and addresses proper operation, maintenance and upgrade of septic systems in a comprehensive manner. This plan does not require periodic inspection; neither does it relieve the obligation to have the system inspected at time of property transfer.

Local Septic management Plans must include:

- a) Identification and prioritization of areas containing systems that warrant more regular monitoring and maintenance and/or upgrade.
- b) Development of a DEP approved database system for tracking the inspection of septic systems; this database must also track whether failed systems are being upgraded in accordance with timelines outlined in Title 5.
- c) Development of requirements and a schedule for periodic pumping and other routine maintenance of systems covered by the program.

Community Activities suggested under the Management Plan:

- a) Create an administrative structure to manage program;
- b) Prioritize environmentally sensitive or threatened areas;
- c) Notify the public;
- d) Prepare a priority list;
- e) Determine selection criteria for loans;
- f) Develop betterment agreements;
- g) Administer repair of septic systems; and
- h) Administer loan repayment

Betterment loans to Homeowners:

After a community has adopted a Local Inspection Management Plan of its own, and has been awarded the loan amount, it is now ready to provide financial assistance to homeowners within the community. A Betterment Agreement

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between the community and a homeowner may be used for all costs necessary to repair or replace a failed septic system including:

- a) renovating the existing system;
- b) hooking-up to existing sewer lines;
- c) or replacing traditional septic systems with an approved Title 5 alternative system.

To apply for a betterment loan, the homeowner must submit an application and petition the Board of Health. The systems that need work and that will be funded by a loan will be selected according to the priority list of that community.

Fiscal Impact: None. All costs will be covered by the state loan program and repaid through betterment assessments.

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ARTICLE 12

SENIOR TAX DEFERRAL PROGRAM

Summary: At the Annual Town Meeting on May 11, the Town voted to increase the gross receipts that senior citizens may have in the prior calendar year to be eligible to defer property taxes from **\$20,000** to **\$40,000**. This program is authorized under Massachusetts General Laws, Chapter 59, Section 5, Clause 41A.

A recent amendment to the statute also authorizes a reduction of the interest rate charged against deferred taxes from **eight (8) percent** to as low as **four (4) percent** by vote of Town Meeting. The Finance Committee asks Town Meeting to change the interest rate under this program to **four (4) percent**.

Fiscal Impact: The loss of accrued interest will be negligible.

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ARTICLE 13

**ACCEPTANCE OF STATE LEGISLATION:
SUNDAY ALCOHOLIC BEVERAGES SALES**

Summary: Acceptance of this local option legislation, M.G.L. 138, 33B, as amended, will authorize the Board of Selectmen, as the Local Liquor Licensing Authority, to issue licenses allowing the sale of alcoholic beverages starting at 10 a.m. on Sundays and certain legal holidays. Under current legislation, liquor licensees may not serve alcoholic beverages on Sundays and certain holidays prior to 12:00 p.m.

Fiscal Impact: There will be no fiscal impact.

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ARTICLE 14

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 2011 tax rate can be completed successfully.