

TOWN OF IPSWICH

ANNUAL TOWN MEETING

MAY 10, 2011

Warrant Article Synopses

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ANNUAL TOWN MEETING

May 10, 2011

WARRANT ARTICLE SYNOPSES

ARTICLE 1 CONSENT CALENDAR

SUMMARY

- 1) The first two items set the salaries for all elected officials as presented in the Town's operating budget and designate the positions to be filled at the Town elections. The polls for the Town election will open at 7:00 a.m. and close at 8:00 p.m.
- 2) Article 1 authorizes payment-in-lieu-of-taxes of **\$275,000** to the Town from available funds in the Electric Light Department.
- 3) In accordance with Massachusetts General Laws, this article authorizes the Board of Selectmen to appoint an Acting Town Manager during vacation or leave of absence of the Town Manager with an exemption from the state conflict-of-interest law.
- 4) The article authorizes certain revolving funds under the terms of the Massachusetts General Laws, Chapter 44, Section 53 E ½. Fees collected by departments under this article are deposited into special, revolving accounts that are separate from the General Fund of the Town. Revolving fund monies must be expended for purposes directly related to the mission of their respective departments. The following revolving funds are proposed for acceptance by Town Meeting:
 - a) A **Council on Aging Revolving Fund** to finance fee-based, special trips and functions for senior citizens. There is a **\$100,000** limit on COA Revolving Fund expenditures during the fiscal year. The Council on Aging requests a **\$100,000** limit because the department is sponsoring more trips for seniors to ever more distant places.
 - b) A **Health Department Revolving Fund**. The source of this fund is Health Department inspection fees. The fund is used to underwrite additional, administrative help in the Health Department and to pay related expenditures. No more than **\$7,000** may be expended by the Health Department Revolving Fund in FY'12.

- c) A **Health Department Public Health Revolving Fund** is created and funded through Medicare Part B, Medicare Senior Advantage Plans and other insurance plans for the administration of influenza and pneumococcal vaccines and fees charged for vaccine clinics and to be used to finance part-time wages and pay related expenditures such as the cost of vaccine, medical supplies, and other administrative costs. No more than **\$10,000** may be expended by the Health Department from monies transferred into the Public Health revolving fund during the fiscal year.
- d) A **Historical Commission Revolving Fund** is re-authorized. This fund will pay for preservation of town records and the purchase of expendable supplies. No more than **\$5,000** may be expended by the Historical Commission from monies transferred into this fund in FY'12. The source of funds is the sale of publications, such as replicas of the Declaration of Independence and other historical documents.
- e) A **Facilities Department Revolving Fund** is created to pay for custodial and other services associated with the use of the gymnasium and other Town Hall facilities by outside organizations, for special events sponsored by municipal departments. The source of funds is fees collected from organizations utilizing Town Hall facilities. No more than **\$20,000** may be expended from the Facilities Department Revolving Fund from monies transferred into the fund during the fiscal year.
- f) The **Shellfish Department Revolving Fund**. In Fiscal 2005, the Town authorized a surcharge of **\$50** on shellfish licenses with an understanding that all such funds would be spent on improvements to the shellfish resources of the Town. At the Special Town Meeting in October 2005, the Town created a revolving fund where the **\$50** license surcharge fees are deposited. There is an additional fee of **\$100** for license holders who are unable or unwilling to fulfill the community service requirement that is part of the regulations. Before any funds are expended from the shellfish fund, a plan and budget must be submitted to and approved by the Town Manager. No more than **\$15,000** may be expended from the Shellfish Revolving Fund during Fiscal 2012.

FISCAL IMPACT

This is a standard article that appears each year on the Annual Town Meeting Warrant. The payment-in-lieu-of-taxes (PILOT) from the Electric Light Department is determined according to a formula established by the Board of Selectmen acting as the Electric Light Commissioners at one fourth cent (**\$.0025**) for each kilowatt hour of electricity sold. The Electric Light Department PILOT payment provides additional revenue for the Town General Fund. Revolving funds operate outside the General Fund of the Town, and as such, they do not impact the local tax rate.

ARTICLE 2 FINANCE COMMITTEE ELECTION

SUMMARY

The article calls for election of one Finance Committee member, to be elected by the Town Meeting. The Finance Committee recommends the re-election of incumbent member Larry Seidler for a term of three years.

FISCAL IMPACT

There is no financial impact.

ARTICLE 3 PRIOR YEAR UNPAID BILLS

SUMMARY

<u>DEPARTMENT</u>	<u>VENDOR</u>	<u>AMOUNT</u>	<u>NOTES</u>
D.P.W.	WASTE MANAGEMENT	13,764.67	FY 2006 RECALCULATED BILL
		2,011.43	FY 2008 RECALCULATED BILL
		<u>594.90</u>	FY 2009 RECALCULATED BILL
		\$16,371.00	

These bills represent a negotiated resolution of a longstanding dispute with the firm that provided trash collection, recycling and trash disposal for the Town until July 2010.

FISCAL IMPACT

These bills will be paid from free cash; there is no impact upon the tax rate. The Town has **\$490,000** remaining in certified free cash for Fiscal 2011.

ARTICLE 4 FY'11 TOWN BUDGET AMENDMENTS

This article transfers sums of money within the Fiscal 2011 budget to 1) accommodate the 2% raises that were negotiated in return for union and management acceptance of the new plan design for health insurance; and 2) to cover a shortfall in the unemployment insurance account.

<u>Department</u>	<u>Description</u>	<u>From</u>	<u>To</u>
Benefits	Health Insurance	28,290.32	
Fire	Salary		28,290.32
Highway	Salary	4,587.03	
DPW Administration	Salary		773.33
Equip. Maintenance	Salary		1,023.12
Forestry	Salary		356.26
Cemetery	Salary		2,434.32
Benefits	Health Insurance	4,415.71	
Insurance	Unemployment		4,415.71;

FISCAL IMPACT

These are transfers from within the FY 2011 budget and do not have a fiscal impact.

ARTICLE 5 FY 2012 MUNICIPAL OPERATING BUDGET

SUMMARY

The Fiscal 2012 operating budget for Town departments, according to the guideline set by the Finance Committee is **\$13,616,709** plus **\$1,003,277** in excluded debt service for the Library addition, New Town Hall and the open space bond, for a total **\$14,619,986**. This budget is offset by **\$100,201** in non-tax revenues, leaving **\$14,519,785** net to be raised and appropriated.

FISCAL IMPACT

The operating budget for Town departments represents **\$2,492** of the average tax bill of **\$5,358**. The town budget of **\$14,619,986** represents an increase in spending of **2.7 %** over Fiscal 2011. The Town budget represents **38.31 %** of total General Fund spending.

ARTICLE 6 FY'12 TOWN BUDGET AMENDMENT

SUMMARY

This article will appropriate **\$55,690** from the Waterways Improvement account to the General Fund to support the budget of the Harbormaster. Fees from mooring permits formerly went to the General Fund, and the Harbormaster budget was funded through the General Fund.

The state now mandates that mooring fees go into the special Waterways Improvement account, so it is reasonable to move funds from Waterways into the General Fund to support the Harbormaster budget.

\$19,815.83 is appropriated from the Capital Improvements Stabilization Fund to support capital improvements to Town buildings. In 2007, the Town Meeting created this fund and the Selectmen decided to deposit **\$285,000** from the sale of the old Town Hall and earmark the funds for improvements to municipal buildings.

FISCAL IMPACT

This shift of funds will have no impact on the tax rate.

ARTICLE 7 FY'11 SCHOOL BUDGET AMENDMENT

SUMMARY

This article will transfer **\$35,605.75** from an insurance reimbursement account for storm damage to the Middle School principal's office and reception area in February 2011 to the Fiscal 2011 school budget.

FISCAL IMPACT

There is no impact on the tax rate.

ARTICLE 8 FY 2012 SCHOOL OPERATING BUDGET

SUMMARY

The Fiscal 2012 School Department operating budget totaling **\$21,005,093** is presented according to the guideline set by the Finance Committee. The FY'12 School Budget is offset by **\$92,500** in non-tax revenues, leaving **\$20,912,593** net to be raised and appropriated.

Funding for the FY'12 budget includes **\$2,559,500** under the Massachusetts Chapter 70 school aid program. This is the amount recommended by the Governor and may change during legislative consideration of the state budget.

FISCAL IMPACT

The operating budget of the School Department represents **\$3,856** on the average tax bill of **\$5,358**. The Ipswich School Department budget of **\$21,005,093** represents a **2.9 %** increase over Fiscal 2011. The School budget represents **61.69%** of total General Fund spending.

ARTICLE 9 HIGH SCHOOL/MIDDLE SCHOOL DEBT

SUMMARY

This article appropriates **\$2,534,075** in scheduled debt service for the High School/Middle School project. Debt service for the High School/Middle School project was excluded from the Proposition 2 ½ tax limitation in a Town election in 1996. The Massachusetts School Building Authority will reimburse the Town for **\$1,389,800** of the debt service for this project in FY'12

FISCAL IMPACT

The net cost to the taxpayer in FY'12 for the High School/Middle School project will be **\$1,144,275**. The net cost represents **\$0.47** on the tax rate. It will account for **\$213.44** of the average tax bill of **\$5,358** on the average house valued at **\$446,500**.

ARTICLE 10 FY 2012 WHITTIER HIGH SCHOOL BUDGET

SUMMARY

\$270,246 is appropriated for the Whittier Regional Vocational Technical High School. This represents a decrease of **\$79,849** over the FY '11 assessment. The FY'12 Whittier budget recommendation was approved by the Regional School Committee on March 6, 2011.

Enrollment of students from Ipswich decreased from **23** in 2009 to **18** on October 1, 2010. The Town's assessment constitutes **1.7%** of the total assessment for the Whittier School, down from **2.28%** in 2009.

FISCAL IMPACT

The proposed Whittier budget for Fiscal 2012 represents a **22.8%** decrease in the assessment for Ipswich over Fiscal 2011.

ARTICLE 11 FY 2012 WATER AND WASTEWATER BUDGETS

SUMMARY

This article will raise and appropriate the sum of **\$2,887,221** for the FY 2012 operating budget, debt service, and capital expenses of the Water Division, Department of Utilities. This amount will to be offset in part by **\$525,314** from the water surplus account; **\$45,000** from water liens; **\$33,500** in application fees and other miscellaneous revenues, with the balance of the appropriation met by revenues of **\$2,283,407** of the Water Division during FY 2012.

In addition, this article will raise and appropriate the sum of **\$1,651,095** for the FY 2011 operating budget, debt service, and capital expenses of the Wastewater Division, Department of Utilities. This amount will be offset, in part, by **\$51,595** from the wastewater surplus account; **\$29,000** from sewer liens; **\$6,000** in sewer betterment payments; **\$514,500** in septage treatment fees, royalties from Agresource Company, application fees and other miscellaneous revenues. The balance of this appropriation will be met by revenues of **\$1,050,000** of the Wastewater Division during FY 2012.

FISCAL IMPACT

The Water and Wastewater Division budgets are funded through user charges. There is no impact on the tax levy. The average cost to the homeowner will be about **\$694** per year for water service and (if connected) about **\$566** for wastewater treatment service. These calculations are based on an average 12,000 cubic feet of water (90,000 gallons) consumption per year.

ARTICLE 12 CITIZEN'S PETITION

SUMMARY

This petition seeks to change the method of appointing the Feoffees of the Grammar School through a Special Act of the Massachusetts legislature amending Chapter 5 of the Acts of 1766. Upon passage of the proposed Special Act, the existing Feoffees would be replaced with seven individuals appointed for staggered, three years terms in the following manner: two appointed by the Ipswich School Committee, two appointed by the Ipswich Board of Selectmen, two appointed by the Ipswich Finance Committee and one appointed by the Ipswich Town Meeting.

Under the current law, there are four permanent Feoffees and three members of the Board of Selectmen. The proposed legislation would bar anyone serving on the Board of Selectmen, Finance Committee and School Committee as well as the School Superintendent and Town Manager from serving simultaneously as a Feoffee. Feoffees would be required to live in Ipswich and would not be compensated.

FISCAL IMPACT

There is no direct impact on the tax rate.

ARTICLE 13 CITIZEN'S PETITION

SUMMARY

The petition would amend the Protective Zoning By-Law, Section V.D. "Table of Use Regulations," by deleting from the list of allowable accessory uses a Managers Unit associated with 'aquaculture.'

FISCAL IMPACT

There is no fiscal impact.

ARTICLE 14 CITIZEN'S PETITION

SUMMARY

This petition would amend Section 3, Definitions of the Protective Zoning By-Law by deleting the definition of 'stable.'

FISCAL IMPACT

There is no fiscal impact.

ARTICLE 15 CITIZEN'S PETITION

SUMMARY

This petition would amend Section 3, Definitions of the Protective Zoning By-Law by deleting the definition of 'Riding Academy.'

FISCAL IMPACT

There is no fiscal impact.

ARTICLE 16 CITIZEN'S PETITION

SUMMARY

This petition would amend Section IX Special Regulations, "L. Home occupations, Paragraph 4" by adding "Commercial Stables or kennels" to the list of prohibited home occupations.

FISCAL IMPACT

There is no fiscal impact.

ARTICLE 17 COMMITTEE REPORTS

SUMMARY

Standing Committees of the Town report at the Annual Town Meeting on their activities during the previous year. Sometimes laced with humor, these reports provide a breather from action on the other business of the meeting.

The Standing Committees of the Town include the Historic District Study Committee; the Commuter Rail Committee; the Ipswich Coalition on Youth; the Hall-Haskell Committee; the Open Space & Recreation Committee and the *Ad Hoc* Committee examining the Feoffees of the Grammar School. These committees were established by the Town Meeting and are entitled to report.

Other committees have been established by the Board of Selectmen and the Town Manager. Reports of Selectmen appointed committees are carried in the Town Report, and the Moderator feels that this is sufficient. However, any committee not established by Town Meeting may offer a verbal report under this article with prior permission from the Moderator.

The list of functioning committees not established by Town Meeting includes: the Affordable Housing Trust Fund Committee; the Agricultural Commission; the Council on Aging; the Athletic Playing Fields Study Committee; the Audit Committee; the Historic Bridge Advisory Committee; the Commission on Energy Use and Climate Protection; the ICAM Board; the Cemetery and Parks Commission; the Community Development Plan Implementation Task Force; the Coastal Pollution Control Committee; the Cultural Council; the Deer Management Committee; the Eight Towns and the Bay Committee; the Emergency Management Committee; the Fair Housing Committee; the Government Study Committee; the Ipswich Bay Circuit Trail Committee; the Library Trustees; the Open Space Committee; the Mosquito Control Advisory Board; the Parking Committee; the Recreation Committee; the Public Safety Facilities Committee; the Recycling Committee; the Sandy Point Advisory Committee; the Shellfish Sub-Committee; the Shade Tree and Beautification Committee; the Storm Water Advisory Committee and the Waterways Advisory Committee.

FISCAL IMPACT

The reports themselves have no fiscal impact.

ARTICLE 18 APPROPRIATION FOR CHAPTER 90

SUMMARY

Each year the state contributes funds to the cities and towns for street and road improvements under the “Chapter 90” program. This year, the Patrick Administration will provide **\$442,110** to the Town under Chapter 90, which is an increase of **\$95,729** above Chapter 90 funding in FY 2011.

Passage of Article 17 accepts Chapter 90 funds from the Commonwealth.

FISCAL IMPACT

Chapter 90 monies are provided by the Commonwealth of Massachusetts; the local fiscal impact will be zero

ARTICLE 19 ATHLETIC FIELDS AND OPEN SPACE BOND AUTHORIZATION

SUMMARY

Article 18 of the April 16, 2000 Annual Town Meeting authorized **\$10 million** in funding to allow the Board of Selectmen to acquire interests in real estate for open space, water supply protection, recreation and/or certain general municipal purposes. Of the original **\$10 million** authorization, **\$8,615,000** has been spent to date on projects protecting 763.2 acres of land throughout Ipswich. Projects have included protection of water supply lands, agricultural soils and active farms, scenic views, recreational opportunities, and important wildlife habitat and ecological resources. The town's money, made available through this bond authorization, has attracted more than **\$9 million** in additional public and private funding sources, for a more than 50% match.

The 2011 article increases the original authorization from **\$10 million** to **\$15 million** in recognition of the fact that there are several priority land protection and open space goals that have been yet to be met. By far the most significant of these goals is for Ipswich to acquire land for new athletic fields, meeting the needs of the 1,891 citizens who play organized athletics in town, school, and adult leagues and programs. This reauthorization makes a critical change to the program, allowing funding to be spent not just on the acquisition of land suitable for athletic fields, but also on the actual development costs of building athletic fields on the acquired land.

Other than these two changes, the original 2000 authorization remains the same. Town Meeting approval is required for any acquisition of interests that exceeds **\$1.5 million**. The proven commitment to leveraging the town's money with other public and private sources will be upheld. In all cases the Board of Selectmen will be advised on projects by the Open Space Committee and the Athletic Fields Study Committee, as well as other town committees and boards, and will hold public hearings as necessary. This article is an authorization to spend money if and when appropriate properties become available to meet the town's open space needs and goals. Since most parcels on the bond list are very desirable for development and/or are enrolled in Chapter 61 (which only gives the town 120 days to exercise its right of first refusal), advance authorization is needed to allow the town to compete for parcels when they come up for sale.

THIS ARTICLE WILL AUTHORIZE A DEBT EXCLUSION OVERRIDE UNDER PROPOSITION 2 ½ AND WILL REQUIRE A MAJORITY VOTE IN THE MAY 17, 2011 TOWN ELECTION.

The original warrant article authorizing the **\$10 million** bond issue for open space was approved at the 2000 Annual Town Meeting. **Article 18** read as follows:

To see if the Town will vote:

(a) to appropriate a sum of money to purchase the fee or lesser interest(s) in real estate

for open space, water supply protection, recreation and/or general municipal purposes, said general municipal purposes not to include lands to be controlled or used by the Public Safety, Public Works, School, Sewer or Electric Departments, and to obtain any materiel and/or services incidental thereto; provided that any such real estate shall be identified by assessors' map and lot number on a list of priority parcels on file with the Town Clerk and the Director of Planning and Development on or before March 31, 2000, or as amended thereafter by action of Town Meeting;

(b) to authorize the Town to sell, in accordance with applicable laws, portions of any properties acquired under this article not otherwise to be used for open space, water supply protection or recreation, the revenue therefrom to be deposited into the capital projects fund within which the proceeds of bonds issued hereunder shall have been placed, said revenues to be expended for the payment of debt service on the bonds issued hereunder;

(c) to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary, on behalf of the Town of Ipswich, to effect said purchases or sales, or to take any other action thereon; provided, however, that any such purchase or sale which exceeds **\$1,500,000** shall require a specific town meeting vote approving same;

(d) to authorize the Board of Selectmen to contract for and expend any Federal or State aid or grants available for these purchases, and to accept and expend any private grants or funds offered for these purchases;

(e) to authorize the Board of Selectmen to adopt and from time to time amend written policies establishing and directing the procedures to be followed for the nomination, acquisition, or disposal of parcels or interests in parcels purchased pursuant to the provisions of this Article; and

(f) 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, Section 7 (3); said appropriation to be contingent on the passage of an override of proposition two and one-half pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 21C(k); or to take any other action relative thereto.

FISCAL IMPACT

There is no financial impact to Town citizens until a project is approved and the Town applies for the bond funding, at which point the impact on taxes will be determined by the cost of the project.

Total principal and interest payments on five bond issues from 2001 to 2011 is **\$3,711,750**. In 2012, the cost on the average family home of the open space bond spent to date (**\$8,615,000**) is approximately **\$124**. There is still almost **\$1.4** million authorized and unissued debt on the open space bond. If that would be borrowed it would add about **\$24** to the average tax bill. As payments are made each year, the interest on the debt decreases an average of **\$3.00** per year on the average tax bill. As the debt is paid off, larger decreases in the cost to the average tax bill will occur.

Like the initial **\$10** million bond, the additional **\$5** million will be borrowed over a period of years. If all **\$5** million were borrowed at once, assuming a 4% rate of interest, the impact on the tax rate would be **\$2.06** on an average house value of **\$446,500** or **\$922** over the 20 year life of the bond.

ARTICLE 20 WASTEWATER TREATMENT PLANT UPGRADE

SUMMARY

This article will authorize the Treasurer to borrow **\$2,200,000** for the purchase of equipment for the construction and rehabilitation of the ultraviolet treatment facilities and the treatment plant head works at the Wastewater Treatment Plant. The head works equipment is now 30 years old and the ultraviolet treatment facility is 13 years old. This equipment has reached the end of its normal service life.

The Ipswich Treasurer would be authorized to raise this appropriation, with the approval of the Board of Wastewater Commissioners, i.e., the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended..

FISCAL IMPACT

The cost of this project will be borne by the Wastewater Department rate payers. There is no impact on the FY 2012 tax rate.

ARTICLE 21 WATER DEPARTMENT MAIN REPLACEMENT

SUMMARY

This article will authorize the Treasurer to borrow the sum of **\$1,950,000**, to replace the water mains on Jeffreys Neck Road. A recent study has shown the Jeffreys Neck water main, which is over sixty years old, is severely deteriorated and leaking.

This appropriation will be raised by authorizing the Treasurer, with the approval of the Board of Water Commissioners, i.e., the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended.

FISCAL IMPACT

The cost of this project will be borne by the Water Department rate payers. There is no impact on the FY 2012 tax rate.

ARTICLE 22 SENIOR CITIZEN PROPERTY TAX EXEMPTION

SUMMARY

Beginning on July 1, 2011 and by local option, Massachusetts communities are authorized to accept provisions of the Massachusetts General Laws (Ch. 59, Sec. 5, Clause 17D) to increase the annual exemption granted to senior citizens (over 70), surviving spouses and surviving minors by the percentage increase in the Consumer Price Index as determined by the Commissioner of Revenue. The current Clause 17D exemption is **\$175**.

In addition, this article asks Town Meeting to accept provisions of M.G.L., Ch. 59, Section 5, Clause 17E, increasing the asset limit permitted to qualify for the **\$175** property tax exemption by the amount of percentage increase in the Consumer Price Index. Seniors over 70, surviving spouses and surviving minors can qualify for this exemption currently by having assets that do not exceed **\$40,000**. Assets are defined as income and personal estate exclusive of the value of the beneficiary's home.

Also, Article 23 authorizes an annual C.P.I. increase in the income and asset limits for qualifying for the **\$500** tax exemption under M.G.L., Ch. 59, Sec. 5, Clause 41C. The 41C income limits for Fiscal 2012 will be **\$13,000** for a single individual and **\$15,000** for a married couple, plus a Social Security adjustment which can change each fiscal year. The whole estate, less the value of the home, cannot exceed **\$28,000** if single or **\$30,000** if married.

Cities and towns are reimbursed by the Commonwealth for exemptions granted under Clause 17C and Clause 41C.

Lastly, acceptance of Article 23 will increase the property tax exemption under Clause 41C from **\$500** to **\$750**. The Town would not be reimbursed by the state for any exemption under 41C exceeding **\$500**.

There are 24 Ipswich residents who currently qualify for a Clause 17C exemption (**\$175**) and 14 residents who qualify for the Clause 41C exemption (**\$500**).

FISCAL IMPACT

The financial impact of acceptance of the CPI index for Clause 17C, assuming a 2% C.P.I.-based increase, would be **\$84**; the impact of the change for Clause 41C beneficiaries would be **\$3,500**. Raising the income and asset limits might qualify several more residents for the Clause 41C benefit.

ARTICLE 23 NORTH GREEN IMPROVEMENTS

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 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.

The Town-owned land is considered park land by the Commonwealth, and is thus subject to Article 97 of the Mass. General Laws. Article 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, be first approved by the Legislature. Because the improvement project will construct sidewalk on a small portion of the public parkland, the 10/25/10 Town Meeting authorized the Selectmen to seek that legislative approval; that process is now underway.

However, because the funding agency required a slight design change to the road way, an additional 165 square feet of parkland needs to be incorporated into the ROW, thus necessitating further Town Meeting approval. Essentially, the May 10, 2011 Annual Town Meeting will be asked, in this warrant article, to reauthorize the Board of Selectmen to submit a modified petition to the Massachusetts General Court, pursuant to Article 97 of the Massachusetts Constitution, to approve the transfer of the two parcels of land shown as "SW-1" and "SW-2" on the plan entitled "Ipswich, North Main Street at Meetinghouse Green, Right of Way Plan Sheet 2 of 4," dated 9/27/10, and revised on 4/8/11, to the Board of Selectmen for sidewalk purposes, the parcels now being a portion of the land known as the North Green. The revision would increase the total area of the two afore-mentioned parcels from 1,068 square feet to 1,233 square feet, or approximately 15% more square feet than what was approved by the 10/25/10 Town Meeting. To offset the impact to the public parkland, the Right-of-Way will be reduced in other locations by at least 165 square feet, and that land area will be made part of the public parkland.

This article also addresses the need of the Town to secure easements from the residents of North Main Street and Meetinghouse Green who abut the project improvements. Of the 27 easements required, all but five are temporary construction easements that will expire after the project is completed. The permanent easements all pertain to portions of sidewalk that already exist and will be replaced, but need a permanent easement because they are on land owned by the abutting property owner. By authorizing the Selectmen to appropriate a sum of money to acquire a partial interest in fee (or lesser interest) in these 27 parcels, Town Meeting will facilitate the securing of the right-of-way along North Main Street and Meetinghouse Green, a step that must be completed before the project can be put out to bid.

FISCAL IMPACT

The cost of this article is estimated to be about **\$4,000**. The cost of the entire streetscape improvement project, estimated to be approximately **\$1.1** million, will be funded by the Mass Department of Transportation, except for the street paving, which is the responsibility of the Town. Estimated to cost approximately **\$350,000**, the likely source of these monies is Chapter 90 funds.

ARTICLE 24 LOCAL OPTION TAX ON RESTAURANT MEALS

SUMMARY

This article accepts M.G.L. Chapter 64L, Section 2; the local option meals excise tax. Acceptance of this local option will impose a sales tax upon the restaurant meals originating within the town at a rate of **0.75** per cent of the gross receipts. In other words, this measure would add a tax of **\$.75** on a **\$100** restaurant bill.

The Massachusetts Department of Revenue estimates that in a twelve month period, this tax will yield **\$168,000** in additional revenue for the Town's General Fund. In the first year, due to Department of Revenue rules, the tax will yield only 10 months payments estimated at **\$140,000**.

FISCAL IMPACT

There is no impact upon the FY 2012 tax rate.

ARTICLE 25 CHANGING THE QUORUM REQUIREMENT FOR TOWN MEETINGS

SUMMARY

The Government Study Committee proposes to reduce the quorum requirement for Town Meetings from 200 to zero. There is a twofold purpose for the proposal:

- 1) to eliminate delays at the start of Town Meetings while efforts are made to bring in enough registered voters to constitute a quorum; and
- 2) to eliminate use of a quorum call as a tactic for defeating a warrant article which has an apparent majority support.

The Government Study Committee conducted a survey of communities that have adopted the zero quorums, and the Committee reported to the Selectmen that there is general satisfaction with the result.

FISCAL IMPACT

There is no impact on the tax rate.

ARTICLE 26 FEOFFES TRUST

SUMMARY

This article will authorize transfer **\$300,000** of free cash to a special fund established last year to continue and complete litigation regarding the proposed sale of Little Neck and the reformation of the Feoffees into a publicly appointed and for other legal and expert costs related to these issues.

The article will continue the basic structure and procedure for managing the expenditure of these funds. There will be a Tri-board Working Group made of three members each of the School Committee and two members each from the Board of Selectmen and Finance Committee to review and make recommendations on requests for funds.

The article continues the requirement added on Town meeting floor that all three boards approve any expenditure. The article requires that the School Committee and its attorneys shall produce an Action Plan within 30 days of this Town Meeting detailing the actions to be taken to assure prompt accomplishment of the goals set by this and prior Town Meetings, and that the Action Plan be approved by all three boards before expenditure of funds in FY'12, that is, on and after July 1, 2011.

FISCAL IMPACT

There is no impact on the FY 2011 tax rate. However, a large appropriation of free cash will deplete the account, reduce free cash available in FY 2012 and could have an unfavorable impact on the Town's bond rating by reducing the undesignated fund balance.

ARTICLE 27 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 to be 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.

FISCAL IMPACT

The impact will not be known until all other money articles have been acted upon.