

**WARRANT**

**TOWN OF IPSWICH**

**ANNUAL TOWN MEETING**

**MAY 10, 2011**

Prepared by:  
**Robert T. Markel**  
Town Manager

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**ESSEX, ss**

To the Constable of the Town of Ipswich in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Ipswich qualified to vote in Town affairs to meet in the Performing Arts Center of the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on TUESDAY, THE TENTH DAY OF MAY, 2011, at 7:30 o'clock in the evening, then and there to act on the following articles, viz:

**ARTICLE 1**

**CONSENT CALENDAR**

To see if the Town will vote:

- (1) to fix the salary and compensation of all elected Town Officers;
- (2) to choose the following officers, viz: a Moderator for one [1] year; two [2] Selectman for three [3] years; three [3] members of the School Committee for three [3] years; one [1] member of the Housing Authority for five years; the above officers to be voted on one ballot at the YMCA Hall, County Road, on Tuesday, May 17, 2011; the polls shall open at 7:00 a.m. and shall close at 8:00 p.m.;
- (3) to act on the transfer of a payment-in-lieu-of-taxes from the Electric Division, Department of Utilities;
- 4) to authorize the Board of Selectmen to temporarily appoint a member of said Board as Acting Town Manager for a limited period of time not to exceed the date of the 2012 Annual Town Meeting for purposes of vacation, leave, or absence in accordance with Massachusetts General Laws Chapter 268A, Sections 20 and 21A;
- (5) to re-authorize for FY'12 the following revolving funds established under Massachusetts General Laws Chapter 44, Section 53E½:
  - (a) a **Council on Aging** revolving fund, the use of said fund to pay for special activities, expendable supplies and/or part-time wages, and to determine that no more than **\$100,000** may be expended by the Council on Aging from monies transferred into said fund during FY'12 (Source of funds: fees contributed by seniors participating in special activities);
  - (b) an **Historical Commission** revolving fund, the use of said fund to pay for preservation of Town records and to purchase expendable supplies, and to determine that no more than **\$5,000** may be expended by the Historical Commission from monies transferred into said fund during FY'12 (Source of funds: sale of publications);
  - (c) a **Health Department** revolving fund, the use of said fund to finance additional part-time help in the Health Department and to pay related expenses, and to determine that no more than **\$7,000** may be expended by the Health Department in FY'12 from such funds transferred into said fund during FY'12

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(Source of funds: Housing Code inspection fees);

(d) a **Health Department** Public Health revolving fund, to be funded through reimbursements from 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, and to determine that no more than **\$10,000** may be expended by the Health Department from monies transferred into said fund during FY'12 (Source of funds: Medicare Part B, Medicare Senior Advantage Plans and other insurance plans);

e) a **Facilities Department** revolving fund pay for custodial services and other expenses associated with the use of the gymnasium and other Town Hall facilities by outside organizations or for special events sponsored by municipal departments; and to determine that no more than **\$20,000** may be expended from the Facilities Department revolving fund from monies transferred into said fund during FY '12 (Source of funds: user fees); and

(f) a **Shellfish Department** revolving fund, said funds to be used for enhancements to the shellfish resources of the Town, and to determine that no more than **\$15,000** may be expended by the Shellfish Commissioners from monies transferred into said fund during any given fiscal year (Source of funds: surcharge on commercial shellfish licenses); or to take any other action relative thereto. (Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: (S.C. did not take a position)

## **ARTICLE 2** **FINANCE COMMITTEE ELECTION**

To see if the Town will vote:

to choose one [1] member of the Finance Committee for three [3] years.  
(Requested by: Board of Selectmen)

## **ARTICLE 3** **PRIOR YEAR UNPAID BILLS**

To see if the Town will vote:

to raise and appropriate, or transfer a sum of money from available funds, to pay unpaid bills incurred in prior years and remaining unpaid; or to take any other action relative thereto. (Requested by: The Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: (S.C. did not take a position)

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**ARTICLE 4**

**FY '11 TOWN BUDGET AMENDMENTS**

To see if the Town will vote:

to amend its actions taken under Article 4 of the May 11, 2010, Annual Town Meeting (the FY'11 Municipal Operating Budget), by transferring the following sums between departments and/or categories within departments:

<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;

or to take any other action relative thereto.

(Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

**ARTICLE 5**

**FY'12 MUNICIPAL BUDGET**

To see if the Town will vote:

to hear and act upon the reports of the Board of Selectmen and Finance Committee relative to the Fiscal 2012 municipal budget, and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including the compensation of elected Town officers, and to authorize the Town to enter into lease-purchase contracts for office equipment having a term of five years or less; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (6-1)  
School Committee: Approve (4-0)

**ARTICLE 6**

**FY'12 TOWN BUDGET AMENDMENT**

To see if the Town will vote:

to amend its actions taken under Article 5 of the May 10, 2011, Annual Town Meeting (the FY'12 Municipal Operating Budget), by appropriating sums of money in addition to

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that appropriated under said Article (said appropriations to be raised by transfer of available funds), from the following accounts into the General Fund:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Waterways Improvement	Harbormaster	<b>\$55,690.00</b>
Capital Stabilization	Capital Fund	<b>\$19,815.83;</b>

or to take any other action relative thereto. (Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

**ARTICLE 7** **FY'11 SCHOOL BUDGET AMENDMENT**

To see if the Town will vote:

to amend its actions taken under Article 5 of the May 11, 2010, Annual Town Meeting (the FY'11 School Budget), by transferring the following sum of money from the insurance reimbursement account into the operating budget of the School Department:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Insurance Reimbursement Acct.	School Budget	<b>\$35,605.75;</b>

or to take any other action relative thereto. (Requested by: School Committee)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

**ARTICLE 8** **FY'12 SCHOOL BUDGET**

To see if the Town will vote:

to hear and act upon the reports of the School Committee and Finance Committee relative to the Fiscal 2012 School Department budget and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including entering into lease-purchase agreements having a term of five years or less for a school bus and/or for other purposes; and to act upon a request to reauthorize existing revolving funds pursuant to state law; or to take any other action relative thereto.

(Requested by: School Committee)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (6-1)  
School Committee: Approve (4-0)

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**ARTICLE 9 HIGH SCHOOL/MIDDLE SCHOOL DEBT PROJECT**

To see if the Town will vote:

(1) to appropriate a sum of money for debt service payments and other costs related to the construction and furnishing of the Middle School and High School including, without limitation, moving expenses and expenses necessary to secure the former Whipple Middle School; and

(2) to determine whether said appropriation shall be raised by taxes, by transfer from available funds, or otherwise; or to take any other action relative thereto.

(Requested by: School Committee)

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (7-0)

School Committee: Approve (4-0)

**ARTICLE 10 FY'12 WHITTIER REGIONAL HIGH SCHOOL BUDGET**

To see if the Town will vote:

to raise and appropriate or transfer from available funds a sum of money to cover the Town's share of the ensuing year's annual operating and debt service expenses of the Whittier Regional Vocational Technical High School; or to take any other action relative thereto.

(Requested by: Whittier RVTHS Representative Raymond Morley)

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (7-0)

School Committee: Approve (4-0)

**ARTICLE 11 FY'12 WATER & WASTEWATER BUDGETS**

To see if the Town will vote:

(1) to raise and appropriate a sum of money for the ensuing year's expenses of the Water Division, Department of Utilities, said sum to be offset by revenues of the Water Division during FY'12; and

(2) to raise and appropriate a sum of money for the ensuing year's expenses of the Wastewater Division, Department of Utilities, said sum to be offset by revenues of the Wastewater Division during FY'12; or to take any other action relative thereto.

(Requested by: Board of Water & Wastewater Commissioners)

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (7-0)

School Committee: (S.C. did not take a position)



**SPECIAL ACT TO AMEND CHAPTER 5 OF THE ACTS OF 1766**

To see if the Town will vote:

to authorize the Board of Selectmen: (1) to petition the General Court to enact special legislation substantially in the following form (subject to clerical or editorial changes of form) which reflects minor technical amendments from the form previously approved by the 2009 Annual Town Meeting, (2) to approve any additional amendments that are within the scope of the general public objectives of this petition, and (3) to request that the Town's representative and senator in the General Court provide monthly updates to the Board on the status of the legislation:

**“AN ACT MODIFYING THE APPOINTMENT OF THE FEOFFEEES OF IPSWICH GRAMMAR SCHOOL**

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. The existing Feoffees of Ipswich Grammar school established pursuant to Chapter 5 of the Acts of 1766 shall upon passage of this act be replaced with seven individuals appointed for three years terms (with the initial terms shortened as appropriate so as to provide staggered term appointments) 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.

To be eligible to be appointed as a Feoffee or to continue to serve as a Feoffee, a person's primary residence shall be in Ipswich. No person shall serve as a Feoffee for more than three consecutive terms. Feoffees shall serve without compensation, other than reimbursement for reasonable and necessary trust related expenses. No person may be a Feoffee while serving as a member of the School Committee, Board of Selectmen or the Town Finance Committee or as Town Manager or Superintendent of Schools. In the appointment of Feoffees, the appointing bodies shall appoint persons who acknowledge at the time of appointment the Feoffees' fiduciary duties and obligations of trusteeship and the purpose of the Trust to benefit the Ipswich public schools. Persons will be appointed who also possess expertise and skills that will enable the Feoffees collectively to carry out their responsibilities.

SECTION 2. This act shall take effect upon its passage.”

(Submitted by: Jennifer Bauman, Rachel Roesler & Qualified Voters)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

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**ARTICLE 13**

**CITIZEN'S PETITION**

To see if the Town will vote:

VI. Protective Zoning Bylaws as Amended

Amend Section V.D. "Table of Use Regulations" as follows

In the section Accessory Use, Managers Unit Delete after the words  
"Use related to"

Use related to aquaculture.... (Submitted by: Jay Lingerman & Qualified Voters)

Board of Selectmen: Postpone indefinitely (5-0)

Finance Committee: Postpone indefinitely (7-0)

School Committee: (S.C. did not take a position)

**ARTICLE 14**

**CITIZEN'S PETITION**

To see if the Town will vote:

VI. Protective Zoning Bylaws as Amended

Amend Section III Definitions as follows

Delete after the words Stable:

Stable (Submitted by: Jay Lingerman & Qualified Voters)

Board of Selectmen: Postpone indefinitely (5-0)

Finance Committee: Postpone indefinitely (7-0)

School Committee: (S.C. did not take a position)

**ARTICLE 15**

**CITIZEN'S PETITION**

To see if the Town will vote:

VI. Protective Zoning Bylaws as Amended

Amend Section III Definitions as follows

Delete after the words Riding Academy

Riding Academy (Submitted by: Jay Lingerman & Qualified Voters)

Board of Selectmen: Postpone indefinitely (5-0)

Finance Committee: Postpone indefinitely (7-0)

School Committee: (S.C. did not take a position)

**ARTICLE 16**

**CITIZEN'S PETITION**

To see if the Town will vote:

VI. Protective Zoning Bylaws as Amended

Amend section IX Special Regulations, "L. Home occupations, Paragraph 4"

By adding "Commercial Stables or kennels."

(Submitted by: Jay Lingerman & Qualified Voters)

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Board of Selectmen: Postpone indefinitely (5-0)  
Finance Committee: Postpone indefinitely (7-0)  
School Committee: (S.C. did not take a position)

**ARTICLE 17**

**COMMITTEE REPORTS**

To hear and act on the reports of the Committees and to continue such Committees as the Town may vote to continue; or to take any other action relative thereto.

**ARTICLE 18**

**CHAPTER 90**

To see if the Town will vote:

(1) to appropriate a sum of money under the provisions of Chapter 90 of the Massachusetts General Laws, and to obtain any material, equipment and/or services incidental thereto;

(2) to authorize the Board of Selectmen to acquire easements in conjunction therewith by purchase, gift, lease, eminent domain, or otherwise;

(3) in furtherance of the project(s), to authorize the Board of Selectmen to apply for, accept, and expend any federal, state and/or private grants without further appropriation thereof; and

(4) to determine whether said appropriation shall be raised by taxes, by transfer from available funds, or by borrowing; or to take any other action relative thereto.

(Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

**ARTICLE 19**

**ATHLETIC FIELDS AND OPEN SPACE BOND AUTHORIZATION**

To see if the Town will vote:

to amend its action taken under Article 18 of the 2000 Annual Town Meeting by (1) increasing the sum that the Town is authorized to borrow thereunder from **\$10,000,000** to **\$15,000,000**; (2) allowing a portion of the funds borrowed under the authority of the article to be used to cover the costs of development and construction of athletic fields on real estate purchased pursuant thereto; and (3) revising items (c) and (d) of the ATM 2000 Article 18 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 both purchases or sales and development of athletic fields, and to accept and expend private contributions, so that the subparts (a), (c) and (d) of said Town Meeting action would provide as follows (new language in bold typeface; language to be replaced or deleted shown in ~~strikethrough~~ typeface):

“(a) to appropriate the sum of ~~\$10,000,000~~ **\$15,000,000** to purchase the fee or

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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 material and/or services incidental thereto, **and to develop and construct athletic fields on any real estate purchased under the authority of this Article**; 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; and

(b) *[There are no changes]; and*

(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 carry out such development and construction**, 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 **or projects**, and to accept and expend any private grants or funds offered for these purchases **or projects;**"

or to take any other action thereon; and to appropriate the additional **\$5,000,000** for the above stated purposes 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 a Proposition 2 ½ override pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 21C (k).

The question to appear on the ballot for the May 17, 2011 Town election shall read:

"Shall the Town amend its action taken Article 18 of the Warrant of the April 3, 2000, Annual Town Meeting by increasing the authorized sum from **\$10,000,000** to **\$15,000,000** for the purchase fee or lesser interest(s) in real estate for open space, water supply protection, recreation and the development and construction of athletic fields; and further, shall the Town of Ipswich be allowed to exempt from the provisions of Proposition 2 ½, so called, the amount required to pay for the bond or bonds issued to purchase the fee or lesser interest(s) in real estate for open space, water supply protection, recreation and the development and construction of athletic fields?"

(Requested by: The Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Disapprove (6-1)  
School Committee: Disapprove (4-0)

## **ARTICLE 20** **WASTEWATER TREATMENT PLANT UPGRADE**

To see if the Town will vote:

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(1) to raise and appropriate the sum **\$2,200,000** to construct and rehabilitate the ultraviolet disinfection facilities and the head works at the Wastewater Treatment Facility and to obtain all material and services incidental thereto;

(2) to meet said appropriation for construction by raising rates, by transfer from available funds, or by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of MGL c144, section 7 (1); and

(3) to authorize the Board of Selectmen to apply for, accept and expend any state, federal and/or private grants for the aforementioned purposes; or to take any other action relative thereto. (Requested by: Board of Wastewater Commissioners)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: (S.C. did not take a position)

**ARTICLE 21 WATER DEPARTMENT MAIN REPLACEMENT**

To see if the Town will vote:

(1) to appropriate the sum of **\$1,950,000** to fund reconstruction of a water main; and

(2) to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; or to take any other action relative thereto. (Requested by: Board of Water Commissioners)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: (S.C. did not take a position)

**ARTICLE 22 SENIOR CITIZEN PROPERTY TAX EXEMPTION**

To see if the Town will vote:

to accept the provision of Massachusetts General Laws Chapter 59, Section 5 added by Chapter 181 of the Acts of 1995, that authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2011, or take any action relative thereto; and

to see if the Town of Ipswich will vote:

to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause

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17E, which authorizes an annual increase in the asset limit for any exemption granted to senior citizens, surviving spouses and surviving minors under General Laws, Chapter 59, Section 5, Clause 17D, by the amount of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2011, or take any action relative thereto; and

to see if the Town of Ipswich will vote:

to accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income and asset limit for any exemption granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the amount of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2011, or take any action relative thereto; and

to see if the Town of Ipswich will vote:

to adjust the exemption amount from **\$500.00** to **\$750.00** for the property tax exemption for senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2011, or take any other action relative thereto. (Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (7-0)

School Committee: Approve (4-0)

## **ARTICLE 23**

## **NORTH GREEN IMPROVEMENTS**

To see if the Town will vote:

(a) authorize the Board of Selectmen to amend or modify the Town's petition to the Massachusetts General Court, pursuant to Article 97 of the Massachusetts Constitution, said petition being initially authorized by the October 25, 2010 Special Town Meeting, to approve the transfer of the two parcels of land shown as "SW-1" and "SW-2" on a plan entitled, "Plan of Land Showing Location of Land Transfers and Town Alteration of North Main Street and Meetinghouse Green in the Town of Ipswich, Essex County, Scale: 20 feet to the inch, date: October 14, 2010, revised on April 11, 2011," prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file in the office of the Town Clerk, to the Board of Selectmen for sidewalk purposes, said parcels now being a portion of the parcel of land known as the North Green (further described as Parcel 292 on Assessor's Map 42A). The revision would increase the total area of the two aforesaid parcels from 1,068 square feet to 1,233 square feet;

(b) approve the modification of the layouts of North Main Street to include the aforesaid revised parcels SW-1 and SW-2 as shown on said plan, and to exclude land no longer needed for public way purposes, said modification to take effect only upon the approval of the aforesaid petition by the General Court and the Governor; and

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(c) approve the modification of the layout of Meetinghouse Green to exclude land no longer needed for public way purposes; and

(d) transfer the land now within the layout of North Main Street and Meetinghouse Green no longer needed for public way purposes, as shown on said plan, to the Parks and Cemeteries Commission for park purposes;

(e) appropriate a sum of money by transfer from available funds and/or by borrowing to acquire a partial interest in fee (or lesser interest) in 29 parcels of land contiguous to the North Main Street or Meetinghouse Green rights-of-way abutting as shown on plan sheets 7 and 8 of the plan set entitled "Preliminary Right of Way Plans, North Main Street and Meetinghouse Green, revision dates 1/7/2011 and 4/11/2011," prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file in the office of the Town Clerk, for general municipal purposes;

(f) to authorize the Board of Selectmen to acquire interest in said parcels, by purchase, gift, lease, eminent domain, or otherwise; and

(g) to authorize the Selectmen to apply for, accept and expend without further appropriation any federal and/or state grants pertaining to said acquisition; or to take any other action relative thereto. (Requested by: Board of Selectmen)

Board of Selectmen: Approve (5-0)  
Finance Committee: Approve (7-0)  
School Committee: (S.C. did not take a position)

## **ARTICLE 24 LOCAL OPTION TAX ON RESTAURANT MEALS**

To see if the Town will vote:

to accept M.G.L., Chapter 64L, §2(a) to impose a local option meals excise of .75%, or take any other action relative thereto. (Requested by: Board of Selectmen)

Board of Selectmen: Approve (4-0-1) Morley abstained  
Finance Committee: Approve (7-0)  
School Committee: Approve (4-0)

## **ARTICLE 25 CHANGING THE QUORUM REQUIREMENT FOR TOWN MEETINGS**

To see if the Town will vote:

to amend Chapter II, Section 4 of the Town By-laws by deleting:

"The presence of two hundred registered voters of the Town at any town meeting shall be required to constitute a quorum, except for a motion to adjourn for which no quorum shall be required; provided, however, that no vote carrying the expenditure or appropriation of any sum of money shall be held to be invalid by reason of lack of the required quorum, unless it appears from the records of the Town Clerk that, before the result of such vote was declared, the question of the presence of a quorum was duly

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raised and that such record shows that the required quorum was lacking. This section shall not apply to those parts of meetings devoted exclusively to the election of town officers or balloting with respect to any appropriation of money as required by Section 6 of this chapter.”

and substituting:

“There shall be no quorum required to convene or to continue the Annual Town Meeting or any Special Town Meeting;” or take any other action relative thereto.

(Requested by: Board of Selectmen)

Board of Selectmen: Approve (3-2)

Finance Committee: Disapprove (7-0)

School Committee: Approve (4-3)

## **ARTICLE 26**

## **FEOFFEES TRUST**

To see if the Town will vote:

To transfer **\$300,000** from free cash to pay for legal, real estate and other professional services related to the Feoffees litigation, provided that:

1. Expenditures of said Feoffees Litigation Fund shall require approval of the Board of Selectmen, the School Committee, and the Finance Committee after recommendation of Tri-board Working Group made up of three members of the School Committee and two members each from the Board of Selectmen and the Finance Committee.
2. The School Committee and their 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 to:
  - a) Maximize the economic return of Little Neck, either through negotiating an acceptable, maximum sale price, or a market based land rent, in the event that the property is not sold; and
  - b) Restructure the Feoffees trust to reflect the content of the FY2010 town meeting article addressing the structure of the Feoffees as soon as possible either by litigation, petition to the Legislature or both.
3. The Action Plan must be approved by all three Boards before any expenditures are made from the Feoffees Litigation Fund.
4. The School Committee and their attorneys shall report monthly to the Tri-board Working Group on their progress and the next steps in implementing the Action Plan along with a bill for services.
5. Funds expended from this account by the School Committee shall be repaid by the School Committee to the Town of Ipswich general fund as soon as possible, but not to exceed 3 years, after receipt of the Feoffees disbursements to the School



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Committee which total or exceed the amount of such funds; or to take any other action relative thereto. (Requested by: Finance Committee)

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (7-1)

School Committee: Approve (4-0)

**ARTICLE 27**

**RECONSIDERATION**

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To see if the Town will vote:

to reconsider any or all previous articles raising and/or appropriating money which have a direct impact on the levy for the next ensuing fiscal year, as contained in this warrant, for the purpose of completing a budget which is balanced and in compliance with the levy limit provisions of Proposition 2½, so called; or to take any other action relative thereto. (Requested by: Board of Selectmen)

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And you are directed to serve this Warrant by posting at least one attested copy in each precinct in the Town at least seven days prior to the time for holding said meeting in a newspaper published in, or having a general circulation in, the Town of Ipswich.

Given unto our hands this Eleventh day of April in the year of our Lord, Two Thousand Eleven.

TOWN OF IPSWICH  
BOARD OF SELECTMEN

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Chair, Charles D. Surpitski

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Vice-Chair, Raymond K. Morley

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Patrick J. McNally, Member

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Shirley A. Berry, Member

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William M. Craft, Member