

## MOTIONS

### MAY 11, 2010 - ANNUAL TOWN MEETING

#### ARTICLE 1

#### CONSENT CALENDAR

I move that Town vote:

- (1) to fix the salary and compensation of all elected Town Officers as presented in the town and school operating budgets;
- (2) to choose the following officers, viz: a Moderator for one [1] year; two [2] Selectmen for three [3] years; two [2] members of the School Committee for three [3] years; and one (1) member of the Housing Authority for five years, the above officers to be voted on one ballot at the YMCA Gymnasium, 110 County Road, on TUESDAY, MAY 25, 2010. The polls shall open at 7:00 a.m. and shall close at 8:00 p.m.;
- (3) to transfer **\$275,000** from surplus funds in the Electric Division to the General Fund;
- (4) to authorize the Board of Selectmen to appoint temporarily a member of said Board to be Acting Town Manager for a limited period of time not to exceed the date of the 2010 Annual Town Meeting for purposes of vacation, leave, or absence in accordance with Massachusetts General Laws Chapter 268A, sections 20 and 21A.

*(Simple majority)*

#### ARTICLE 2

#### FINANCE COMMITTEE ELECTION

I move that the Town elect Marion W. Swan to the Finance Committee for a term of three (3) years.

*(Simple majority)*

#### ARTICLE 3

#### FY'10 TOWN BUDGET AMENDMENTS

I move that the Town vote to amend its action taken under Articles 4 of the May 12, 2009, Annual Town Meeting (the FY'10 Municipal Operating Budget), to transfer:

| <u>Dept</u> | <u>Description</u> | <u>Account #</u> | <u>From</u> | <u>To</u> |
|-------------|--------------------|------------------|-------------|-----------|
| Selectmen   | Salary             | 11221-5111       |             | 999.92    |
| Selectmen   | Advertising        | 11222-5304       | 3,500       |           |

| <u>Dept</u>      | <u>Description</u>   | <u>Account #</u> | <u>From</u> | <u>To</u> |
|------------------|----------------------|------------------|-------------|-----------|
| Town Mgr         | Salary               | 11231-5113       |             | 1,300     |
|                  |                      |                  |             | 287.      |
| Town Mgr         | Temp PT              | 11231-5121       |             | 50        |
| Town Mgr         | Labor Relations      | 11232-5308       | 8,394.00    |           |
| Legal            | Legal Services       | 11242-5312       |             | 78,000.00 |
| Reserve Fund     | Reserve Fund         | 11322-5730       | 10,000.00   |           |
| Accounting       | Overtime             | 11341-5131       | 1,000.00    |           |
| Purchasing       | Permanent Wages      | 11361-5115       | 2,697.98    |           |
| Purchasing       | Safety Supplies      | 11362-5426       | 200.00      |           |
| Purchasing       | Mileage              | 11362-5711       | 174.98      |           |
| Purchasing       | Meals & Lodging      | 11362-5712       | 141.23      |           |
| Purchasing       | Conference Reg.      | 11362-5733       | 50.00       |           |
| Assessor         | Appointed Salary     | 11371-5112       |             | 1,318.21  |
| Assessor         | Sick Leave Buyback   | 11371-5126       |             | 5,631.79  |
| Treasurer        | Legal Deeds          | 11382-5303       | 295.00      |           |
| Treasurer        | Data Processing      | 11382-5306       | 44.00       |           |
| Treasurer        | Printed Forms        | 11382-5422       | 3,000.00    |           |
| Treasurer        | Conference Reg.      | 11382-5733       | 100.00      |           |
| Treasurer        | Cash Variance        | 11382-5935       | 100.00      |           |
| Treasurer        | Banking Fees         | 11382-5936       | 100.00      |           |
| Information Tech | Equipment            | 11543-5815       |             | 6,785.00  |
| Town Clerk       | Maintenance Contract | 11612-5244       | 95.00       |           |
| Town Clerk       | Printed Forms        | 11612-5422       | 200.00      |           |
| Town Clerk       | Meals & Lodging      | 11612-5712       | 607.00      |           |

| <u>Dept</u>        | <u>Description</u>   | <u>Account #</u> | <u>From</u> | <u>To</u> |
|--------------------|----------------------|------------------|-------------|-----------|
| Town Clerk         | Conference Reg.      | 11612-5733       | 200.00      |           |
| Planning           | Program supplies     | 11712-5583       | 50.00       |           |
| Planning           | Conference Reg.      | 11712-5733       | 150.00      |           |
| Planning           | Special Printing     | 11712-5423       | 100.00      |           |
| Planning           | Legal Deeds          | 11712-5303       | 50.00       |           |
| Planning           | Training             | 11712-5511       | 100.00      |           |
| Planning Contracts | Postage              | 11722-5342       | 100.00      |           |
| Planning Contracts | Advertising          | 11722-5304       | 100.00      |           |
| Conservation       | Other Equipment      | 11732-5485       | 300.00      |           |
| Conservation       | Pubs & Subs          | 11732-5732       | 100.00      |           |
| Historical Comm.   | Other Consultants    | 11752-5311       | 150.00      |           |
| Benefits           | Health Insurance     | 11911-5175       |             | 41,000.00 |
| Benefits           | Medicare             | 11911-5194       |             | 7,600.00  |
| Insurance          | Package Insurance    | 11922-5742       | 10,000.00   |           |
| Misc Exp           | Leases               | 11932-5270       | 100.00      |           |
| Misc Exp           | Postage              | 11932-5342       | 3,000.00    |           |
| Police             | Diff/Incent          | 12101-5141       | 15,000.00   |           |
| Police             | Maintenance Contract | 12102-5244       | 9,446.21    |           |
| Police             | Ambulance            | 12102-5381       | 9,350.00    |           |
| Fire               | Sick Leave Buyback   | 12201-5126       |             | 18,782.48 |
| Fire               | Med Exam             | 12202-5301       | 600.00      |           |
| Fire               | Two Way Radio        | 12202-5344       | 1,000.00    |           |
| Fire               | Printed Forms        | 12202-5422       | 200.00      |           |

| <u>Dept</u>    | <u>Description</u>  | <u>Account #</u> | <u>From</u> | <u>To</u> |
|----------------|---------------------|------------------|-------------|-----------|
| Fire           | Fire Prevention     | 12202-5490       | 250.00      |           |
| Fire           | Training            | 12202-5511       | 3,000.00    |           |
| Building Insp. | Training            | 12512-5511       | 200.00      |           |
| Building Insp. | Oil & Lube          | 12512-5481       | 75.00       |           |
| Building Insp. | Other Consultants   | 12512-5311       | 200.00      |           |
| Building Insp. | Software            | 12513-5821       | 8,000.00    |           |
| Harbormaster   | Other Pay           | 12951-5123       | 1,000.00    |           |
| Shellfish      | Appointed Salary    | 12961-5112       |             | 6,147.97  |
| PW Admin       | Appt Salary         | 14211-5112       | 13,466.26   |           |
| Equip Maint    | Overtime            | 14221-5131       | 1,444.28    |           |
| Equip Maint    | Gasoline            | 14222-5215       | 11,374.00   |           |
| Equip Maint    | Diesel Fuel         | 14222-5216       | 11,250.55   |           |
| Hwy            | Other Pay           | 14241-5123       | 2,253.15    |           |
| Forestry       | Perm Wages          | 14251-5115       | 3,000.00    |           |
| Sanitation     | Sanitary Collection | 14312-5385       | 59,784.00   |           |
| Facilities     | Oil Heat            | 14722-5213       | 5,165.00    |           |
| Facilities     | Building Supplies   | 14722-5431       | 2,000.00    |           |
| Facilities     | Electricity         | 14722-5211       | 2,600.00    |           |
| Facilities     | Gas                 | 14722-5212       | 1,700.00    |           |
| Cemetery       | Appointed Salary    | 14911-5112       |             | 1,527.73  |
| Cemetery       | Perm Wages          | 14911-5115       |             | 1,669.32  |
| Cemetery       | Sick Leave Buyback  | 14911-5126       |             | 16,967.74 |
| Health         | Permanent Wages     | 15121-5115       |             | 436.08    |

| <u>Dept</u>                | <u>Description</u>  | <u>Account #</u> | <u>From</u>     | <u>To</u>   |
|----------------------------|---------------------|------------------|-----------------|-------------|
| Health                     | Association Dues    | 15122-5731       | 100.00          |             |
| Health                     | Conference Reg.     | 15122-5733       | 200.00          |             |
| Veterans Services          | Medical             | 15432-5772       |                 | 26,000.00   |
| Library                    | Office equipment    | 16102-5725       | 573.00          |             |
| Library                    | Training            | 16102-5511       | 350.00          |             |
| Library                    | Repair/Replace      | 16102-5340       | 200.00          |             |
| Recreation                 | Civic Observances   | 16202-5354       | 500.00          |             |
| Recreation                 | Program Supp        | 16202-5583       | 500.00          |             |
| Recreation                 | Conference Reg.     | 16202-5733       | 300.00          |             |
| Recreation                 | Program Services    | 16202-5351       | 500.00          |             |
| Debt Service               | Short Term Interest | 17002-5916       |                 | 1,326.90    |
| Debt Service               | Debt Issue Exp      | 17002-5930       | <u>5,000.00</u> |             |
|                            |                     |                  | 215,780.64      | 215,780.64; |
| and to <u>appropriate:</u> |                     |                  |                 |             |
| <u>Dept</u>                | <u>Description</u>  | <u>Account #</u> | <u>From</u>     | <u>To</u>   |
| Town Ins. Recovery         | Ins. reimbursement  | D61102-5950      | 40,194.81       |             |
| Fire                       | Motor Vehicles      | 12202-5245       |                 | 40,194.81;  |

so that the 2010 Municipal Operating Budget, as so amended and inclusive of override debt service, shall total **14,087,957.81** offset by revenues totaling **495,498.81**, leaving an amount to be raised and assessed of **13,592,459**.

*(Simple majority)*

**ARTICLE 4**

**FY 2011 MUNICIPAL OPERATING BUDGET**

I move that the Town vote:

- (1) to raise and appropriate the sum of **\$13,258,830** for the purposes indicated in the FY 2011 Municipal Operating Budget as outlined in the Finance Committee Report, and that, in addition to the **\$13,258,830**, the Town vote to raise and appropriate:

|                                   |                      |
|-----------------------------------|----------------------|
| for Excluded Debt Service.....    | <b>\$933,044</b>     |
| for a Total Appropriation of..... | <b>\$14,191,874;</b> |

- (2) and to transfer from available funds:

|  |                        |
|--|------------------------|
| from Free Cash.....                                | <b>\$0.00</b>          |
| from Free Cash (restricted revenue - Library)..... | <b>\$11,134</b>        |
| from Fund Balance Reserved for Debt Premium .....  | <b>\$1,015</b>         |
| from 4% Tourism .....                              | <b>\$1,000</b>         |
| from Library Construction Grant.....               | <b>\$60,300</b>        |
| from the Overlay Surplus.....                      | <b><u>\$92,500</u></b> |

For total available funds of.....**\$165,949**

Leaving a net to be raised and assessed of.....**\$14,025,925**

*(Simple majority)*

**ARTICLE 5**

**FY 2011 SCHOOL BUDGET**

I move that the Town vote:

- (1) to raise and appropriate the sum of **\$20,363,261** for the School Department budget for FY 2011, and
- (2) to transfer from available funds:

|                            |                        |
|----------------------------|------------------------|
| Overlay Surplus.....       | <b><u>\$92,500</u></b> |
| Total Available Funds..... | <b>\$92,500</b>        |

Leaving a net to be raised and assessed of... \$20,270,761

*(Simple majority)*

**ARTICLE 6 HIGH SCHOOL/MIDDLE SCHOOL DEBT SERVICE**

I move that the Town vote to raise and appropriate the sum of **\$2,544,125** for FY 2011 debt service payments related to the construction and furnishing of the new Middle School and High School including, without limitation, moving expenses and expenses necessary to secure the former Whipple Middle School.

*(Simple majority)*

**ARTICLE 7 WHITTIER REGIONAL HIGH SCHOOL BUDGET**

I move that the Town vote to raise and appropriate the sum of **\$350,095** for the Town's share of the FY 2011 annual operating, capital and debt service expenses of the Whittier Regional Vocational Technical High School District.

*(Simple majority)*

**ARTICLE 8 FY 2011 WATER & SEWER BUDGETS**

I move that the Town vote:

1) to raise and appropriate the sum of **\$2,624,667** for the FY 2011 operating budget, debt service, and capital expenses of the Water Division, Department of Utilities, said sum to be offset in part by **\$275,760** from the water surplus account; **\$45,000** from water liens; **\$20,500** in application fees and other miscellaneous revenues, with the balance of said appropriation being met by revenues of **\$2,283,407** of the Water Division during FY 2011; and

2) to raise and appropriate the sum of **\$1,492,041** for the FY 2011 operating budget, debt service, and capital expenses of the Wastewater Division, Department of Utilities, said sum to be offset in part by **\$25,500** from sewer liens; **\$6,500** in sewer betterment payments; **\$426,000** in septage treatment fees, Agresource royalties, application fees and other miscellaneous revenues; with the balance of said appropriation being met by revenues of **\$1,034,041** of the Wastewater Division during FY 2011.

*(Simple majority)*

**ARTICLE 9**

**CITIZENS' PETITION**

I move that action on this article be postponed indefinitely.  
(Simple majority)

**ARTICLE 10**

**CITIZENS' PETITION**

I move that action on this article be postponed indefinitely.  
(Simple majority)

**ARTICLE 11**

**COMMITTEE REPORTS**

I move that the Town vote to accept the reports of and continue the following committees as standing committees of the Town: the Historic District Study Committee; the Commuter Rail Committee; Ipswich Coalition on Youth; Hall-Haskell Committee; the Open Space & Recreation Committee and the Ad Hoc Committee examining the Feoffees of the Grammar School.

**ARTICLE 12**

**SENIOR TAX DEFERRAL PROGRAM**

I move that the Town vote:

to increase the gross receipts that senior citizens may have in the prior calendar year to be eligible to defer property taxes under Massachusetts General Laws, Chapter 59, Section 5, Clause 41A from **\$20,000 to \$40,000**, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on July 1, 2010.

(Simple majority)

**ARTICLE 13**

**PINE SWAMP ROAD LAND TRANSFER**

I move that the Town vote:

to transfer the land described in a deed to the Town recorded with said Registry in Book 1449, Page 227 and shown as Parcel 3A on Town Assessors' Map 41A, consisting of approximately 0.8 acres, from such board as has care, custody, and control for the purposes for which it is presently held, to the Board or Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land, and to convey all the Town's right, title and interest in and to the land shown on the plan entitled: "Plan of Land, 35 Pine Swamp Road, Ipswich, Property of: Eugene Pelletier, Jr.", and recorded with the Essex South Registry of Deeds in Plan Book 353, Plan 47 (the "Plan"), which may be one and the same, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, which may include acquisition of interests in land hereinafter described, and further to authorize the Board of Selectmen to acquire, by purchase, gift, or eminent domain, easements and restrictions in the



land shown on the Plan, for conservation and passive recreation purposes

*(2/3rds majority)*

**ARTICLE 14**

**PAVEMENT MANAGEMENT PROGRAM BOND**

I move that the Town vote:

to borrow up to **\$2,000,000** to implement a pavement management program involving major street reconstruction.

*(2/3rds majority)*

**ARTICLE 15**

**CHAPTER 90**

I move that the Town vote:

to appropriate the sum of **\$346,381** under the provisions of Chapter 90 of the General Laws to obtain any materiel, equipment and/or services incidental thereto; and to authorize the Board of Selectmen to acquire easements in conjunction therewith by purchase, gift, lease, eminent domain or otherwise; and 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; and to meet this appropriation by transferring an equal sum from Chapter 90 available funds.

*(2/3rds majority)*

**ARTICLE 16**

**REVOLVING FUNDS**

I move that the Town vote to re-authorize for FY 2011 the following revolving funds established under Massachusetts General Laws Chapter 44, Section 53E ½:

- (1) A **Council on Aging Revolving Fund**, to be funded through activity fees and to be used to pay for special activities, expendable supplies and/or part-time wages, with no more than **\$100,000** to be expended by the Council on Aging from monies transferred into said fund during FY 2011; and
- (2) An **Historical Commission Revolving Fund**, to pay for preservation of Town records and the purchase of expendable supplies, with no more than **\$5,000** to be expended by the Historical Commission from monies transferred into said fund during FY 2011, with the source of such funds being the sale of publications such as replicas of the Declaration of Independence and other historical documents; and
- (3) A **Health Division Revolving Fund**, the use of said fund to finance additional part-time help in the Health Division and to pay related expenditures with no more than **\$7,000** to be

expended by the Health Division in FY 2011 from funds transferred into said fund during FY 2011, with the source of such funds being housing code inspection fees; and

- (4) A **Health Department Public Health Revolving Fund**, to be funded through Medicare Part B reimbursements, the use of said fund to cover the costs of administering influenza and pneumococcal vaccines with no more than **\$10,000** to be expended by the Health Department from monies transferred into the Public Health revolving fund during Fiscal 2011; and
- (5) A **Shellfish Department Revolving Fund**, to be funded through a surcharge of **\$50** on commercial shellfish licenses, the use of said fund to enhance the shellfish resources of the Town under the guidance of the Shellfish Advisory Board and Town Manager with no more than **\$15,000** to be expended from the Shellfish Department Revolving Fund during Fiscal 2011; and
- (6) A **Facilities Department Revolving Fund**, to be funded from fees charged to users of Town Hall facilities, the use of said fund to pay for custodial and other services associated with the use of the gymnasium and other Town Hall facilities by outside organizations and for special events sponsored by municipal departments. No more than **\$20,000** may be expended from the Facilities Department Revolving Fund from monies transferred into the fund during Fiscal 2011

*(Simple majority)*

**ARTICLE 17** **ASCENSION CHURCH PARKING LOT EASEMENT**

I move that action on this article be postponed indefinitely.

*(Simple majority)*

**ARTICLE 18** **WETLANDS PROTECTION BY-LAW AMENDMENT**

I move that the Town vote:

To amend Section 4 "Filing Procedure" of Chapter XVIII "Ipswich Wetlands Protection By-Law" of the General Bylaws by deleting, at the end of the first sentence of the third paragraph thereof, the phrase "up to a maximum of one thousand dollars (**\$1000.00**)."

and inserting a period after the word "Applicability" in that sentence.

*(Simple majority)*

**ARTICLE 19** **POSTING OF WARRANTS**

I move that the Town vote:

to amend the Town By-laws, Chapter II, Section 3 (b) "Warrants" which reads:

“All warrants for town meetings, except notices of adjournment, shall be served by posting attested copies thereof at the Post Office and at each of the meeting houses in the Town, and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich at least seven days prior to the time for holding the Annual Town Meeting and at least fourteen days prior to the time for holding any Special Town Meeting.”;

to read as follows:

“All warrants for town meetings, except notices of adjournment, shall be served by posting attested copies thereof in the Town Hall and in at least one public place in each precinct and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich, at least seven days prior to the time for holding the Annual Town Meeting and at least fourteen days prior to the time for holding any Special Town Meeting. Newspaper publication shall not be required for warrants solely related to elections.”

*(Simple majority)*

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

I move that the Town vote:

to authorize the Treasurer to borrow **\$1.8** million for the purchase of equipment for the construction and rehabilitation of the sludge dewatering facilities at the Wastewater Treatment Plant; and

to raise this appropriation by authorizing the Treasurer, with the approval of the Board of Wastewater Commissioners, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended.

*(2/3rds majority)*

**ARTICLE 21** **FEOFFEES TRUST**

I move that the Town vote:

to request that the School Committee continue its action in Probate Court seeking to modify the Trust establishing the Feoffees of the Grammar School as the governing board of the Trust to establish a publically appointed board to replace the current privately appointed board which includes three Selectmen serving *ex.officio*; and further, to encourage a resolution of the Feoffees litigation with Little Neck residents that fully protects the interests of the Ipswich Public Schools and the Town of Ipswich; and further, to request that the School Committee proceed in consultation with other Town bodies including the Board of Selectmen and the Finance Committee.

*(Simple majority)*

**ARTICLE 22**

**RECONSIDERATION**

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I move that action on this article be postponed indefinitely.

*(Simple majority)*