

**Town of Merrimac Warrant Articles  
Annual Town Meeting, April 26, 2010**

Essex, ss.

To one of the Constables of the Town of Merrimac:

GREETINGS,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the voters of the Town of Merrimac to meet in the Frederick N. Sweetsir School in Merrimac on April 26, 2010 at 7:45 PM to act on the following articles, namely:

**Article 1.** To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided by Massachusetts General Laws, Chapter 41, Section 108 as amended: Town Clerk, Three Assessors, Three Commissioners of Municipal Light, and raise, appropriate or transfer sums of money therefore and to determine sums of money raised to be transferred to defray the necessary and usual charges and expenses of the Town for the Fiscal Year commencing July 1, 2010 and make appropriations for the same, said sums of money so raised, appropriated or transferred to be expended for specific purposes to be voted; or take any other action relative thereto.

**Rationale:** This article approves the Town's Operating Budget as specified in the attached breakdown.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 2.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Wastewater Department Enterprise; or take any other action relative thereto.

Salaries:	\$ 387,079
Expenses:	\$ 510,791
Debt Service:	\$ 341,116
<b>Total</b>	<b>\$ 1,238,986</b>

And that \$ 1,238,986 be raised as follows:

Departmental Receipts:       **\$ 1,188,986**

Wastewater Betterment Fund:   **\$ 50,000**

**Rationale:** To set FY2010 Budget for the Wastewater Department as an Enterprise Fund (Ch 44, S 53F 1/2).

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 3.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to operate the Water Department Enterprise; or take any other action relative thereto.

Salaries:	\$ 272,579
Expenses:	\$ 396,948
Debt Service:	\$ 116,559
<b>Total</b>	<b>\$ 786,086</b>

And that \$ 786,086 be raised as follows:  
Departmental Receipts: **\$ 786,086**

**Rationale:** To set FY2010 Budget for Water Department as an Enterprise Fund (Ch 44, S 53F1/2.

**Selectmen Recommendation: 3-0**  
**FinCom Recommendation: 6-0**

**Article 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money from the Electric Light Operating Balance said money to be used by the Assessors to reduce the Tax Rate for the Fiscal Year commencing July 1, 2010; or take any other action relative thereto.

**Rationale:** This is treated as an "In Lieu of Tax Payment" from the Electric Light to reduce the tax rate.

**Selectmen Recommendation: 3-0**  
**FinCom Recommendation: 6-0**

**Article 5.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$9,000 to be expended by the Board of Assessors to perform duties and incur expenses relating to any equalization or revaluation of the Town; to authorize the Board of Assessors to hire themselves at the rate of \$20.00 per hour and to hire such necessary assistance as the Board of Assessors may deem necessary and convenient; or take any other action relative thereto.

**Rationale:** This article allows the Board of Assessors the funds needed to measure and list new properties to establish "new growth" for the Town. This is listed as a special article because of the varying amount of building in the Town. This article remains open until all the funds are spent. By request of the Board of Assessors.

**Selectmen Recommendation: 3-0**  
**FinCom Recommendation: 6-0**

**Article 6.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$10,740 to be expended by the Board of Assessors to hire an consultant to perform an independent revaluation; or take any other action relative thereto.

**Rationale:** This article allows the Board of Assessors to hire an outside consultant to perform an independent revaluation of the entire town, every three years, as required by the State. This is listed as a special article in order to raise 1/3 of the amount needed yearly, instead of raising the entire amount in one year. By request of the Board of Assessors.

**Selectmen Recommendation: 3-0**  
**FinCom Recommendation: 6-0**

**Article 7.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$8,300 from available funds known as "Sale of Cemetery Lots", such sum or part thereof, to be expended under the direction of the Cemetery Trustees for the care, improvement and embellishment of said cemeteries, in accordance with M.G.L. Chapter 114, Section 15 and Section 25; or take any other action relative thereto.

**Rationale:** This appropriation authorizes the transfer of funds collected from the previous fiscal year to be used by the Cemetery Trustees for the upkeep of the said cemeteries. Per request of the Cemetery Trustees.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 8.** To see if the Town will vote to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants; or take any other action relative thereto.

**Rationale:** This article allows the Town to accept State Transportation Aide to help maintain Town roadways.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 9.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$185,000 for Solid Waste Recycling and Disposal and Leaf Collection; or take any other action relative thereto.

And that \$ 185,000 be raised as follows:

Raise and Appropriate: **\$ 85,000**

Transfer from Trash Offset Receipts: **\$ 100,000**

**Rationale:** This article allows the Town to raise the funds necessary for the collection and disposal of solid waste, recycling and leaf collection and offset the costs with the funds collected through the sale of Trash Stickers.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 10.** To see if the Town will vote pursuant to M.G.L., Chapter 44, Section 53E ½, to establish revolving funds for the following departments for the specific purpose outlined below for the fiscal year beginning July 1, 2010 and ending June 30, 2011; or take any other action relative thereto.

**Rationale:** By M.G.L. all 53E ½ Revolving Accounts must be reauthorized annually. This article allows for the reauthorization of all existing 53E ½ Revolving Accounts.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**a. Police Firearms Revolving Fund**

Fees received for firearms licenses and permit fees to be used to pay the state share of such fees and similar departmental needs, said expenditures to be approved by the Police Chief; and not to exceed \$5,000 during the Fiscal Year 2011.

**b. Zoning Board of Appeal Revolving Fund**

Fees received for applicants requesting appeal of zoning decisions to be used to pay for advertising, mailings, legal and administrative costs, said expenditures to be approved by the Zoning Board of Appeals; not to exceed \$4,000 during the Fiscal Year 2011.

- c. **Board of Health Town Nurse Revolving Fund**  
Fees received for nursing programs and services to be used by the Town Nurse to pay for materials and technical services for nursing programs and health promotion programs, said expenditures to be approved by the Board of Health; not to exceed \$10,000 during Fiscal Year 2011.
- d. **Parks and Recreation Revolving Fund**  
Fees received for Summer Playground Program and Fundraising Events to be used to pay seasonal staff and related costs associated with the summer playground program and costs associated with the maintenance and enhancement of the Town's parks and fields, said expenditures to be approved by the Playground Commissioners; not to exceed \$50,000 during the Fiscal Year 2011.
- e. **Zoning Bylaw and Building Code Compliance Enforcement Revolving Fund**  
5% of all fees received from building, wiring, plumbing and gas permits plus 100% of all fines and monetary judgments received as a result of Inspectional Services Department compliance enforcement actions to be used by Inspectional Services Department for legal fees and administrative costs relative to Zoning Bylaw and Building Code compliance enforcement actions; said expenditures to be approved by the Building Commissioner, not to exceed \$5,000 during Fiscal Year 2011.
- f. **Board of Health Project Revolving Fund**  
50% of all permit fees received for the Bear Hill Road and Quail Ridge/Battis Road Subdivisions to be used by the Board of Health to pay for tests and inspections for these two projects; said expenditures to be approved by the Board of Health; not to exceed \$2,500 during the Fiscal Year 2011.
- g. **Assessor's Map Update Revolving Fund**  
Fees received from the creation of new lots to be used by the Assessors to pay for updates of the Town maps; said expenditures to be approved by the Board of Assessors; not to exceed \$5,000 during the Fiscal Year 2011.
- h. **Village of Merrimac Project Revolving Fund**  
Fees received from developers for the Village of Merrimac applications to be used to pay for plan reviews, inspections and related legal and administrative costs, said expenditures to be approved by the Board of Selectmen; not to exceed \$50,000 during the fiscal year 2011.
- i. **Merrimac Commons Project Revolving Fund**  
Fees received from developers for the Merrimac Commons applications to be used to pay for plan reviews, inspections and related legal and administrative costs, said expenditures to be approved by the Board of Selectmen; not to exceed \$50,000 during the fiscal year 2011.
- j. **Board of Health Revolving Fund**  
80% of fees received from pre-rental inspections to be used to pay for the Health Agent's inspections, the remaining 20% of fees, and 100% of all fines and monetary judgments received as a result of Board of Health compliance enforcement actions to be used by the Board of Health for legal fees and administrative costs relative to the Board of Health Regulations and Health Code compliance and enforcement actions. Expenditures are to be approved by the Board of Health and are not to exceed \$4,000 during the fiscal year 2011.

**Article 11.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$20,000, to be used to establish an “Ambulance Stabilization Fund”, pursuant to MGL Chapter 40, section 5B; or take any other action relative thereto.

**This will require a 2/3 vote**

**Rationale:** Funds in the Stabilization account can be appropriated for operation, maintenance and capital outlay needs of the Ambulance Services. Per the Board of Fire Engineers.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 12.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$132,080, for the construction and engineering of a sewer main in Ridgefield Road (#1, 2, 6,8 and 12) and Billings road (#1) for which the residents have signed a petition to provide full repayment plus interest for all associated work, to fund said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow up to an amount not to exceed \$132,080 and to issue bonds and notes therefore in accordance with MGL Chapter 44 Section 7 (1) or any other enabling authority; or take any other action relative thereto.

**This will require a 2/3 vote**

**Rationale:** This will appropriate money and authorize the borrowing for the sewer main in Ridgefield Rd; all costs associated with the project will be paid by the residents of the project. Per the request of the DPW.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 13.** To see if the Town will vote to raise and appropriate a sum of money in the amount of \$300,000 to fund a portion of its share of the Pentucket Regional School District Budget for Fiscal Year 2011, contingent upon the successful passage of a levy limit override question in the amount of \$300,000 on May 3, 2010 under Mass. General Laws Chapter 59, Section 21C; or take any other action relative thereto.

**Rationale:** This override is requested due to the 5.95% increase in the Town's assessment from Pentucket Regional School District. The increase is due to increases in the operating budget of the school district. The Town has allocated approximately 60% of its estimated new revenues for FY2011 to the education portion of the Town budget, the balance requested with this override, represents this amount. Per the request of the Board of Selectmen.

**Selectmen Recommendation: 0-3**

**FinCom Recommendation: 4-1**

**Article 14.** To see if the Town will vote to approve \$3,294,627 of debt authorized by the Whittier Regional Vocational Technical High School District, (“District”) on March 10, 2010, a sum of money to be expended under the direction of the Whittier Regional Vocational Technical High School Building Committee for a roof repair project for the Whittier Regional Vocational Technical High School, located at 115 Amesbury Line Road, Haverhill, MA 01830. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and assessed annually during the term of outstanding debt to the Town of Merrimac pursuant to its Regional Agreement. Any grant that the district may receive from the MSBA for the Project shall not exceed the lesser of (1) 66.18 percent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount as determined by the MSBA; or take any other action relative thereto.

**This will require a 2/3 vote**

**Rationale:** This will approve authorization to borrow for the entire cost of the roof repair project at Whittier Regional Vocational Technical High School. MGL requires member communities to approve or disapprove the Authorization to Borrow within 60 days of the notice from Whittier. The current roof is over 35 years old. The school received a grant from the MSBA for 66.18% of the project, and plans to use a reserve account to pay for the balance of the project. They do not anticipate assessing the communities for any costs associated with this project. Per the request of the Superintendent.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: 6-0**

**Article 15.** To see if the Town will vote to amend the Merrimac Zoning By-law by changing Section 23.7.3 **Removal Standards** by amending a) to read “ Two (2) *foot* contour intervals of the entire LOT area with elevations relating to *United States Geological Survey (USGS), Mean Sea Level datum;*” e) to read “ Log of soil borings taken to the depth of *at least 10 ft.* below the proposed excavation”; g) to read “*Two (2)foot* contour lines indicating proposed final grades of the entire LOT area with elevations relating to *USGS datum;*” h) to read “*Location of mapped bordering vegetated WETLANDS, vernal pools, river front areas, natural streams, brooks and natural drainage features and all manmade drainage structures;*” and the addition of *m) to read “ Baseline Total Suspended Solids (TSS) discharge of surface water leaving the existing site.”;* and by changing Section 23.7.5 **Restoration Standards** subsection 23.7.5.2 by striking the entire second sentence; subsection 23.7.5.5 ,after the words “not increased,” the addition of the following “ *and water quality standards, including TSS is not increased above the background, or baseline conditions as measured prior to construction.*”; or take any other action relative thereto.

**This will require a 2/3 vote**

**Rationale:** The purpose of the amendment is to update the language to conform to current environmental standards and best management practices. The amendment in no way changes the intent or scope of the by-law. Per the request of the Planning Board.

**Selectmen Recommendation: No Position**

**FinCom Recommendation: N/A**

**Article 16.** To see if the Town will vote to amend the Merrimac Zoning By-law by changing Section 23.7.4 **Operation Standards** ,Subsection 23.7.4.4 by striking the word “*oil*” in the first sentence and the addition of the following sentence to the subsection, “ *Only potable water shall be used for dust control during active excavation and trucking of material.*”; amending Subsection 23.7.4.5 to now read “ All trucking routes, times and methods and proposed *truck loads* shall be subject to approval of the Merrimac Chief of Police and *Department of Public Works (DPW).*”; amending Subsection 23.7.4.7 to now read “ Gravel shall not be removed closer than *four (4) feet* to the *estimated seasonal high water table (ESHWT)* or any other distance that would preclude its subsequent re-use according to existing public health standards. *The estimated seasonal high water table (ESHWT) shall be determined by a Title 5 Licensed Soil Evaluator by logging at least six (6) test pits per acre* and the level related to a permanent monument on the property. This information shall show on the topographic plan. *An alternative to defining ESHWT could be the installation of at least three observation wells and monitoring water levels throughout the spring, every three weeks. ESHWT can be predicted using the Frimpter Method,* by the Registered Professional Engineer preparing the submittal documents.”; amending subsection 23.7.4.8 by the addition of the following sentence at the beginning “*OSHA Trenching rules and regulations as referenced under 29 CFR 1926.650 through 652 shall be followed for excavations exceeding six( 6) feet and sloped according to the soil type and consistency.*” and changing the remainder of this subsection to read “ During operations, when an excavation is located closer than 200 feet to a residential area or a public way, and where the excavation will have a depth of more than six (6) feet with a slope in excess of one (1) horizontal to one (1) vertical (1:1), *if the soils are suitable in accordance with the OSHA Standards,* a suitable fence or barrier at least six (6) feet high shall be erected to prohibit

unauthorized access to this area.”; and subsection 23.7.4.9 to now read “ No LOT shall be excavated so as to cause accumulation of freestanding water, *siltation of existing drainage features or illicit discharge to stormwater management systems. Temporary erosion control measures and permanent drainage shall be provided as needed in accordance with accepted conservation standards and Best Management Practices, in accordance with the Massachusetts Stormwater Handbook. The Stormwater Management Standards including Standards 4,5,6,8 and 9 as contained in the Massachusetts Stormwater Handbook shall be complied with to the maximum extent possible, as dictated by the approving authority.* Drainage shall not lead directly into *perennial or seasonal* streams, ponds, the public way or onto adjacent properties. No excavation shall be allowed closer than 200 feet from a natural stream, *or within the buffer zone of a bordering vegetated WETLAND resource.*” Or take any other action relative thereto

**This will require a 2/3 vote**

**Rationale:** The purpose of the amendment is to update the language to conform to current environmental standards and best management practices. The amendment in no way changes the intent or scope of the by-law. Per the request of the Planning Board.

**Selectmen Recommendation: No Position**

**FinCom Recommendation: N/A**

**Article 17.** To see if the Town of Merrimac will vote to accept all right, title and interest in that portion of the “Old Road” (Abandoned 1872), between Bear Hill Rd and the McLaren Memorial Trail as shown on Plan Sheet 3 of 17, on a plan of land entitled, “Definitive Subdivision Under Special Permit Application, Open Space Residential Development at Bear Hill in Merrimac, MA”, as recorded at the Essex South District Registry of Deeds at Plan Book 414, Page 55, reserving to the Trustees of the Bear Hill OSRD Trust, a right of way to pass and re-pass over said “Old Road”, for all purposes for which such rights of ways are used in the Town of Merrimac; or take any other action relative thereto.

**This will require a 2/3 vote**

**Rationale:** This was a condition of the Special Permit, issued to BC Realty Trust, for the protection of the McLaren Trail, while still allowing the open space to be maintained. Per the request of the Planning Board.

**Selectmen Recommendation: 3-0**

**FinCom Recommendation: N/A**

Given under our hands this 7<sup>th</sup> day of April, 2010.

**SELECTMEN**

**OF**

**MERRIMAC**

\_\_\_\_\_  
**W. Earl Baumgardner**

\_\_\_\_\_  
**Ricky J. Pinciario**

\_\_\_\_\_  
**Carol A. Traynor**

A true copy attest:

CONSTABLE \_\_\_\_\_

By virtue of the above warrant to me directed, I hereby notify and warn the legal voters of the Town of Merrimac, to meet at the time and said place for the purposes therein expressed.

Posted this 9<sup>th</sup> day of April, 2010 in the following three places:

Towne Market  
Cozy Cleaners  
Town Hall