

ANNUAL REPORT
of the
OFFICERS, BOARDS
and
COMMITTEES
of the
TOWN OF MERRIMAC
MASSACHUSETTS

For the Year Ending December 31, 2009



IN MEMORY
of those
Who Have Held
Public Office
in the
Town of Merrimac



Linda Seymour
Selectman 2008-2009

Madeleine Lay
Assistant Town Clerk 32 years; Town Clerk 1981-1986

Valerie Dugan-Corradino
School Committee 2006-2008

Raymond Walton
School Committee 1966-1971

Mark Hebenstreit
Library Building Committee

DIRECTORY OF ELECTED OFFICERS

Moderator – One Year

Robert Bender

Term Expires 2010

Board of Selectmen – Three Years

Carol A. Traynor

Term Expires 2012

Linda Seymour thru 2/2009

Ricky J. Pinciario eff. 5/2009

Term Expires 2011

W. Earl Baumgardner, Chairperson

Term Expires 2010

Board of Assessors – Three Years

Sean O'Neil

Term Expires 2010

Joyce E. Clohecy

Term Expires 2011

Edward R. Davis, Chairman

Term Expires 2012

Planning Board – Five Years

Raymond L. Gingras, Chairman

Term Expires 2010

Ronald Barnes

Term Expires 2013

Dennis Brodie

Term Expires 2011

John Thomas

Term Expires 2012

Sandy Venner

Term Expires 2014

Patricia True, Secretary

Constables – Three Years

Arthur Evans

Term Expires 2010

James Seymour

Term Expires 2010

Town Clerk – Three Years

Patricia True

Term Expires 2010

Board of Health – Three Years

Eileen Hurley, Chairperson

Term Expires 2011

Carol A. Traynor

Term Expires 2012

Susan Gagnon

Term Expires 2010

School Committee – Three Years

Todd Treado	Term Expires 2012
Jill McGrail	Term Expires 2010
Maureen Moran, Vice Chairman	Term Expires 2011

Library Trustees – Three Years

Susan M. Coburn	Term Expires 2012
Yvonne Cosgrove	Term Expires 2011
Ellen Evans	Term Expires 2010
Linda Getz	Term Expires 2011
Jennifer Brown	Term Expires 2012
Jeffrey W. Hoyt, Chairman	Term Expires 2010

Parks & Recreation Commissioners – Five Years

John Lusty, Chairman	Term Expires 2012
Scott Michelle thru 10/2009	
Andy Melone, appointed eff. 11/2009	Term Expires 2011
Erick Kuchar	Term Expires 2014
Tim Cavanaugh	Term Expires 2010
Jay Soucy	Term Expires 2013

Municipal Light Commissioners – Three Years

James Young	Term Expires 2012
Norman R. Denault	Term Expires 2011
Frederick Underwood, Chairman	Term Expires 2010

Cemetery Trustees – Three Years

Patricia Casey	Term Expires 2012
Elizabeth L. Emery, Chairperson	Term Expires 2011
Gordon Rines	Term Expires 2010

Merrimac Housing Authority – Five Years

Bette Elliott	Term Expires 2010
C. Shirley Jones	Term Expires 2011
Altha Ottman	Term Expires 2012
Geraldine Shephard, Vice Chairman & Gov. Appt.	Term Expires 2011
Stephen P. True, Vice Treasurer	Term Expires 2013

DIRECTORY OF APPOINTED OFFICERS

Finance Committee

John Cryan, Co-Chairman
Patricia Dillon, Secretary
Ann Crowell
Catherine Gabriel-Heusser, Co-Chairman

Debra Champagne
Victor Quattrini
Krista Thorton

Board of Appeals

Arthur Amirault
Gordon Broz, Alternate
Ronald Dandurant
Robert Sinibaldi

Joseph Moran, Chairman
Joshua Jackson, Vice Chair
Kathleen Walker, Alternate
Debra Weinhold, Secretary

Conservation Commission

Timothy Simmons
Jon Pearson
Robert Prokop, Chairman
Ellis Katz

Jay Smith, Agent
Janet Terry
Deborah Woodward
Arthur Yarranton

Building Inspector

Philip J. Hagopian

Local Inspector

Robert Sinibaldi-effective May 2009

Plumbing & Gas Inspector

Ronald Caruso

Wiring Inspector

William Nutter

Department of Public Works

Richard Spinale, Director

Highway Department

Tom Barry, Foreman

Fire Department

Ralph Spencer, Chief

Greg Habgood, Deputy Chief

Larry Fisher, Deputy Chief

Board of Registrars

Natalie Christie

Betty Elliot

Dorothy Whiting

Town Counsel

Ashod N. Amirian

Town Accountant

Anne O. Jim

Finance Director & Treasurer

Carol A. McLeod

Tax Collector

Geraldine A. Gozycki

Selectmen's Secretary

Jennifer Penney

Rent Control Board

Sandra Venner

Edward Madden

Animal Care & Control Officer

Lisa Young-Carey

Cultural Council

Gage Cogswell, Treasurer & Co Chair

Thelma Gibbs

Eleanor Hope-McCarthy, Secretary

Helen Koolian

Candida Journey

Judy Flynn

Nancy Perkins

Hanna Trautmann

Deborah Webster

Veteran's Agent

Kevin Hunt

Historical Commission

J. Leonard Bachelder

Patricia Casey

Timothy Cavanaugh

Yvonne Cosgrove, Secretary

Jeffrey W. Hoyt, Chairman

Jason Sargent, Treasurer

Evelyn Calnan

Council on Aging

Mary Cheney

Laura Dillingham-Mailman, Director

Colleen Ranshaw-Fiorello, Chairperson

Nancy Bachelder

David Dutton

Dorothy Lumsden

James Murphy

Victor Perrault

Carol Ranshaw, Secretary

Emergency Management Director

Ralph W. Spencer, Chief

Open Space Committee

Michelle Carley

Eleanor Hope-McCarthy

Deborah Woodward, Chairman

Donna Tierney

Sandra Venner

Nancy Perkins

Town Nurse
Charlotte Eileen Stepanian

Capital Planning Committee

Catherine Gabriel Heusser, Finance Committee
Janet Bruno
Edward Madden

Sandra Venner, Chairperson
Carol A. Traynor, Selectman

Affordable Housing Board of Trustees

Sandra Venner, Chairperson
Earl Baumgardner, Selectmen's Representative
Joseph Moran
Colleen Ranshaw-Fiorello

Ray Gingras, Vice-Chairperson
Laura Dillingham-Mailman
Phillip Parry

The Board of Selectmen would like to thank all those who have served the town this past year, especially the ones who have retired or moved on.

**ANNUAL REPORT
OF THE
MERRIMAC BOARD OF SELECTMEN
FOR THE YEAR ENDING DECEMBER 31, 2009**

To the Citizens of Merrimac,

The Board of Selectmen had a busy and productive 2009.

The year began on a very sad note with the untimely death of member Linda Seymour in February. Linda was a dedicated board member and contributed greatly to the success of the board during her short tenure.

In May we welcomed Rick Pinciario to the board after his successful campaign and election victory.

Northside Carting began collecting trash and recycling in August as a result of a new three year contract. We expect to save over \$100,000 annually as a result. We have worked closely with Northside management to resolve start-up issues.

Chris Liquori was hired as our cable access operator and has developed plans for our own cable access station. We expect programming on Channel 18 to begin in the first quarter of 2010.

Rick Spinale was hired as our first Department of Public Works Director. He has spent a lot of time familiarizing himself with the town, various departments under the DPW, and employees. We expect to see savings in 2010 as a result of consolidation of services.

After the resignation of our webmaster, Mike Miracle, we moved the town's website to Virtual Town Hall. The new website, www.merrimac01860.info, will allow us to make more information available to residents and will help save money by lessening the need for printed information.

Many meetings with engineers, Mass Highway, and state legislators helped move forward the reconstruction of the Cobbler's Brook bridge and River Road, both damaged by the Mother's Day storm of 2006. We received approval from Mass Highway and hope to begin construction by mid-2010.

Respectfully submitted,
MERRIMAC BOARD of SELECTMEN

W. Earl Baumgardner
Carol Traynor
Rick Pinciario

2009 REPORT OF THE BOARD OF FIRE ENGINEERS

To: The Honorable Board of Selectmen &
The Citizens of the Town of Merrimac

The Merrimac Fire Department has had another busy year with 800 calls. We had a few large fires this past year and with less money to operate with we have managed to hold things together.

Our Grant money continues to come in for S.A.F.E (student's awareness of fire education) \$ 3,664.62

This year we have also taken a hit with this program, but we still work hard to get the message out to our students through the endless efforts of our Firefighters.

The Grant for Forestry was awarded the same matching amount as last year \$2000.00

Firefighter Nick Launder is finishing his Firefighter I II class and is holding a 96% average in his testing. Great job Nick. This is a 24 week class 2 nights per week and every other Saturday at no cost to the Town.

We lost a very dedicated firefighter to retirement this year. Firefighter James Hume retired with 45 years of dedicated service to the town.

To the Board of Selectmen and the Finance Committee we know you had to make some difficult decisions this past year as far as budgets go and we want to thank you for all your hard work.

To the Citizens of Merrimac the Fire Department can never thank you enough for all the kind words and support you have given us this past year.

To our Firefighter / EMT's Thank you never seems to be enough for all your dedicated work that you do.

Respectfully Submitted

Chief Ralph W. Spencer
Deputy Larry Fisher
Deputy Greg Habgood

FIREFIGHTERS

Deputy Larry Fisher Chief Ralph W. Spencer* Deputy Greg Habgood*

Captain Mike Sloban

Captain James David

Captain Lester Smith

Captain Mark Soucy*

Lt David Owens*

Lt Harry Ellis*

Lt Tim Carey*

Lt. Robert Judson Jr.

Arthur Amirault	Tim Bean	Albert Berard	Steve Brown*
Brandon Cox	Raymond Dower	Thomas Flinn	Jay Fournier
Jason Graves	Robert Heusser*	Richard Holcroft	James Hume
Thomas Jordan	Chris Judson	Mark Judson	Robert Judson Sr.
Nick Laubner*	Mike Maguire	Susan Marden*	Jon Morrill*
Gretchen Nolan*	Patrick Noone	Peter O'Loughlin*	Brian Peavey Jr.*
Dennis Reilly	Jim Sevigny	Keith Sherman	David Sherwood*
Jamie Souliotis	Kathy Spencer*	Chris Stiles*	Jodi Swenson*
	Gary Tuck*	Lisa Young-Carey*	

* denotes EMT

**MERRIMAC FIRE DEPARTMENT
INCIDENT TYPE REPORT (SUMMARY) *MONTHLY***

<u>Incident Type</u>	<u>Count</u>	<u>Pct of Incidents</u>
1 Fire		
100 Fire, Other	9	1.12%
111 Building fire	12	1.50%
112 Fires in structure other than in a building	1	0.12%
113 Cooking fire, confined to container	27	3.37%
114 Chimney or flue fire, confined to chimney	1	0.12%
116 Fuel burner/boiler malfunction, fire	1	0.12%
122 Fire in motor home, camper, recreational	1	0.12%
131 Passenger vehicle fire	4	0.50%
132 Road freight or transport vehicle fire	1	0.12%
140 Natural vegetation fire, Other	2	0.25%
141 Forest, woods or wildland fire	2	0.25%
142 Brush or brush-and-grass mixture fire	8	1.00%
151 Outside rubbish, trash or waste fire	4	0.50%
	73	9.12%
2 Overpressure Rupture, Explosion, Overheat(no fire)		
251 Excessive heat, scorch burns with no	2	0.25%
	2	0.25%
3 Rescue & Emergency Medical Service Incident		
311 Medical assist, assist EMS crew	1	0.12%
321 EMS call, excluding vehicle accident with	444	55.50%
3211 EMS call, excluding MVA with injury - 2nd	1	0.12%
3212 EMS call, excluding MVA - Aspirin Protocol	6	0.75%
3213 EMS call, excluding MVA - Blood Glucose	12	1.50%
3214 EMS call, excluding MVA - Albuterol	1	0.12%
3216 EMS call, excluding MVA - CPR	1	0.12%
322 Motor vehicle accident with injuries	22	2.75%
323 Motor vehicle/pedestrian accident (MV Ped)	1	0.12%
324 Motor Vehicle Accident with no injuries	35	4.37%
350 Extrication, rescue, Other	1	0.12%
353 Removal of victim(s) from stalled elevator	1	0.12%
365 Watercraft rescue	1	0.12%
	527	65.87%
4 Hazardous Condition (No Fire)		
400 Hazardous condition, Other	1	0.12%
411 Gasoline or other flammable liquid spill	6	0.75%
412 Gas leak (natural gas or LPG)	8	1.00%
413 Oil or other combustible liquid spill	4	0.50%

Incident Type	Count	Pct of Incidents
4 Hazardous Condition (No Fire)		
424 Carbon monoxide incident	3	0.37%
444 Power line down	5	0.62%
445 Arcing, shorted electrical equipment	3	0.37%
	30	3.75%
5 Service Call		
500 Service Call, other	5	0.62%
510 Person in distress, Other	24	3.00%
511 Lock-out	2	0.25%
512 Ring or jewelry removal	1	0.12%
522 Water or steam leak	1	0.12%
531 Smoke or odor removal	2	0.25%
550 Public service assistance, Other	3	0.37%
551 Assist police or other governmental agency	1	0.12%
553 Public service	2	0.25%
554 Assist invalid	5	0.62%
571 Cover assignment, standby, moveup	12	1.50%
	58	7.25%
6 Good Intent Call		
600 Good intent call, Other	6	0.75%
611 Dispatched & cancelled en route	32	4.00%
622 No Incident found on arrival at dispatch	10	1.25%
631 Authorized controlled burning	1	0.12%
651 Smoke scare, odor of smoke	1	0.12%
	50	6.25%
7 False Alarm & False Call		
700 False alarm or false call, Other	1	0.12%
730 System malfunction, Other	4	0.50%
733 Smoke detector activation due to	21	2.62%
734 Heat detector activation due to malfunction	2	0.25%
735 Alarm system sounded due to malfunction	6	0.75%
736 CO detector activation due to malfunction	6	0.75%
740 Unintentional transmission of alarm, Other	2	0.25%
743 Smoke detector activation, no fire -	5	0.62%
745 Alarm system activation, no fire -	6	0.75%
	53	6.62%
9 Special Incident Type		
900 Special type of incident, Other	3	0.37%
911 Citizen complaint	4	0.50%
	7	0.87%
Total Incident Count:	800	

REPORT OF THE CHIEF OF POLICE

James A. Flynn, Jr.
Chief of Police

Eric M. Shears
Sergeant

Patrolmen

David J. Vance

Stephen M. Ringuette

Daniel A. Ross Charles W. Sciacca

Richard P. Holcroft

Reserve Police Officers

Stephen E. Beaulieu
Lori D. Buttry
Michael A. D'Angelo
Benjamin A. Douglas
Paul M. Hogg
Chad L. Larson
James T. Mikson
Brian W. Peavey, Sr.
Stephen A. Ringuette
Edward Syvinski

Jeffrey D. Boisvert
Edward A. Cardone, Jr.
Anthony V. Deangelo
Arthur D. Evans
Andrew G. Hosman
Michael R. McGrath
Jonathan G. Morrill
David W. Riley
James M. Seymour
Adam E. White

Fire/Police Signal Operator/Clerk Vacant Position

Fire/Police Signal Operators/Dispatchers

Bonnie J. Bishop

Mark E. Sayers

Kathy A. Spencer

Part Time Fire/Police Signal Operators/Dispatchers

Brian W. Peavey, Jr.
Shara T. Judson

Andres G. Hosman
Jennifer D. Marden
Lori D. Buttry

Stephen A. Ringuette
Michael O. McLeier

Matrons

Bonnie J. Bishop
Jennifer D. Marden

Kathy A. Spencer
Annette Hagopian

Shara Judson
Lori D. Buttry

Honorary Police Officers

Alan Hassig

Richard Noone

In Memoriam

Sgt. Alfred Nichols

Clerk Linda A. Seymour

Officer Robert Adams

POLICE DEPARTMENT ACTIVITIES FOR 2009

Assault & Battery.....	9
B & E (Attempted).....	5
B&E Building.....	10
B&E Motor Vehicle.....	17
Larceny / Personal Property	30
Larceny by Check.....	1
Larceny of Motor Vehicle.....	7
Assault (Threats / No Battery).....	1
Receive / Possess Stolen Prop.....	2
Vandalism Complaint.....	44
Drug Law Violations.....	1
Gaming Law Violation	1
Offenses Against Family/Child.....	1
Intoxicated Driver Complaint	13
Disorderly Conduct	3
209A Violation	2
209A Order Received.....	10
Officer Investigation	44
Larceny of Bicycle.....	4
General Offenses	5
Trespass Complaint	6
Civil Complaint	5
Juvenile Offense.....	20
Recovered Stolen MV	2
Recovered Stolen Property	1
Town Bylaw Violation.....	3
Missing Person.....	16
Lost / Found Property	74
Disturbance (General).....	16
Domestic Disturbance.....	48
Disturbance (Group).....	32
Hazard / Youths in Street.....	40
Disturbance (Noise)	65
Annoying Harassing Phone Calls.....	8
Suspicious Activity	177
ATV / Dirt bike Complaint	12
General Services	1007
Welfare Check.....	44
Officer Wanted.....	689
Prisoner Transport	8
Assist Citizen	368
Building Check	268
Message Delivery	54
Animal Incident (ACO).....	247
Assist Municipal Agencies.....	404
Utility Alarm / Emergency	30
Medical Emergency.....	424
Mental Health Emergency	8

Intoxicated Person.....	1
FIRE ALARM - Street Box.....	68
FIRE ALARM - Brush Fire.....	9
FIRE ALARM - Car Fire.....	5
FIRE ALARM - Structure Fire.....	11
FIRE ALARM - Investigation.....	100
FIRE ALARM - Mutual Aid.....	53
Burglar Alarm.....	173
Assist Other Police Department.....	194
Motor Vehicle Stop.....	911
Motor Vehicle Listing.....	136
Parking Violation.....	56
RADAR Assignment.....	31
Motor Vehicle Complaint (Speed).....	47
Motor Vehicle Accidents.....	130
Traffic Control.....	2
Abandoned MV Complaint.....	2
Disabled MV Complaint.....	74
Inter - Department Services.....	12
Court (On Duty).....	23
911 Calls.....	96
PURSUIT (MV or Foot).....	2
TOTAL.....	6420

2009 ADULT ARRESTS

Male Arrests.....	36
Female Arrests.....	15

2009 JUVENILE ARRESTS

Male Juvenile Arrests.....	8
Female Juvenile Arrests.....	3

2009 PROTECTIVE CUSTODY

Male PC.....	5
Female PC.....	1

CRIMINAL COMPLAINT APPLICATIONS 2009

Various Criminal Offenses.....	29
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I wish to thank the citizens of Merrimac for their continued support of the department through the past year and the men and women of the Merrimac Police Department for the commitment and sense of duty they show each and every day.

James A Flynn, Jr.
Chief of Police

VETERANS' SERVICES MERRIMAC

Kevin Hunt, Director 978 465-4418 veterans@cityofnewburyport.com

The Department of Veterans' Services serves as an advocate for all Merrimac veterans and their dependents. The Department advises clients as to the availability of services, benefits, entitlements and provides financial assistance (M.G.L. C.115) to needy veterans and their dependents who have served honorably in the United States Armed Forces. In Fiscal year 2010, approximately \$3,800 was disbursed to local deserving veterans or their spouses from the Town of Merrimac. The cost of this benefit program is reimbursed to the City by the State, one year after payment, at the rate of \$.75 for every \$1.00 disbursed by the Town.

In Fiscal Year 2010, The Department of Veterans Affairs, a branch of the Federal government, disbursed over \$471,444 to Merrimac Veterans in pensions, disability compensation, or as pensions for surviving spouses. Much of this money is spent within the Town benefiting the local merchants and businesses who serve our Veteran population. The infusion of this money into our Town does not require that the Town spend any money to get it. The Veterans' Services Office assists veterans and their families in processing applications for these Federal benefits. The Office also assists pensioners with their annual Veterans' Affairs financial Eligibility Verification Reports and applications for local Property Tax Abatements/Exemptions.

Going forward into fiscal year 2011, the Veterans' Office will continue to expand its outreach into the community. The Office hopes to expand its base, and provide services to additional veteran men and women living in Merrimac. We are honored to serve our Veterans who have served us.

SCHOOL DEPARTMENT

District Administrative Offices
22 Main Street
West Newbury, MA 01985
Telephone (978) 363-2280
Fax (978) 363-1165

Dr. Paul A. Livingston
Superintendent of Schools

Dr. William I. Hart
Assistant Superintendent

The Merrimac Annual Report of the School Department activities for FY09 has been developed by the Principals of the Helen R. Donaghue School, Dr. Frederick N. Sweetsir School, Pentucket Regional Middle School and Pentucket Regional High School on behalf of the Superintendent of Schools and the Pentucket Regional School Committee.

Thomas Atwood, Chairman
Maureen Moran, Vice Chairman
Jill Eichhorst, Assistant Treasurer
Joseph D'amore, Secretary
John Willett
Heather Conner
Todd Treado
Kathleen Katrinelis
Jill McGrail

**DR. FREDERICK N. SWEETSIR SCHOOL
HELEN R. DONAGHUE SCHOOL
ANNUAL REPORT
FISCAL YEAR 2008-2009**

It is a pleasure to submit our annual report for the Dr. Fredrick N. Sweetsir School and the Helen R. Donaghue School for the 2008-2009 school year.

Our school year began with the eighth annual, "Merrimac Goes Back to School Day" to celebrate the opening of school. Families had an opportunity to visit classrooms, meet teachers and obtain information about the school, community, and PTO. Since its inception, this evening has provided a positive beginning to each school year.

The October 1, 2008 enrollment was 292 students in grades Preschool through grade 2 at the Dr. Sweetsir School and 407 in grades 3 through 6 at the Helen R. Donaghue School.

The School Councils for the Dr. Sweetsir and Helen R. Donaghue Schools continued to pursue the following School Improvement Plan goals to focus on during the 2008-2009 year:

- The students will make continuous improvement throughout the year in reading comprehension and fluency as measured by pre and post teacher-developed assessments.
- All students will make continuous improvement in writing as measured by grade level rubrics.
- All students will make progress from the pre test to the post test as measured by Everyday Mathematics assessments. 85% of the students will master grade level secure skills as measured by grade level assessments.
- All students will continuously use technology skills and computer-based applications throughout the year.

The school and district focused on three primary initiatives this year. The first was organizing reading instruction around a balanced literacy model that included using reader's workshop as a teaching model. To help teachers develop knowledge and skills in meeting this goal, the district entered into a partnership with Tufts University. Through this, teachers worked with a consultant in grade-level teams and as individuals. We will continue this relationship with Tufts in the 2009-2010 school year.

The district also began to systematize designing learning experiences and classrooms that result in enduring learning by students. This effort began with Assistant Superintendent Dr. William Hart soliciting from students, staff, parents, and community members their experiences and ideas regarding learning experiences that were long-lasting, or "powerful". The result was a list of qualities common to such learning, from which arose a list of "Elements of Powerful Learning." Teachers and other staff are using this list to create "powerful" learning in their classrooms.

Teachers in the district continued to develop collaborative professional cultures in the schools. At the Donaghue and Sweetsir schools, this was enhanced by being able to schedule planning

time each week when teachers could meet together during the day, and through the district providing release time on twenty Wednesdays during the year. Teachers have utilized this time for concentrated work toward meeting grade-level student learning goals. We appreciate the school community's continued support of this schedule.

Once again, students in Grades 3, 4, 5, and 6 were tested as part of the Massachusetts Comprehensive Assessment System (MCAS). Students in all of these grades took tests in English Language Arts/Reading and Mathematics. Students in Grade 5 also took tests in Science, Engineering, and Technology. The percentage of students scoring at the proficient or advanced level increased from the previous year in Grade 3 and Grade 5 English Language Arts and Mathematics, and in Grade 5 Science, Engineering and Technology. The number of students in Grade 4 and Grade 6 scoring in the top two levels decreased slightly in both English Language Arts and Mathematics. These test results, along with other assessments of students' learning, were used by the teachers to set improvement goals in their Professional Learning Teams.

As part of the federal No Child Left Behind (NCLB) education reform initiative, all schools are expected to help their students to become proficient in reading, writing and mathematics by 2014. In Massachusetts, the MCAS results are used to measure each school's progress toward this goal. The state measures how well the entire student population is progressing toward the goal of 100% proficiency, as well as how well individual subgroups, such as socio-economic groups and students receiving special education services, are progressing toward the performance goal.

The Helen R. Donaghue School again met the state's expectations for Annual Yearly Progress in both English Language Arts and Mathematics for the entire student population. Students from low income families did not meet the progress goal in English Language Arts and Mathematics, however. Additionally, students with identified special needs did not meet the performance goal in Mathematics. The staff will continue to provide individual students, particularly students in these two groups, with the additional instruction they might need as indicated by both MCAS results and classroom assessments. Staff will also modify units of study and individual lessons to meet students' learning needs.

Once again, the PTO purchased a variety of educational resources for the schools. These included: *Learning A-Z* memberships, recess supplies, a *Brain Pop* classroom subscription, a sound field system, books for classroom libraries, musical instruments, and Sixth Grade and Field Day T-shirts. The PTO also organized After School Exploration programs at both schools, presented a graduating Pentucket senior with a PTO Scholarship, coordinated teacher appreciation events, planned family fun nights, produced a student yearbook, and supported our classroom programs by volunteering in our schools every day. In addition, the PTO sponsored many cultural arts programs for students and helped defray the costs of sixth grade student attendance at The Leadership School at Kieve in Maine.

We would like to take this opportunity to thank the PTO for their continued outstanding commitment to the children of Merrimac. With their help, we continue to encourage and foster a strong home-school-community partnership, parent volunteer program, curriculum information nights, sponsor-a-classroom program, and the Holiday Helper Program.

Our Before and After School Program continues to provide tuition-based services to over 90 children daily at the two schools. On early release Wednesdays, they also offer care for additional students immediately after the early dismissal.

Patty Messina, Principal at the Dr. Frederick N. Sweetsir School resigned her position in June to take a position as Curriculum Coordinator in the Stoneham Public Schools. In her two years as Principal, Ms. Messina had a positive influence on the staff, students, and parents in the school. We wish her well in her new endeavors.

In closing, the staffs of the Dr. Frederick N. Sweetsir School and the Helen R. Donaghue School wish to extend its appreciation to members of the Merrimac community for their support throughout the year. We value public education and believe it is the cornerstone of our community, a major resource for enhancing the quality of life for our current and future citizens.

**PENTUCKET REGIONAL SCHOOL DISTRICT
PENTUCKET REGIONAL MIDDLE SCHOOL
ANNUAL REPORT
FISCAL YEAR 2008-2009**

The 2008-2009 school year was productive at Pentucket Regional Middle School. Student enrollment was 541 and comprised of 119 from West Newbury, 191 from Groveland, 214 from Merrimac, and 17 students through the school choice program.

Staff continued with the focus of improving student achievement through literacy and worked with a consultant from the Center for Applied Child Development at Tufts University. Throughout the year staff met with the consultant to learn and be observed using different literacy strategies in their lessons. The early release PLC collaborative time was highly beneficial in supporting the literacy work, specifically in the development of comprehensive literacy strategies to be used across disciplines and provided the time necessary to measure the concurrent impact on student achievement

Looking forward, staff will continue their collaborative practice and the focus on literacy as well as beginning to explore the newly developed Habits of Learning; *thinking, communication, collaboration, independence, creative exploration*. We encourage families to be a part of this process by engaging their children in ongoing conversations about what they learned.

Respectfully submitted,

Robin L. Wilson, Principal

**PENTUCKET REGIONAL SCHOOL DISTRICT
PENTUCKET REGIONAL HIGH SCHOOL
ANNUAL REPORT
FISCAL YEAR 2008-2009**

The 2008-2009 school year was productive at Pentucket Regional High School. Student enrollment was 848 and comprised of 189 from West Newbury, 296 from Groveland, 329 from Merrimac, and 34 students through the school choice program.

Staff worked this year to implement the facets of a powerful classroom. With input from a variety of stakeholders the district created the 5 Elements of a Powerful Learning Environment. The Elements include increasing student **Ownership** for learning, making learning **Experiential** in nature, creating learning that pushes the student **Outside their Comfort Zone**, creating a learning environment that provides **Multi-faceted Support** and provides a chance for **Reflection**. The early release time that began last year was an essential part of implementing these strategies. During this time staff met with their departments and used learning protocols to facilitate discussions about how to bring these concepts to the classroom on a regular basis. The early release time is a chance for staff to learn from each other and share best practices. This time will be a critical part of professional development next year and beyond.

Respectfully submitted,

Jonathan P. Seymour

2009 PENTUCKET GRADUATES

Katherine Acorn	Kara Herbert	Gregory Rotondo
Jean Albert	Seth Holt	Jesse Roy
Jessica Antos	Lee House	Paige Savage
Michael Atkins	Jeremy Jayne	Nicholas Scannell
Kasey Barnes	Kayla Jewett	
Jamie Benjamin	Kyla Jones	Katie Sherwood
Alicia Bettano	Brittany Keith	Kyle Tarrant
Shannon Brindamour	Kaegan Ketola	Heather Thomas
Devin Brodie	Molly Krugh	
	Brittany Laclair	Victoria White
Ellen Broz		Erik Williams
Jacob Buzzell	Staci Larnard	
Joseph Casey	Miles Lockwood	
Alyssa Castine	Victoria Lustenberger	
Thomas Clark	Christopher Madeiros	
Courtney Cole	Caterina Masia	
Caitlin Conway	Addie McKenzie	
Brian Cormier	Zoe McKenzie	
Kirsten Daamen	Kayla Melville	
	Caitlin Milewski	
Cecilly Deorocki	Sean Milley	
Meaghan Dillon	Krystina Mistretta	
Christopher Eager	Justine Morrison	
Jonathan Ferrara		
Matthew Fiore	Justin O'Donnell	
Corey Fisher	Timothy O'Neil, Jr.	
Meaghan Flynn	Beth O'Sullivan	
Garrett Froton	Timothy Pearson	
Autumn Gadd	Kayla Pinzone	
	Melissa Popovic	
Quinton Hart	Julia Quattrini	
Tyler Harville	Corey Robichaud	

**ANNUAL REPORT OF
WHITTIER REGIONAL VOCATIONAL HIGH SCHOOL**

September 29, 2009

ANNUAL OPERATIONAL REPORT

TO: The Honorable Board of Selectmen

FROM: Paul Tucker, Whittier Representative
William P. DeRosa, Superintendent

Whittier offers 20 vocational technical career areas designed to provide the necessary training and skills for further education or work force success.

Whittier's academic program is designed to offer students the fundamental skills through its core curriculum in English, Math, Science and Technology, Social Studies, World Languages, Physical Education/Health, and Elective subjects. Courses are aligned with the Massachusetts Curriculum Frameworks in order to achieve success on the MCAS.

Courses are offered in a sequential format and are integrated with the vocational-technical areas, wherever practicable and mutually beneficial. All academic courses offer advanced sections for students who desire to further their education. We offer honors courses in English, science, and math to lead toward advanced placement courses. Moreover, a Tech Prep program is offered to eleventh and twelfth grade students which parallels the College Prep program and provides students with the opportunity to earn college credit and/or advanced college placement.

Since all programs are open to both females and males, we encourage our students to explore and to specialize in non-stereotyped, non-traditional vocational-technical areas and to strive for the maximum realization of their goals and potential.

Whittier Regional Vocational Technical High School is entering its thirty-seventh year. To date we have graduated 8,902 students from the day school.

The enrollment for the Evening School from Merrimac: 22

The October 1, 2008 Day School Enrollment:

	Boys	Girls
Grade 9	9	11
Grade 10	4	4
Grade 11	10	3
Grade 12	5	2
Total -	48	

2009 Graduates - 7

The cost to Merrimac for the school year 2008-2009 was \$370,405.00.

Respectfully yours,

Paul Tucker
Merrimac Representative

William P. DeRosa
Superintendent

WPD/lr

**ANNUAL REPORT
BOARD OF TRUSTEES
MERRIMAC PUBLIC LIBRARY
For the year ending December 31, 2009**

To the citizens of Merrimac:

The year 2009 has been both challenging and rewarding for Merrimac Public Library. The demands of increased costs, tight fiscal budget constraints, and expanded patron activity have been amply met by the combined efforts of our talented and resilient professional library staff, a core of versatile and dependable volunteers, a vigilant board of library trustees, and the generous assistance of other town departments and support groups, especially the Friends of the Library.

Paradoxically, the economic recession that has pinched and strained all local government budgets has also brought forth increased patron usage of the library. The director of the Massachusetts Board of Library Commissioners has said it best in his 2009 annual report, "Our residents turned to their libraries in record numbers and libraries responded to their needs by helping them with online job applications, GED classes, financial workshops, and of course free books, DVD's, and programming for every generation and interest. In these tough times, our libraries are offering hope, opportunity, and inspiration and they are saving our residents money."

The statistical data for Merrimac for 2009 indicates yet another circulation increase of library materials of 8.5 percent over the prior year. Daily usage of computer stations, wireless Internet access, newspapers, periodicals, databases, and other library facilities has increased at an even greater percentage. An important aspect of meeting the increased patron activity has been the cross training of staff members and their cooperation in meeting the complex demands of scheduling. Indeed, all of the credit and appreciation for absorbing this increased workload without a commensurate increase in the number of employees or salaries goes entirely to our outstanding library staff under the capable leadership of director Martina Follansbee.

We wish to extend a special word of appreciation to our protean volunteers. They do so much more than just shelve books. The loyal and dependable half-dozen volunteers contribute a combined weekly average of twenty hours at tasks that range from changing light bulbs to computer data entry. In truth, it must be acknowledged that our salaried staff could not begin to accommodate the increased patron usage without the valuable assistance of our wonderful volunteers.

The trustees are pleased to report that Betty Emery was awarded the Massachusetts Library Association's Paralibrarian Award for 2009 for her stellar performance in managing the Supplementary Deposit Collection which is located at Merrimac Public Library and services all of the northeast Massachusetts small libraries.

Library programs during the year were effectively planned and extremely well received. The children's librarians, in particular, are to be commended for the success of their thirteen summer reading programs. Celebrating the 40th anniversary of man walking on the moon, Merrimac Public Library joined the other libraries in the Commonwealth with the summer reading theme "Starship Adventure at Your Library". Specific Merrimac programs included *Blast Off Into Space with Barefoot Arts*, *Star Gazer Story Hour*, and *Planet Lego*. While all age groups are accommodated, there was a little more emphasis placed this year on the teen and preteen population. Programs within this

category included an on-line summer teen reading program, chess, origami, knitting, *Meet the Illustrators* and *Gross-out Story Hour Complete with Slime*.

The library meeting room continues to be used both day and night for a host of community, civic, and municipal activities. A partial list, to demonstrate the variety, would include: scout meetings, blood drives, town department meetings, yoga classes, census training, weaving and quilting seminars, condo association meetings, Pentucket workshops, and of course, all municipal elections. In this last category, the library has further facilitated town elections this year by providing on-site storage space for the cumbersome voting apparatus.

Respectfully submitted,

Susan M. Coburn, Co-chair.
Ellen Evans, Co-chair.
Jennifer Brown
Yvonne D. Cosgrove
Linda Getz
Jeffrey W. Hoyt

DIRECTOR'S REPORT

*"Strong libraries are essential to education and lifelong learning,
to economic development, to strong communities and to a strong democracy."*

The library bustles daily with activity! Mornings are filled with residents looking to access the Internet to job search, check email, polish resumes, get online training or perhaps download IRS forms. Story hours bring an influx of families. While little ones listen to stories or do crafts, other family members look for books, DVDs, catch up on the news or relax with friends.

Afternoons often find people doing the puzzle or catching up with newspapers or favorite magazines. Afternoons and evenings bring students who use computers or search the stacks for school projects. Some utilize quiet areas for tutoring.

Residents arrive in steady streams to pick up books, music and books on CD and DVDs that they have ordered online from home or the library. Interlibrary Loan, which people use to request and receive items, usually in less than a week, is one of the most popular services libraries offer. Toward the end of the week, people come in to stock up on reading and movie materials for the weekend - especially when stormy weather is forecast!

Merrimac Library is a "happening place," a destination. Circulation continues to rise each year and the library endeavors to offer programs and services for all ages and groups, but the greatest need for citizens in the current economy has been computer use and Internet access. While circulation increased 9% this past year, Internet sign-ups for 2009 shot up by 25%. During these challenging times we are pleased to be able to provide residents with thirteen online computers and 100% wireless access. We are happy to serve the community in a multitude of ways.

Respectfully submitted,

Martina Follansbee
Library Director

**TOWN OF MERRIMAC
INSPECTIONAL SERVICES**
2 SCHOOL STREET, MERRIMAC, MA 01860
PH. (978) 346-0525 FAX (978) 346-0522

2009 ANNUAL REPORT

	CALENDAR YEAR		+/-	
	2009	2008		
BUILDING PERMITS ISSUED				
New 1+2 Family Dwellings (R4)	10	4	6	
Residential: Addition/Remodel (R4)	192	163	29	
Accessory Building / Barn / Detached Garage	2	5	-3	
Fireplace & Wood/Coal/Pellet Stove (independent)	6	20	-14	
Swimming Pools: In-ground + Above-ground	5	2	3	
New/Replacement Manufactured Housing (M.H.)	2	1	1	
Permit for Temporary Housing Unit	0	0	0	
Trench Permits	6	0	6	
Commercial: New / Addition / Remodel	4	16	-12	
Multi-family Dwelling: R3, R2, R1 (Building, not dwelling units)	0	0	0	
Municipal Project	3	5	-2	
Demolition Permit (independent)	5	2	3	% Change
NUMBER OF BUILDING PERMITS ISSUED	235	218	17	8%
Amount collected from building permits issued	\$39,431.00	\$36,033.00		
Addendum to open building permit, fees collected	\$1,069.00	\$475.00		
Trench permits, fees collected	\$180.00			
Plan review / building permit transfer, fees collected	\$0.00	\$200.00		
Request for Zoning Bylaw opinion, fees collected	\$100.00	\$150.00		
Copy and miscellaneous, fees collected	\$37.53	\$207.10		
Non-residential Occupancy and Use certificate	\$330.00	\$1,290.00		
Inspections: 780CMR, §106 and Acts of 2004, Ch. 304	\$120.00	\$160.00	+/-	% Change
Total Building Permit Fees	\$41,267.53	\$38,515.10	\$2,752.43	7%
Total Wiring Permit Fees	\$9,543.00	\$11,193.00	-\$1,650.00	-15%
Total Plumbing Permit Fees	\$4,115.00	\$5,925.00	-\$1,810.00	-31%
Total Gas Permit Fees	\$3,685.00	\$5,150.00	-\$1,465.00	-28%
Total Enforcement Action Fees	\$135.00	\$1,105.00	-\$970.00	-88%
TOTAL DEPARTMENT FEES	\$58,745.53	\$61,888.10	-\$3,142.57	-5%
Fees Waived by Selectmen	\$543.00	\$751.00		
TOTAL COLLECTED REVENUE	\$58,202.53	\$61,137.10	-\$2,934.57	-5%
<i>Submitted By: Philip J. Hagopian, Building Commissioner / Zoning Enforcement Officer (D.W.)</i>				

ANNUAL REPORT OF THE MERRIMAC WATER DEPARTMENT FOR THE YEAR ENDING JUNE 30, 2009

NEW CONNECTIONS: During FY2009 there were 13 new homes connected to the town's water system, bringing the total number of connections to 1,789. Most of these new services were in an over 55 housing development.

PRIVILEGE FEE: \$8,000.00 was collected during FY2009 from individuals and developers for new service connections and deposited to Water Department Privilege Fee account. MWD utilizes this funding for various improvements to our distribution system.

SURPLUS FUNDS: MWD ended FY09 with a deficit of \$ 10,224.18. Funds will be transferred at the annual town meeting from our Water Capital account to cover the deficit. Water rates were increased in January, 2009 by \$.10 per 100 gallons to cover our expenses.

SYSTEM IMPROVEMENTS: The Merrimac Water Department is constantly looking for ways to upgrade the water distribution system, but due to limited funding it is a slow process.

Wells at both East Main and Bear Hill well fields were cleaned. The well cleaning, completed by F.G. Sullivan Co. is performed to improve pumping capacity and water quality.

The Master Plan for the Water Department has been completed. This plan will give the Water Department a direction to apply our limited resources. This plan is necessary in order to make sure that our limited resources are applied for the best possible outcome.

ANNUAL PUMPING STATISTICS:

Gallons pumped from Bear Hill and East Main	126,285,600	a decrease of 2987900 from 2008
Gallons sold to customers	111,711,635	a decrease of 4594301 from 2008
Gallons plant backwash	2,223,600	
Gallons unaccounted for	12,350,365	- 10% of all water pumped could not be accounted for. Causes: Fire protection, flushing, inaccurate meters, water theft and minor leaks not detectable.

Maintenance work completed at the East Main Street pumping station include new windows, new entry doors, and the pointing up of the exterior brick work. . The pumping station serves as a garage and storage area for equipment. The building was built in 1904 and is in dire need of some TLC, but with a little time and some money we can keep the aesthetics of the building intact.

CONSERVATION: I would like to thank the residents of Merrimac for showing their ability to conserve water. The decrease in the total gallons sold indicates that there was a decrease of 2.3% from 2008. This decrease is also the result of leak detection surveys to make sure we are finding and fixing any leaks that are detectable.

The governing rules of the EPA and DEP are always changing and to keep up we have to implement new rules and procedures to comply. Without the support of the employees of the Water Department this would not be possible. My sincere thanks to all employees for their efforts and commitment to water quality throughout the year.

Respectfully submitted,

Richard J. Spinale,
Public Works Director

**MERRIMAC WATER DEPARTMENT
INCOME STATEMENT
JULY 1, 2008 - JUNE 30, 2009**

REVENUE

Residential, Commercial, Municipal Rates	\$ 713,139.35
Water Sprinklers	\$ 3,800.00
Water Micsellaneous	\$ 26,051.02
Fiscal Year Liens	\$ 13,985.54
Interest	\$ 4,559.05

TOTAL REVENUE COLLECTED	\$ 761,534.96
Misc. Revenue-Lawsuit	

EXPENSES

Manager's Salary	\$ 20,462.40
Office Salary	\$ 26,723.20
Water Dept. Wages	\$ 194,372.08
Overtime	\$ 33,196.90
Longevity Pay	\$ 1,103.00
Clothing/Boot Allowance	\$ 2,700.00
Benefit Reimbursement	\$ 79,934.98
In Lieu of Taxes(Direct Overhead)	\$ 11,154.96
Stock	\$ 30,265.88
Real Estate Taxes (NH)	\$ 3,548.00
Engineering	\$ 20,903.39
Vehicle Expense	\$ 9,425.33
Fuel Heat	\$ 12,707.38
Purchased Power(Electric)	\$ 37,120.21
Office Supplies	\$ 31,280.84
Chemicals	\$ 71,036.15
Water Testing	\$ 4,315.16
Testing Supplies	\$ 1,966.70
Well Cleaning	\$ 22,754.00
Cross Connection	\$ 870.00
Water Conservation	\$ 1,500.00
Building Maintenance	\$ 12,117.15
Roadway & Excavation	\$ 7,820.21

TOTAL DIRECT EXPENSES	\$ 637,277.92
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TOTAL WATER BOND EXPENSE	\$ 130,308.64
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TOTAL DIRECT AND BOND EXPENSE	\$ 767,586.56
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GROSS PROFIT	\$ (6,051.60)
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ANNUAL REPORT OF THE SEWER DEPARTMENT 2009

The Board of Sewer Commissioners continued with business as usual through March 2009, when they became aware that legislation had been signed in December 2008, creating a Department of Public Works. The Selectmen hired an interim Director in July, and in November, a full-time Director of Public Works was hired.

Three units were connected to the sanitary system in 2009.

The Sewer Department completed inspecting all buildings that are connected to the sanitary sewer system for Inflow and Infiltration. This was a MaDEP mandate.

Merrimacport Pump Station had to be completely rebuilt and should be finished in early 2010.

One of the department's laborers passed his wastewater operator's license in August 2009, and is a grade 5. This fulfills the MaDEP requirement for staffing of the plant.

REVENUE FISCAL YEAR 2009

INVOICED USER FEES	\$1,085,593.63	*(103,839.27)
Collected:		
User Fees	1,034,269.92	
Liens	22,264.31	
Betterments	63,430.66	
Misc. Revenue	169,620.00	
Balance from FY08	314,271.67	
Interest	5,407.41	
TOTAL COLLECTED	1,609,263.97	
Expenditures:		
O&M		845,515.50
Debt Service		363,406.88
TOTAL SPENT		1,208,922.38
GAIN		400,341.59
DEVELOPMENT FUND		
Balance end of Fiscal Year 2008	\$98,857.67	
Collected Fiscal Year 2009	27,202.97	
Total Collected		126,060.64
Expended		46,493.88
Balance End of Fiscal Year 2009		79,566.76

*Uncollected user fees

Respectfully submitted,

Richard J. Spinale,
Director of Public Works

ANNUAL REPORT OF THE MERRIMAC MUNICIPAL LIGHT DEPARTMENT YEAR ENDING DECEMBER 31, 2009

The Board of Light Commissioners and Manager are pleased to submit the Annual Report of the Merrimac Light Department (MLD) for the year 2009.

NEW SERVICES: During 2009 there were a total of 12 new electrical services added to the town's electric distribution system. The total number of electric meters in service at year's end was 2,789.

SYSTEM UPGRADES: We are in the process of upgrading our Mill St substation to a larger capacity to account for load growth. We could not have predicted the downturn in the economy at the start of the upgrade. The upgrade is intended to carry MLD into the future for the next 30 years. The MLD linemen have performed 90% of the upgrade work on the substation. There are significant savings for the department and our customers by doing this work in house verse paying a contractor. We are in the finishing stages of the project which should be completed by the end of the summer.

POWER SUPPLY: 2009 was the first year for MLD's new power contract since deregulation. Under deregulation our power prices have double since the year of 2008. This rate increase was anticipated as MLD ended our old power supply contract and entered into negotiations under the revised rules of deregulation for our new power contract. A rate stabilization fund was set up several years ago for this reason and has been used to offset any rate increases. To keep our customer rates as low as possible we have withdrawn from our account \$ 400,000.00 over this past year. MLD is constantly monitoring the power market for the lowest cost power available for purchase in order fill our electrical requirements on a daily basis.

As part of Merrimac Light Department's portfolio for our power requirements an opportunity from the power market came about during our monitoring which led us to buy power from the Miller Hydro plant. Miller Hydro is a small hydro electric plant on the Androscoggin River in Lisbon Falls ME. The plant produces 28 megawatts of green power. MLD will purchase a small portion of the power output of the plant this year and next year.

Merrimac Light Department will continue to build a portfolio by buying into power generation plants at low cost to reduce the amount of power needed when contract renewal time comes. With MLD owning power generation this could give us possible opportunities of being paid for our generation in the open market at times of tight market.

The new world of deregulation for power supply is complicated along with being interesting. MLD will continue do its best to bring you, the owners and rate payers, the lowest possible electric rates along with best service possible.

CONTRIBUTIONS TO THE TOWN:

In Lieu of Tax Payment:	\$13,900.00
Unbilled Streetlight Usage:	\$18,261.18

COMMUNITY: The Merrimac Light Department is a Public Utility, which means it is owned by its rate payers and not by a board of directors like the investor owned utilities. This means when you call or come into our office you will greeted by an employee, someone who will help you with questions you may have about your bill or your electric service. We at the Merrimac Light and Water Department are here to serve the community. The dedicated folks of this utility, the commissioners, the manager, and all of its employees will continue to insure this utility will work for the town of Merrimac.

Respectfully submitted,

Board of Light Commissioners

Daniel Folding, Manager

Fredrick Underwood	Term Expires 2010
Norman Denault	Term Expires 2011
Jim Young	Term Expires 2012

**MERRIMAC ELECTRIC LIGHT DEPARTMENT
COMPARATIVE BALANCE SHEET 2009**

ASSETS	Balance Beginning of Year	Balance End of Year	Increase or (Decrease)
UTILITY PLANT			
101 Utility Plant - Electric	4,530,576.88	4,518,813.11	(11,763.77)
FUND ACCOUNTS			
125 Sinking Funds	719.17	719.17	-
126 Depreciation Fund	1,303,154.49	1,598,600.03	295,445.54
126 Rate Stabilization Fund	799,412.32	406,188.18	(393,224.14)
126 Bond Fund	318,103.89	271,381.98	(46,721.91)
CURRENT AND ACCRUED ASSETS			
131 Cash	134,426.65	32,574.47	(101,852.18)
132 Special Deposits	51,724.28	50,999.28	(725.00)
132 Working Funds	200.00	200.00	-
142 Customer Accounts Receivable	225,176.18	204,614.89	(20,561.29)
143 Other Accounts Receivable	25,070.48	25,026.20	(44.28)
146 Receivables from Municipality			
151 Materials and Supplies	15,001.94	15,001.94	-
165 Prepayments	29,787.00	25,020.00	(4,767.00)
165 Prepayments ENE	400,000.00	400,649.81	649.81
DEFERRED DEBITS			
183 Other Deferred Debits	451.41	(55.44)	(506.85)
Total Assets and Other Debits	\$ 7,833,804.69	\$ 7,549,733.62	(284,071.07)
LIABILITIES			
SURPLUS			
206 Loans Repayments	1,291,707.96	1,366,707.96	75,000.00
207 Appropriations for Construction Repayments	8,889.05	8,889.05	-
208 Unappropriated Earned Surplus	4,031,462.71	3,691,161.60	(340,301.11)
LONG TERM DEBT			
221 Bonds	1,425,000.00	1,350,000.00	(75,000.00)
231 Notes Payable	-	-	-
CURRENT AND ACCRUED LIABILITIES			
232 Accounts Payable	186,674.79	244,136.68	57,461.89
235 Customer' Deposits	51,724.28	50,999.28	(725.00)
242 Miscellaneous Current and Accrued Liabilities	451.41	(55.44)	(506.85)
DEFERRED CREDITS			
252 Customer Advances for Construction	1,220.67	1,220.67	-
RESERVES			
260 Reserves for Uncollectable Accounts	19,151.86	19,151.86	-
CONTRIBUTIONS IN AID OF CONSTRUCTION			
271 Contributions in Aid of Construction	817,521.96	817,521.96	-
Total Liabilities and Other Credits	\$ 7,833,804.69	\$ 7,549,733.62	(284,071.07)

**MERRIMAC ELECTRIC LIGHT DEPARTMENT
STATEMENT OF INCOME FOR THE YEAR 2009**

	Current Year	Increase or (Decrease) from Preceding Year
OPERATING INCOME		
400 Operating Revenue.....	4,169,900.64	446,506.18
OPERATING EXPENSES		
401 Operation Expense	3,925,249.58	1,608,474.06
402 Maintenance Expense	257,194.92	85,495.53
403 Depreciation Expense	225,593.44	34,666.02
Total Operating Expenses.....	4,408,037.94	1,728,635.61
Operating Income.....	(238,137.30)	(1,282,129.43)
OTHER INCOME		
415 Income from Merchandising, Jobbing and Contract Work		
419 Interest Income.....	60,056.03	126,261.63
421 Miscellaneous Nonoperating Income.....	(178,081.27)	(1,155,867.80)
Total Income.....		
INTEREST CHARGES		
427 Interest on Bonds and Notes.....	52,950.00	6,950.00
431 Other Interest Expense.....		
Total Interest Charges	52,950.00	6,950.00
NET INCOME.....	(231,031.27)	(1,162,817.80)

	Debits	Credits
208 Unappropriated Earned Surplus (at beginning of period) ...		4,031,462.71
433 Balance Transferred from Income.....		(231,031.27)
434 Miscellaneous Credits to Surplus.....		
435 Miscellaneous Debits to Surplus	95,369.84	
436 Appropriations of Surplus	13,900.00	
437 Surplus Applied to Depreciation		
208 Unappropriated Earned Surplus (at end of period)	<u>3,691,161.60</u>	
	<u>3,800,431.44</u>	<u>3,800,431.44</u>

MERRIMAC PLANNING BOARD ANNUAL REPORT

The Merrimac Planning Board's 2009 calendar year experienced a second year of reduced applications from developers. We continued to use the slow period to focus on areas of improvement for the town. Several new zoning by-law changes were approved at the annual Town meeting and the Planning Board (PB) is reviewing language for earth removal, renewable energy and temporary structures by-laws.

There are three subdivisions currently under construction in Merrimac: Madison Way, Quail Ridge and Lakewoods Drive. The PB continues to monitor these through their various construction phases. The downturn in the U.S. housing industry has significantly impacted the completion of these subdivisions. One special permit was extended in 2009 for 133 West Main Street and three Approval Not Required (ANR) submissions were approved. The PB collected \$700 in filing fees and \$615 in Zoning By-Law booklets and copies.

Annual elections in April resulted in the re-election of Sandra Venner to a five year term.

The PB reorganized in May after town elections and voted John Thomas as MVPC Commissioner, Dennis Brodie as the alternate MVPC Commissioner, Sandra Venner as Vice-Chairman and Ray Gingras as Chairman and Merrimac Housing Authority representative. In addition, Sandra Venner and Ray Gingras were appointed to the Affordable Housing Board and voted as Chairman and Vice-Chairman, respectively.

And finally, many thanks to our secretary, Pat True, for her dedication, professionalism and support throughout the year. Pat is a great resource to the Planning Board and community.

Raymond L. Gingras
Chairman, Merrimac Planning Board

Merrimac Planning Board	
Raymond Gingras	Term expires 2010
Sandra Venner	Term expires 2014
Ronald Barnes	Term expires 2013
John Thomas	Term expires 2012
Dennis Brodie	Term expires 2011

**TOWN OF MERRIMAC
FINANCE DIRECTOR**

4 School Street
Merrimac, MA 01860
Phone (978) 346-0524
Fax (978) 346-8863

E-Mail: cmcleod@townofmerrimac.com

**Honorable Board of Selectmen
Town of Merrimac
Massachusetts, 01860**

Honorable Selectmen,

In accordance with the requirements of the Massachusetts General Laws, the Annual Financial Report of the Town Accountant for the Town of Merrimac, for the fiscal year ended June 30, 2009 is herewith submitted.

The data represents a fair and accurate presentation in all material aspects of the Town's financial position and the results of its operations. Disclosures necessary to enable the reader to gain an understanding of the Town's financial affairs have been presented. Included are schedules on debt issue and servicing, a detailed listing of revenues and expenditures, a balance sheet for all fund types and account groups, and a combined statement of cash flows.

The reports are based on information recorded using the Uniform Municipal Accounting System (UMAS) of the Massachusetts Department of Revenue. The same information was used to prepare the Schedule A.

An audit of the Town's financial records by Bill Fraher, C.P.A., has been completed and the results of this audit are available in my office for public inspection. The books of the Town are also open for public inspection during normal business hours.

Respectfully submitted,

Carol A. McLeod
Finance Director

**TOWN OF MERRIMAC
STATEMENT OF REVENUES AND EXPENDITURES
BUDGETARY BASIS - GENERAL FUND
FOR FISCAL YEAR ENDING JUNE 30, 2009**

	Final Budget	Actual	Variance Favorable (Unfavorable)
Revenues:			
Property Taxes	\$ 8,864,546	\$ 8,805,756	\$ (58,790)
Excise Taxes	\$ 675,500	\$ 627,907	\$ (47,593)
Payments in Lieu of Tax	\$ 1,300	\$ 636	\$ (664)
Departmental Charges for Services	\$ 309,500	\$ 362,900	\$ 53,400
Licenses and Permits	\$ 95,000	\$ 83,925	\$ (11,075)
Intergovernmental	\$ 1,417,734	\$ 1,328,622	\$ (89,112)
Fines	\$ 75,000	\$ 58,115	\$ (16,885)
Investment Income	\$ 33,000	\$ 24,716	\$ (8,284)
Other	\$ -	\$ 71,977	\$ 71,977
Transfers from other funds	\$ 73,100	\$ 83,100	\$ 10,000
Total Revenue	\$ 11,544,680	\$ 11,447,654	\$ (97,026)
Expenditures:			
General Government	\$ 642,948	\$ 586,953	\$ 55,995
Public Safety	\$ 1,416,325	\$ 1,401,671	\$ 14,654
Education	\$ 6,207,022	\$ 6,204,741	\$ 2,281
Public Works	\$ 910,711	\$ 851,477	\$ 59,234
Human Services	\$ 257,884	\$ 245,032	\$ 12,852
Culture and Recreation	\$ 323,745	\$ 313,796	\$ 9,949
Debt Service	\$ 1,144,907	\$ 1,144,907	\$ -
Intergovernmental	\$ 131,568	\$ 130,628	\$ 940
Employee Benefits	\$ 480,362	\$ 466,716	\$ 13,646
Insurance	\$ 141,000	\$ 126,345	\$ 14,655
Transfers to other funds	\$ 128,790	\$ 128,790	\$ -
Total Expenditures	\$ 11,785,262	\$ 11,601,056	\$ 184,206
Excess of Rev over Exp	\$ (240,582)	\$ (153,402)	\$ 87,180
Fund Balance Allocation	\$ 240,582		

TOWN OF MERRIMAC
COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
NON-MAJOR GOVERNMENTAL FUNDS
FOR FISCAL YEAR ENDED JUNE 30, 2009

	<u>Special Revenue</u>		Grants	Capital Projects	Permanent	Total
	Stabilization	Other				
Revenues:						
Department Charges for Services		\$ 194,014			9200	\$ 9,200
Intergovernmental			\$ 331,224			\$ 331,224
Investment Income	\$ 7,236	\$ 198	\$ 8		\$ (13,512)	\$ (13,504)
Other		\$ 136,786				\$ -
Total Revenues	\$ 7,236	\$ 330,998	\$ 331,232	\$ -	\$ (4,312)	\$ 326,920
Expenditures:						
Current						
General Government		\$ 45,887	\$ 15,994		305	\$ 16,299
Public Safety		\$ 151,758	\$ 83,114			\$ 83,114
Public Works		\$ -	\$ 4,245			\$ 4,245
Human Services		\$ 48,948				\$ -
Recreation and Culture		\$ 13,779	\$ 19,575		1000	\$ 20,575
Capital Outlay			\$ 273,751	\$ 29,873		\$ 303,624
Total Expenditures	\$ -	\$ 260,372	\$ 396,679	\$ 29,873	\$ 1,305	\$ 427,857
Excess (Deficiency) of Revenues over Expenditures	\$ 7,236	\$ 70,626	\$ (65,447)	\$ (29,873)	\$ (5,617)	\$ (100,937)
Other Financing Sources (Uses)						
Proceeds from Bond Issues						\$ -
Operating Transfers In	\$ 126,790		\$ 2,000			\$ 2,000
Operating Transfers Out	\$ (43,000)	\$ (26,200)				\$ -
Total Other Financing Sources (Uses)	\$ 83,790	\$ (26,200)	\$ 2,000	\$ -	\$ -	\$ 2,000
Net Changes in Fund Balances	\$ 91,026	\$ 44,426	\$ (63,447)	\$ (29,873)	\$ (5,617)	\$ (98,937)
Fund Balances, Beginning of Year	\$ 542,387	\$ 626,570	\$ 192,995	\$ 179,721	\$ 384,053	\$ 1,925,726
Fund Balances, End of Year	\$ 633,413	\$ 670,996	\$ 129,548	\$ 149,848	\$ 378,436	\$ 1,962,241

**TOWN OF MERRIMAC
COMBINING BALANCE SHEET
JUNE 30, 2009**

	Special Revenue					
	Stabilization	Other	Grants	Capital Projects	Permanent	Total
Assets:						
Cash and Cash Equivalents	633,413	670,996	5,678	149,848	114,270	1,574,205
Investments					264,166	264,166
Receivables:						
Departmental		66,320				66,320
Due From other Governments			153,292			153,292
Total Assets	633,413	737,316	158,970	149,848	378,436	2,057,983
Liabilities and Fund Balances						
Liabilities:						
Warrants and Accounts Payable			29,422			29,422
Deferred Revenue		66,320				66,320
Total Liabilities	0	66,320	29,422	0	0	95,742
Fund Balances:						
Reserved for:						0
Other Specific Purposes					378,436	378,436
Unreserved	633,413	670,996	129,548	149,848		1,583,805
Total Fund Balances	633,413	670,996	129,548	149,848	378,436	1,962,241
Total Liabilities and Fund Balances	633,413	737,316	158,970	149,848	378,436	2,057,983

**TOWN OF MERRIMAC
GENERAL LONG TERM DEBT ACTIVITY
6/30/2009**

Issue	Issue Date	Interest Rate	Original Amount	Balance 7/1/08	Additions	Retired	Balance 6/30/09	Interest Paid 7/1/08-6/30/09
Title V	4/29/1999	0%	\$ 200,000.00	\$ 99,903.48	\$ -	\$ 11,100.36	\$ 88,803.12	\$ -
Multi-Purpose Loan	12/15/1999	5.125%-6.5%	\$ 1,910,000.00	\$ 200,000.00	\$ -	\$ 100,000.00	\$ 100,000.00	\$ 7,687.51
River Road MWPAT	10/6/1999		\$ 149,856.00	\$ 103,134.00	\$ -	\$ 6,478.00	\$ 96,656.00	\$ 1,605.44
Multi-Purpose Loan	6/28/2001	5.5%-5.75%	\$ 310,000.00	\$ 60,000.00	\$ -	\$ 20,000.00	\$ 40,000.00	\$ 3,410.00
Multi-Purpose Loan	4/5/2002	3.79%	\$ 356,000.00	\$ 60,000.00	\$ -	\$ 15,000.00	\$ 45,000.00	\$ 2,274.00
Refunded	10/15/2002	2.5%-4.6%	\$ 4,820,000.00	\$ 2,460,000.00	\$ -	\$ 525,000.00	\$ 1,935,000.00	\$ 86,587.50
Town Hall	10/15/2002	2.5%-4.6%	\$ 2,850,000.00	\$ 2,125,000.00	\$ -	\$ 145,000.00	\$ 1,980,000.00	\$ 86,357.50
Sewer	10/15/2002	2.5%-4.6%	\$ 100,000.00	\$ 75,000.00	\$ -	\$ 5,000.00	\$ 70,000.00	\$ 3,052.50
Multi-Purpose Loan	11/15/2003	2%-4.5%	\$ 4,231,000.00	\$ 3,315,000.00	\$ -	\$ 225,000.00	\$ 3,090,000.00	\$ 133,177.50
Multi-Purpose Loan	4/15/2004	3.75%	\$ 405,000.00	\$ 80,000.00	\$ -	\$ 80,000.00	\$ -	\$ 3,000.00
Multi-Purpose Loan	4/15/2007	4.95%	\$ 378,000.00	\$ 300,000.00	\$ -	\$ 70,000.00	\$ 230,000.00	\$ 14,850.00
Sewer	6/20/2007	4.90%	\$ 225,000.00	\$ 180,000.00	\$ -	\$ 45,000.00	\$ 135,000.00	\$ 8,820.00
Multi-Purpose Loan	2/15/2008	3.56%	\$ 2,380,000.00	\$ 2,380,000.00	\$ -	\$ 75,000.00	\$ 2,305,000.00	\$ 114,708.33
Sewer Port Lift Station	6/3/2009	4.90%	\$ 183,000.00	\$ -	\$ 183,000.00	\$ -	\$ 183,000.00	\$ -
Total All				\$ 11,438,037.48	\$ 183,000.00	\$ 1,322,578.36	\$ 10,298,459.12	\$ 465,530.28
Less: Electric	2/15/2008	3.60%	\$ 1,500,000.00	\$ 1,500,000.00	\$ -	\$ 75,000.00	\$ 1,425,000.00	\$ 72,475.00
Total Excluding Electric				\$ 9,938,037.48	\$ 183,000.00	\$ 1,247,578.36	\$ 8,873,459.12	\$ 393,055.28

ANNUAL REPORT OF THE BOARD OF ASSESSORS

The Board of Assessors respectfully submits the following report for the calendar year 2009.

The Board has been extremely busy with cyclical and building permit inspections. We wish to thank the property owners for their cooperation in these inspections. We are now scheduled to complete the cyclical inspections by 2015. New construction is still low but remodeling of existing homes and additions are still fairly strong.

FY2010 was an especially busy year as it was our triennial recertification. Patriot Properties, Inc. and the State Department of Revenue reviewed the town sales to assure the new valuation system was correct. Property cards can now be viewed on the town website at www.merrimac01860.info. Many of the property cards have a picture of the home. Please let us know if yours is incorrect as we found that a couple of the photos are not the correct property. We will come out and take a new picture. We still have a number of streets that need pictures taken so please bear with us until all streets are completed.

Board of Assessors

Edward R. Davis, Chairman	Term expires 2012
Joyce E. Clohecy	Term expires 2011
Sean O'Neil	Term expires 2010

Joyce E. Clohecy, Clerk

Tax Rate Recapitulation Fiscal 2010

1. Tax Rate Summary		
A. Total Amount to be Raised		\$14,350,349.93
B. Total Estimated Receipts/Revenue		4,923,311.82
C. Net amount to be raised by Taxation		9,427,038.11
D. Classified Tax Levies		
1. Residential	95.2633%	
2. Open Space	0	
3. Commercial	2.7007	
4. Industrial	1.1036	
5. Personal	.9324	
2. Amounts to be Raised		
A. Appropriations		\$14,109,047.69
B. Cherry Sheet Offsets		6,405.00
C. State & County Cherry Sheet Charges		120,997.00
D. Allowance for Abatement/Exemptions (overlay)		113,800.24
E. Total Amount to be Raised		14,350,340.93

3. Estimated Receipts and other Revenue	
A. State	\$ 1,258,656.00
B. Local	3,361,894.90
C. Revenue Sources Appropriated	273,064.92
D. Other Revenue Sources	29,696.00

Total Estimated Receipts	4,923,311.82
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Number of Taxable Accounts

Residential Single Families	1,575
Residential Two Families	106
Residential Three Families	8
Residential Apt Bldg/Misc	16
Residential Land	191
Condominiums	217
Commercial	51
Industrial	21
Commercial Other	56
Personal Property	135

ANNUAL REPORT - OFFICE OF THE TOWN CLERK

To the Honorable Board of Selectmen

As the Town Clerk of the Town of Merrimac, I hereby submit my annual report for the year 2009.

BIRTHS

Number of Births Recorded.....	32
Males.....	11
Females.....	21
Father Native Born.....	28
Mother Native Born.....	32
Both Parents Native Born.....	28
Both Parents Foreign Born.....	0
Mixed Parentage.....	0

MARRIAGES

Number of Marriages Recorded.....	22
First Marriage, Male.....	12
First Marriage, female.....	16
Male Native Born.....	21
Female Native Born.....	20
Average Age, Male.....	40 yrs
Average Age, Female.....	36 yrs

DEATHS

Number of Deaths Recorded.....	38
Males.....	19
Females.....	19
Under 5 years.....	- -
Males, Native Born.....	18
Females, Native Born.....	18
Parents, Native Born.....	25
Parents, Foreign Born.....	4
Mixed Parentage.....	8
Average Age.....	68 yrs
Oldest Person.....	98

LICENSES

Total Dog Licenses.....	504
Male.....	23
Female.....	17
Spade.....	233
Neutered.....	231
Kennel Licenses.....	- -
Sporting Licenses.....	118
Minor's Sporting Licenses.....	1

Respectfully Submitted,
Patricia E. True
Town Clerk

ANNUAL REPORT OF THE ANIMAL CARE AND CONTROL OFFICER

To the Honorable Board of Selectmen: Activities from August 2009 to December 2009.

The number of dogs licensed for the license year 2009, was 491. Under MA General Law CH 140 Sec 137 all dogs over six months are required to have rabies shot and licensing.

Six dogs were picked up or dropped at Police Department. Four dogs returned to owners, two dogs kenneled at Bed and Biscuit, one party new to town licensed dog promptly, other party new dog licensed promptly. Several complaints concerning dogs running at large-did not find.

Nine lost cats, only one found. Keeping cats indoors is the best avenue in keeping your pet alive and well.

Quarantine for animal bites, two dog bites both quarantined for ten days, animals had all shots to date. Animal bite for pitbull in August, animal and owner relocated to Haverhill, contacted ACO in Haverhill. Incident between neighbors on previous year dog bite incident, owner and dog have relocated out of town, issue solved. Rabies shots are required by MA General Law CH 140 Sec 145 for the protection of pets and people.

Barking complaints 1st warning verbal. Nuisance two dogs returned that broke off their runners, spoke with owners to come up with solutions, no problems since.

One dog was killed by a car on Highland Rd., helped owner put dog in vehicle all parties okay. Always having your animal on a leash is the safest situation for everyone.

Wildlife many calls on raccoons, skunks, squirrels, and other small wildlife that were found to be a nuisance suggested to leave them be, remove any food in your yard and keep garbage cans sheltered. One skunk had to be shot; it had been mauled by a dog. A Herron was picked up and disposed of died of an injury to its wing. Several calls investigated concerning coyote sightings.

Livestock complaint four horses loose off Bearhill Rd., Newton Police responded and returned the horses to their town.

Respectfully submitted,
Lisa Young-Carey, ACCO

2009 ANNUAL REPORT OF CAPITAL PLANNING COMMITTEE

As in other years, departments were asked to submit forms documenting their capital requests for FY'10 and the next five years. For consideration as a capital item the request must have a life duration of at least five years and an initial cost of \$10,000 or more (increased from \$5,000). In February and March the committee met with the departments and reviewed supporting documents to determine its recommendations. The criteria applied for developing recommendations in order of priority are: a) necessary to respond to state or federal mandate; b) public health and/or safety consideration; and c) operational necessity.

At the Special Town Meeting on April 27, 2009, the CPC recommended a transfer of \$183,000 from the Wastewater Enterprise Fund for lift station repairs with an additional \$15,000 recommended at the Special Town Meeting on October 19, 2009. At the latter meeting, CPC also recommended an appropriation of \$75,000 from the Settlement Reserve to correct faulty work on the Wastewater Treatment Plant upgrade. All recommendations were voted affirmatively.

No additional expenditures were recommended due to severe budget constraints. Instead, available Free Cash was recommended to be transferred to the Stabilization Fund to be available for emergency repairs and replacements should the need arise during the year. As of the end of the calendar year, no such requests were necessary.

Respectfully submitted,

Sandra Venner, Chairperson
Janet Bruno, Vice Chairperson
Patricia Dillon, Representing the Finance Committee
Ed Madden
Carol Traynor, Representing the Board of Selectmen

MERRIMAC CONSERVATION COMMISSION 2009 ANNUAL REPORT

The primary function of the Conservation Commission is to protect and preserve wetland resource areas as defined in the Massachusetts Wetland Protection Act and the Merrimac Wetland Protection Bylaw. Since Colonial times, Massachusetts has lost nearly one third of its wetlands to development. The loss of wetlands means the loss of the vital benefits they provide. These benefits include the protection of water quality for Merrimac's surface and ground waters, stormwater and flood damage protection, and the protection of wildlife and plant habitat.

The Commission works to protect the Town's natural resources in accordance with the Act and the Town Bylaw. The Conservation Commission is composed of seven members who serve as unpaid volunteers, who are assisted by a part-time Wetland Agent. The Commission generally meets once a month on the second Wednesday of the month to conduct regular business and public hearings on proposed projects under the Commission's jurisdiction. When necessary, the Commission schedules special meetings and site visits to review projects. During the course of this year eleven regular meetings were held, and nine site visits were conducted. There were thirty-eight projects reviewed by the Commission, primarily involving construction of subdivision roads and utilities, new and existing single-family homes, additions to existing buildings and wetland related issues. In addition to reviewing proposed projects submitted by property owners, the Commission addresses work that affects wetlands conducted without the required permits. In 2009, five enforcement orders were issued to property owners regarding work undertaken in violation of the Act.

This year the Commission continued to implement the additional protection measures provided in the Merrimac Wetland Protection Bylaw and the Merrimac Wetland Protection Regulations when considering proposed projects in Town. The Bylaw was adopted at Town Meeting in the fall of 2003, and it became effective in late 2003. The regulations include a number of provisions to strengthen protection of Merrimac's wetlands beyond what is addressed in Massachusetts Wetland Protection Act including:

1. Provide added protection to wetlands with no or limited protection by state law such as isolated wetlands and vernal pools--wetlands that hold water in the spring long enough to provide critical breeding habitat for frogs, salamanders and other aquatic life and most dry up by mid-summer. Vernal pools are rare in the landscape. Many vernal pools are small, isolated wetlands that have little or no protection under the Massachusetts Wetland Protection Act.
2. Establish a no-disturb zone surrounding wetlands to protect wetlands from new development and encroachment from existing development.
3. Allow the Commission to issue fines to irresponsible property owners who ignore orders issued by the Commission and damage wetland resources.
4. Allow the town to charge reasonable application fees to defray the cost of administering the Bylaw.

The Commission is now applying the requirements of the new regulations to any project in town. If you are contemplating any work within 100 feet of a wetland or within 200 feet of any river or stream that flows year-round (such as the Merrimack River and Cobblers Brook), you need to consult with the Commission prior to undertaking any work.

Wetlands are an important resource to Merrimac. They protect, filter, and provide the high quality of water in our wells. They protect and support fish and wildlife in Lake Attitash, the Merrimack River, and other water bodies in town. They provide habitat and food sources for the birds, reptiles, amphibians and other animals that make Merrimac a unique place to live. They provide large tracts of open and undeveloped land that make up the quality of life we all enjoy in Merrimac. The Commission is eager to assist landowners in their decisions about whether and how to proceed with a project near wetlands. We encourage all residents to contact us regarding any questions or concerns related to the Towns wetland resources. The Commission is always looking for interested citizens that may want to become involved in working to protect the valuable wetland resources we all share in Merrimac. The Commission is currently looking for a seventh member, so if you have an interest or expertise in protecting wetlands please contact any of the Commission members, or just attend one of the meetings, to get involved.

Respectfully Submitted,

Merrimac Conservation Commission

Robert Prokop, Chairman

Ellis Katz

Jon Pearson

Tim Simmons

Janet Terry

Arthur Yarranton

BOARD OF HEALTH, 2009 ANNUAL REPORT

The Board of Health meetings are scheduled at 6:30 PM on the first and third Thursdays of each month. We may be contacted at 978-346-4066 or e-mail BOH@townofmerrimac.com. The office is customarily staffed on Tuesdays and Thursdays from 9:00 AM to 4:00 PM.

In 2009, we continued participating in Homeland Security, the Emergency Preparedness Plan, Pandemic Flu Plan and Regional Coalition and H1N1 immunization program and clinics. Deborah Ketchen, Health Agent, and Charlotte E. Stepanian, Public Health Nurse, are our primary representatives and contacts in these programs. We have also participated in the Mosquito Control Program and will continue to do so in spring/summer 2010.

Deborah Ketchen has been our Health Inspector since March 2006. She inspects food establishments, schools, rental units and disposal system installations, reviews septic designs, witnesses percolation and deep hole tests, responds to health-related complaints, and performs many other Title V and health-related duties. Deborah also attends meetings regarding Homeland Security, Emergency Preparedness and Pandemic Flu Plan and attends numerous conferences and seminars related to septic and well criteria, updates on food regulations, and other areas of interest or concern to maintain current in her profession. Restaurant and rental unit conditions have improved immensely, and complaints are fewer because owners and landlords maintain compliance with the health regulations.

Eileen Hurley, Chairperson of the Board and Office Administrator, is MAHB Certified, and assists contractors and the general public by responding to their questions and requirements. She also oversees the Title V Program and maintains central records and minutes of meetings.

Carol Traynor has been a Board member since May 2008. She has a background and training in many aspects of the health-related field, including emergency preparedness programs. Carol has been a selectman for the past seven years, during which time she has become well acquainted with the various town departments and their responsibilities and interaction with each other.

Susan Gagnon has been a Board member since May 2008, having been temporarily appointed to serve until May 2009. She was then elected in 2009, to complete the one-year unexpired term. Sue had formerly been employed at the Merrimac Library and has a genuine interest in the town and in assisting with researching health-related responsibilities and regulations so that we would be able to keep current and informed.

Most of the Board of Health permit application forms and regulations can now be downloaded from the Merrimac web site. We hope to eventually make all the regulations available on line. This has saved postage costs.

During 2009, the Board responded to multiple, varied complaints, i.e. odors, dumpsters, septic conditions, lake water conditions, and various other personal matters. The following chart depicts income generated during the calendar year 2009.

BUSINESS PERMITS			INSTALLATION PERMITS		
Qty.	Category	Fee	Qty.	Category	Fee
14	Restaurant	\$ 980			
2	Non-PHF Food	100			
6	Common Victualler	320	5		
1	Mobile Food Service	50	5		
1	Catering Service	100		Disposal System Permit	\$ 2,250
5	Milk Products	95		Deep Hole Test & Perc	1,450
1	Peddler	20			
2	Temp. Food Service	40			
16	Installers	2,155			
6	Haulers	315			
1	Tanning	50			
4	Tobacco Sales	230			
2	Mfrd. Homes Park	100			
Total:		\$ 4,505	Total:		\$ 3,700

MOSQUITO CONTROL PROGRAM INFORMATION

SURVEILLANCE and **LARVICIDING** are of the utmost importance, and they comprise the greatest portion of the program cost. This is the regular testing of mosquitoes and birds for the virus, and the application of larvicides to mosquito breeding areas to kill or inhibit the growth of mosquito larvae (the early stage of the mosquito) from developing into the adult form. Continued annual surveillance is an early intervention or preemptive action to prevent a potential mosquito breeding site from becoming an actual mosquito breeding site.

ADULTICIDING is a term used by mosquito control to describe spraying for adult or flying mosquitoes. There are two kinds of adulticiding: Aerial, done by aircraft only in the event of a public health emergency; and Ground, sprayed from trucks selectively in accordance with the individual municipality's Best Management Practice Plan (BMP).

Ground Adulticiding is used in today's programs to control the mosquito populations in their aquatic or larval stages. This is accomplished by means of a truck-mounted Ultra Low Volume (ULV) aerosol sprayer. ULV sprays up to six ounces of insecticide per acre, creating a 300- to 400-foot swath. Depending on wind direction this swath will drift off the road; and tiny droplets will impinge on mosquitoes, effectively controlling the mosquitoes in the area.

Insecticide: The District uses Anvil (EPA Reg. No. 1021-1688-8329) for ULV applications. The active ingredient, Sumithrin, has a very low toxicity to mammals. This product is registered for use by the US EPA and the Mass. Pesticide Bureau. All District personnel are certified applicators and annually attend seminars to obtain recertification credits.

Most people are not expected to experience any adverse health effects after pesticide spraying for adult mosquito control. This includes pregnant women and unborn children. If a person has any concerns, the Board of Health may be contacted to request that spraying be excluded from the specific property.

Ground sprays do not pose an unreasonable risk to birds or mammals. Since spraying is done in the late evening, the bees and other flying insects are not foraging at that hour and will not be affected.

West Nile Virus: The primary mosquito carrier of WNV, *Culex Pipiens*, usually breeds in artificial containers such as catch basins, storm water structures, industrial parks and commercial or agricultural livestock facilities. Regularly empty any water-holding containers on your property such as garbage cans, flower pots, swimming pool covers, watering troughs and birdbaths, and dispose of old tires.

Information about EEE and reports of EEE activity in Massachusetts can be found on the MDPH website at www.mass.gov/dph/wnv/wnvl.htm. Merrimac will continue to work closely with the MDPH Arbovirus Surveillance Program and the NE Massachusetts Mosquito Control Agency on mosquito control and surveillance efforts. Decisions regarding spraying will be made by the Board of Health in cooperation with the Mosquito Control Agency. As long as this program is continued annually, we remain protected from severe outbreaks.

Respectfully submitted,

Merrimac Board of Health

Carol Traynor	Term expires 2012
Eileen Hurley	Term expires 2011
Susan Gagnon	Term expires 2010

2009 PUBLIC HEALTH NURSE REPORT

It has become an expectation each year to wonder what the coming year's annual influenza campaign will bring. In 2009, our answer came in April with the Swine Flu H1N1 outbreak. The need for administering two distinctly separate vaccines would obviously create problems requiring some unique planning at all levels. And that was only the tip of the iceberg as public health across the country would soon learn.

Merrimac Board of Health would ultimately join forces with the Pentucket Regional School District to provide in-school H1N1 vaccine to all students presenting the required authorization from their parents. The initial focus of H1N1 vaccine distribution was to vaccinate high risk and priority specific individuals. However, the actual delivery of the vaccine in amounts sufficient to vaccinate large numbers of people presented very complex problems. Public relations suddenly became a new public health competency.

As a final look-back at a successful collaborative effort that involved numerous volunteer and professional associates, a total of 1,600 doses of H1N1 and nearly six hundred seasonal influenza doses of vaccine were administered during the 2009-2010 flu season. Six public clinics along with countless by-appointment clinics were held in addition to the school-based clinics across the Pentucket School District. The demand for seasonal flu vaccine exceeded that of recent years by nearly 100 doses. To each of those who contributed their skills and talents to meet this exceptional challenge on behalf of our extended community, I extend my everlasting gratitude for their efforts. One can hope that the emphasis on personal hand hygiene and cough etiquette during this past flu season will become common practices for all. Prevention does work!!

Both our health agent and I continue our active involvement in the Northeast Public Health Coalition as one of the fourteen communities comprising the Emergency Preparedness Coalition for the 3A region of Massachusetts. During October and November, as part of emergency preparedness and special populations concerns, a survey was included with the utility bills to identify the required presence of visible street numbers on each structure, the need for assistance in acquiring and/or placing the numbers, the presence of readable street signs and a completed prior registration as a resident with special needs (limited mobility, sight or hearing impaired) during an emergency event. Thanks to the many that responded with their information. The data will be compiled and published following recovery from the Flu season. If you are missing a street sign, please notify the Public Works/Highway Department to begin the process for a replacement sign. We need to find you in your time of need!

Unfortunately Lyme disease remains the most frequently reported infectious disease in Merrimac; in spite of the frequent reminders to do "tick checks" after all outdoor activities. The spring and early summer months are the mostly likely time to have contact with the infectious nymph ticks but caution must be maintained year round for exposure. Use suggested prevention measures & do the tick check!!

Weekly blood pressure clinics at the Senior Center and Elderly Housing are among the ongoing activities as is the sharps collection program which began over a decade ago. Used sharps contained in a sealed heavy gauge plastic container such as an empty detergent bottle or a

medical sharps container may be brought to the Senior Center during regular business hours for disposal.

During 2009, I have precepted two RN-BSN completion students; one from Salem State College and one from University of Massachusetts Lowell for their one semester Community Health practicum experience. I have also continued course work in my doctoral program in Public Health Nursing Leadership at University of Massachusetts Amherst. I completed my second two-year term as president of Massachusetts Association of Public Health Nurses and am now a relieved immediate past president.

My office remains at the Merrimac Senior Center. I can be reached by phone there at 978-346-9549 during regular business hours to arrange for immunizations or health related discussions.

Respectfully submitted,

Charlotte E. Stepanian, MSN, RN-BC

Merrimac Public Health Nurse

MERRIMAC COUNCIL ON AGING ANNUAL REPORT 2009

This year has been defined by the state of the economy and the effects it has had on the municipal budget. All town departments were asked to streamline and conserve spending to make up deficits that Merrimac was facing with cuts from the state. By managing the purchase of supplies using the Council on Aging Gift Account and with generous donations from the Friends of the COA, and by skipping services we were able to turn back a substantial amount to the Town. However, the cause and effect is that many things that need to be done on an annual basis, such as replacing old or broken chairs, building repairs, and annual cleaning of rugs and windows, were not accomplished and will need to be addressed in the next fiscal year.

In addition, and because of the long term economic problems, the COA Director and Finance Director met with other communities to discuss and consider the possibility of regionalizing the COA services. After many months of meetings and discussion, the other communities pulled out of the planning. This was disappointing, especially since it had received positive feedback from the local legislators as a good way to increase services and yet save money. It may be something to consider at a future time.

TRIAD, a partnership with Essex County Sheriff's Department and local officials including the COA and seniors, completed a very successful year. "File of Life®" which is a magnet folder that contains medical and emergency contact information that is placed on the refrigerator and is intended to alert emergency responders were distributed and updated. "Grab & Go" bags, which are designed to be used in the event of an emergency and are filled with things you might need if you are forced to leave in an emergency, were given out. A "Yellow Dot" program was planned for the fall in FY09 will alert emergency responders that medical information can be found in the glove compartment of the car. The yellow dot is placed on the rear window of the vehicle.

The Senior Food Pantry team continues to serve a significant number of people with food packages the 2nd and 4th Fridays of the month. On average, 32-35 bags are delivered on Wednesdays to the frail and homebound and 18-20 bags are picked up during the open pantry on Fridays, providing food for 61 unduplicated people throughout the year. The food pantry is maintained through the generosity and support from the Boys Scout & Girl Scout troops, the Merrimac Post Office, Merrimac Congregational Church, Merrimacport United Methodist Church, Holy Redeemer Church, the Lions Club, the Couplings, the Merrimac Garden Club, Merrimac Police, Merrimac Savings Bank, Dr. and Mrs. St. Germaine, and many citizens and families from the community at large. West Newbury Food Mart has been very supportive by providing food at discount/cost as well deliver the food to the pantry. Although the Food Pantry serves Merrimac residents 55 and older, the pantry has also provided emergency food packages for younger families in need by request of Community Action who we also work with.

Anyone wishing to participate in the Merrimac Senior Food Pantry may contact Peggy Casazza or Laura Dillingham-Mailman by calling the Senior Center. Donations of non-perishable food items for the Pantry or "Our Neighbors' Table," can be dropped off at the Senior Center during operational hours, or by special arrangement. Our Neighbor's Table provides a meal every Wednesday evening in Amesbury at the Congregational Church and is open to the public. ONT provides food packages to Merrimac residents the last Saturday at the Congregational Church

in Amesbury. ONT Mobile Food Pantry also provides food packages for Merrimac residents on the 1st and 3rd Saturday of the month at Pilgrim Congregational Church. Free Sunday Soups Supper is held at Pilgrim Congregational Church on the last Sunday of the month, from 4-5:30. Our general programs were very busy this year, with 20,022 duplicated event sign-ins serving 829 unduplicated people. The Nutrition Program provided 6805 meals to 253 unduplicated people, serving on average 35-50 seniors per meal with up to 85-100 for holiday and special events. The Friends of the Merrimac COA and donations to the COA Gift account supplement the cost of meals helping to keep the requested meal fee affordable for seniors. The Outreach Nurse, Peggy Casazza managed 119 cases, assisted the Public Health Nurse, Charlotte E. Stepanian with Blood Pressure Clinics, co-supervised the Senior Food Pantry with Board Member, Nancy Bachelder and their team of assistants. 1,316 rides were provided to 50 unduplicated seniors, bringing them to medical appointments, grocery shopping and to the senior center. *Please note: these numbers may be higher, as the statistics are only as good as the people are at scanning their cards when they come!*

Special acknowledgement must be made to the volunteers who play a vital roll in the Senior Center operations. With only 2 full time staffers, volunteers fill in the gaps. Many volunteers come with experience that allows us to benefit from their expertise. They can be found in many roles: driving seniors to appointments, receptionist, dispatcher, kitchen assistants, food pantry organizers, trip leaders, group leaders, tax assistance, craft fair organizers and craft shop, and handy men & women. Over 80 people provided nearly 4,000 hours of volunteer service to the Senior Center. This does not take into account the countless volunteer hours from members of the Friends of the Council on Aging who have held many fundraisers, including an annual Senior Golf Scramble to raise funds that help support programs and activities at the Senior Center.

The Director continues to actively advocate on the behalf of seniors in our community. She is on the Board of Elder Services of Merrimac Valley, a member of the Executive Committee and Secretary, and also serves on several other committees. She is a former President of Massachusetts Councils on Aging, currently serving as Secretary and is a member of the Executive Committee and Formula Grant Committee Chair.

Partnering with local businesses, community organizations and state organizations helps to provide the resources needed to meet the growing needs of the aging population. As we look to the future and try to serve the estimated one in four Americans over the age of 60 by 2020 with the limited financial resources in the community, these partnerships become essential to providing services that will allow seniors to remain independent, healthy and socially active.

Respectfully Submitted,

Laura Dillingham-Mailman
Director

Council on Aging Board of Directors:

Colleen Ranshaw-Fiorello, Chairwoman	(June '10)	Charles Hackett	(June '12)
Carol Ranshaw, Secretary	(June '10)	Irene Kimbrell	(June '11)
Nancy Bachelder	(June '12)	Dorothy Lumsden	(June '11)
Mary Cheny	(June '10)	James Murphy	(June '11)
David Dutton	(June '12)	Victor Perreault	(June '10)



**MERRIMAC HOUSING AUTHORITY
52 MERRI VILLAGES
MERRIMAC, MASSACHUSETTS 01860**

Annual Report of the Merrimac Housing Authority
To the Merrimac Board of Selectmen for
The MHA Fiscal Year Ending September 30, 2009

To : The Honorable Members of the Merrimac Board of Selectmen:

The Merrimac Housing Authority owns and manages 52 units of housing in the Town of Merrimac. Occupied in 1973, the Merri-Village project located on Middle Street contains forty-eight unit, of one bedroom housing funded under the Chapter 667 program. this program serves individuals and couples who are elderly or disabled. In addition to the 48 one-bedroom units, (he MHA owns and manages two duplex units. These are multi-bedroom units, intended for families. Merrimac residents receive a priority for occupancy into these programs. The Merrimac Housing Authority collected \$188,862 in rental and other income during the Fiscal Year ending September 30, 2009 for the 52 units under management. Annual expenses amounted to \$206,939.

The Commonwealth of Massachusetts provided \$24,079 in operating subsidy during this 12 month operating period through the Department of Housing and Community Development. Average monthly rent for the Merrimac Authority Housing units is \$320. The average monthly cost of operation is \$341 per unit month.

The Merrimac Housing Authority had three Vacancies during the 2009 calendar year. Those vacant units are filled by utilizing a waiting list that has been developed and managed using protocols established by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) The average waiting list time can vary from three months to three years for a one-bedroom unit Merrimac Residents and veterans receive priority under the existing selection system .

Changes to family program

The family units waiting list can range from 3 to 8 years. The MHA Board has decided to close the four family units, convert them and allow them to be managed for veterans' and their families in partnership with the North East Veteran's Center in Haverhill. Merrimac Housing Authority Board of Commissioners as of Dec, 31. 2009.

Name	Position	Term Expires
Betty Lou Elliott	Chairman	2010
Shirley Jones	Treasurer	2011
Stephen True	Vice Treasurer	2013
Altha E. Ottman	Member at Large	2012
State	Appointee	vacant

Management Summary:

The Merrimac Housing: Authority operates two separate housing programs. which account for 52 units of affordable housing for Merrimac residents. In addition, the Authority staff administers 9 other separate housing programs, for the Amesbury Housing Authority for a combined total of 315 units of public housing and 108 units of federal subsidy. The staff also monitors all modernization work and is charged with applying for additional capital improvement funds when they become available.

The Merrimac Housing Authority has pledged to work closely with the Merrimac Board of Selectmen and The Town Planning Board in their attempts to bring more local control to affordable housing development in Merrimac and to be in compliance with the housing development goals contained in MGL Ch. 40B and Executive Order 418.

Under its existing by-laws, the Merrimac Housing Authority holds regular monthly meetings on the third Wednesday of every month at 52 Merri Village at 4:00pm. Merrimac Housing Authority’s annual meeting schedule is posted annually at Merrimac Town Hall at Town Clerk's Office. Special meetings are announced and posted at least 48 Hours in advance. The Annual Meeting is held on the 3rd Wednesday in June.

Residents at the 48-unit State-Aided Merri-Village project on Middle Street pay 30% of their monthly income for rent; all utilities are included and the units are heated electrically and water is heated electrically. Residents only pay fur telephone and any cable TV service. Residents at State Aided Family Housing pay approximately 27% of their monthly income for rent and utilities are not included.

Budget Woes Affect All Affordable Housing in the Commonwealth

In the past 18 months. and consistent with the economic downturn we have seen for the nation, we have also seen a steady reduction in financial support from the Commonwealth. This reduction is in the midst of increases in energy costs, water and sewer rate increases and the cost of materials. The MHA has been making changes and implementing austerity programs where it is able to do so in order to reduce our operating costs.

Sadly, due to the withering state supports an lack of modernization funding, we still have seen a significant reduction in our project reserves to the point that they are almost exhausted. Such a loss will greatly curtail our ability to make replacements or pay for significant repairs. Instead, delays in repairs win become longer and in some cases vacant units requiring significant outlays of funds will not be re-rented, but will be "mothballed".

Current resident, might think that it will be nice to have no neighbor next door, but once begun such an occurrence will signal the onset of the ultimate dismantling of our inventory of affordable housing in Massachusetts. We have reached a turning point in Massachusetts. Since WWII, the Commonwealth developed 50,000 units of affordable housing without the assistance of the federal government. Of that total 75% were one bedroom units, like Merri-Village (approximately 450 sq. ft.).

Massachusetts is unique. No other state in the union has made the commitment to create such an asset.

Unfortunately the zeal that allowed Massachusetts to become a leader in providing a myriad of affordable housing options to its citizens has waned over the past decade. That leadership is no longer evident. With many years of neglect and under-funding, this remarkable asset is rapidly becoming a liability.

It has been a challenge to manage these units, especially in these troubled financial times. The legal requirements, expectations and reporting requirements get more and more demanding with every passing year.

There is no reason for optimism. The Commonwealth cannot find the funding available through taxation or bond financing to provide adequate funds for modernization. On average it costs \$360 per month to operate these units and we see \$316 in monthly income per unit. If the State does not have the resources or resolve to make up difference, we can expect no good outcome.

Energy Expenses, Water and Sewer

Our monthly average electric bill is almost \$5,000 for Merri-Village for the past year ending October 2009 totaled almost \$60,000. That means that each unit is using an average of \$103.25 worth of electricity every month.

Now this amount also includes site lighting and the electricity used in the Community Building for lighting and laundry machines. In 2008, the cost of electricity increased by 4% over 2007. In 2009, the cost of electricity increased by 14% over 2008. We have seen the price of a kilowatt Hour increase every month in 2009. We rely heavily on electricity at Merri-Village as in addition to lighting, it is the primary heating source for unit heat and hot water.

Meanwhile, our annual consumption for Water & sewer is about 760,800 gallons per year. We have seen water and sewer costs grow to the present \$22,612 per year. That is about \$40 per unit per month. Once again the water used in the Community Building is considered as part of these totals. In 2004 we installed all new water saver toilets. These new toilets use 1.5 gallons per flush versus the 3.0 gallons that the older toilets used.

Increasing Water & Sewer Expenses will Require a Change in 2010

We must limit the use of exterior water for gardens next year. The additional cost has become prohibitive. In the Spring of 2010 we will be turning off the hose bibs and installing rain barrels for resident gardeners to use.

We will probably install one rain barrel per building. They have to be connected to a downspout with a diverter. We will make sure that these barrels do not offer a breeding; opportunity for mosquitoes. Of course if there is a drought, the rain barrels will not be full to provide adequate water for plants. We encourage tenants to select plants for next year, that will best tolerate a lack of water.

Housing Authority Personnel

Name	Position	Start Date
Mr. Robert J. Mazzone	Executive Director (part-time)	employed 2/01/2000
M. Jeanne Koch	Administrative Assistant (part-time)	employed 4/18/1995
M. Ruth Simon	Leased Housing Admin. (part-time)	employed 5/01/2004
M. Mary Beth Damon	Leasing Clerk (part-time)	employed 11/05/2005

Respectfully Submitted.

Robert J. Mazzone

Executive Secretary to the Merrimac Housing Authority Board

Monday, February 1, 2010

2009 ANNUAL REPORT OF THE AFFORDABLE HOUSING BOARD OF TRUSTEES

Appointments were made by the Board of Selectmen to the Affordable Housing Board of Trustees in July 2009 in accordance with the Town By-Law voted in May 2008. The first meeting of the Board was held on July 13, 2009 and the Board continues to meet monthly. The main order of business at present is the updating of the Town's Housing Production Plan to be submitted to the state Department of Housing and Community Development. After reviewing the scope of services and costs in three written proposals, the Board recommended selection of Merrimack Valley Planning Commission to conduct the public meetings and draft the Housing Production Plan which is to be submitted to the state in July 2010.

Respectively submitted by:

Sandra Venner, Chairperson

Ray Gingras, Vice-Chairperson

Earl Baumgardner, Representative of the Board of Selectmen

Laura Dillingham-Mailman

Joseph Moran

Phillip Parry

Colleen Ranshaw-Fiorello

TRUSTEES OF CEMETERIES 2009 ANNUAL REPORT

TO THE HONORABLE BOARD OF SELECTMEN:

The Trustees meet the third Wednesday of every month at the Cemetery Office, 2 Locust Grove Road. Officers for the past year: Chairman, Pat Casey; Clerk, Elizabeth Emery; and member Gordon Rines. At the annual election, Patricia Casey was reelected to fill the three-year position.

A new sign for the entrance to Locust Grove Cemetery was installed. Plans are underway for updated signs at Locust Grove Cemetery, Church Street Cemetery and Lower Corner Cemetery.

Scheduled and unscheduled tree work was required at Locust Grove and Church Street Cemeteries. Many of the trees at Locust Grove Cemetery are mature and require aggressive attention.

Discussion continues in regards to repairs of the Church Street Cemetery Stonewall.

There were 36 burials at Locust Grove Cemetery. There were no burials at the Church Street Cemetery.

The Trustees would like to thank the Highway Department for their co-operation and assistance throughout the year. With the Highway Department employees, a volunteer under the senior tax write off program, Pat Casey, Michael Casey and employee Harold White III, the Cemeteries were all kept well mowed and maintained throughout the year. The Trustees would like to thank employee Harold White III for his dependable service to the department. A special thank you is extended to all who volunteered and worked to keep the cemeteries in good condition.

Members	Gordon A. Rines	Term expires 2010
	Elizabeth L. Emery	Term expires 2011
	Patricia Casey	Term expires 2012

Respectfully Submitted,

Elizabeth L. Emery, Clerk

**TOWN OF MERRIMAC WARRANT ARTICLES
ANNUAL TOWN MEETING, APRIL 27, 2009**

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 27, 2009 at 7:30 PM to act on the following articles, namely:

Article1 - 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, 2009 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:	2-0
FinCom Recommendation:	5-0

Passed

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:	\$ 360,989
Expenses:	\$ 533,797
<u>Debt Service:</u>	<u>\$ 400,768</u>
Total	\$ 1,295,554

And that \$1,295,554 be raised as follows:

Departmental Receipts:	\$ 1,240,554
Wastewater Betterment Fund:	\$ 55,000

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

Selectmen Recommendation:	2-0
FinCom Recommendation:	5-0

Passed

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:	\$ 285,918
Expenses:	\$ 386,612
<u>Debt Service:</u>	<u>\$ 120,812</u>
Total	\$ 793,342

And that \$ 793,342 be raised as follows:
Departmental Receipts: \$ **793,342**

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

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

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, Water Operating Balance and the Wastewater Operating Balance, said money to be used by the Assessors to reduce the Tax Rate for the Fiscal Year commencing July 1, 2009; or take any other action relative thereto.

Rationale: This is treated as an "In Lieu of Tax Payment" from the Electric Light, Water and Wastewater to offset some indirect overhead costs shared with the Town, and to reflect the savings associated with the employees forgoing their contractual increases for the FY2010.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

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: 2-0
FinCom Recommendation: 5-0

Passed

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 for revaluation to Assessors' Reserve Account; 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: 2-0
FinCom Recommendation: 5-0

Passed

Article 7. To see if the Town will vote to raise and appropriate or transfer a sum of money in the amount of \$3,600 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: 2-0
FinCom Recommendation: 5-0

Passed

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: 2-0
FinCom Recommendation: 5-0

Passed

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 \$275,500 for Solid Waste Recycling and Disposal and Leaf Collection; or take any other action relative thereto.

And that \$ 275,500 be raised as follows:

Raise and Appropriate: **\$ 170,500**
Transfer from Trash Offset Receipts: **\$ 105,000**

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: 2-0
FinCom Recommendation: 5-0

Passed

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, 2009 and ending June 30, 2010; 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: 2-0
FinCom Recommendation: 5-0

Passed

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 2010.

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 2010.

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 2010.

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 2010.

- 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 2010.
- 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 2010.
- 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 2010.
- h. Village of Merrimac 40B Project Revolving Fund**
Fees received from developers for the Village of Merrimac Chapter 40B 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 2010.
- 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 2010.
- 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 2010.

Article 11 – To see if the Town will vote to amend the fee charged for each written demand issued by the tax collector from \$5.00 to \$10.00 to be added to and collected as part of the tax, as authorized by MGL Chapter 60, Section 15, effective as of July 1, 2009; or take any other action thereto.

Rationale: This article changes the fee charges for demand notices from \$5.00 to \$10.00. Per the request of the Tax Collector.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 12 - To see if the Town will vote to amend the Town By-Laws, Sections 13, 14, and 17 of Article XV, Public Health and Safety, as follows:

Section 13, by eliminating "as follows: 1st offense \$15.00 fine; second offense \$25.00 and each third and subsequent offenses \$50.00.", and by the addition of "by the fines established by the Board of Selectmen and on record with the Town Clerk"

Section 14, by eliminating "\$20.00 per dog in addition to the license fee. After July 1, the fine will be \$25.00 per dog and after August 1, the fine will be \$35.00 per dog", and "License fee shall be \$10.00 for all spayed females and neutered males. Female and male dogs \$20.00. Kennel license fees: four (4) Dogs, \$20.00; Ten (10) dogs, \$35.00.", and by the addition of "All fines and licenses established by the Board of Selectmen and on record with the Town Clerk"

Section 17, by eliminating "a \$10.00 (ten dollar) fine for the first offense and no more than a \$20.00 (twenty dollar) fine for subsequent offenses", and by the addition of "fines established by the Board of Selectmen and on record with the Town Clerk"

; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article changes the Town By-Laws to adjust the fines for leash law, licensing and animal waste violations as voted by the Board of Selectmen. Per the request of the Animal Control Officer.

Selectmen Recommendation: 2-0

FinCom Recommendation: N/A

Passed

Article 13 - To see if the Town will vote to amend the Town By-Laws, Article XIX, Non Criminal Disposition of Violations of Certain Town By-Laws, to amend the fines as follows:

Leash Law Violation	1 st Offense	\$ 25.00
	2 nd Offense	\$ 50.00
	Subsequent Offenses	\$100.00

; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article changes the Town By-Laws to reflect the new fines for leash law, licensing and animal waste violations. Per the request of the Animal Control Officer.

Selectmen Recommendation: 2-0

FinCom Recommendation: N/A

Passed

Article 14 – To see if the Town will vote to amend the Town By-Laws by the striking of Articles XXIII, Water supply Conservation By-Law and Article XXIV, Rain Sensor By-Law, as these by-laws have been incorporated into Article XXVI, Water Use By-Law; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article removes the referenced articles, as they are incorporated into the new Water Use By-Law. Per the Water Department.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 15 – To see if the Town will vote to amend the Town By-Laws Article XXVI, Water Use By-Law, by the following:

Replace all reference to “Board of Commissioners” with “Board of Selectmen”.

Replace all reference to “General Manager” with “DPW Director”

Replace all reference to “Commissioners” with “Selectmen”.

; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article amends the Water Use By-Law to conform to the DPW By-Law. Per the Water Department.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 16 – To see if the Town will vote to amend the Town By-Laws, Section X, Personnel By-Law, Article IV, Financial Affairs, by the addition of the following new policies and procedures:

Cellular Phone Use Policy (Exhibit A)

Electronic Communications Use Policy (Exhibit B)

; or take any other action thereto. Copies of Exhibits A and B are on file with this warrant with the Town Clerk, and are posted with this warrant.

(This will require a 2/3 vote)

Rationale: This article amends the Town’s Personnel Policies to establish the new policies listed. These policies will define the Town’s position for all employees. Per the Finance Director.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 17 - To see if the Town will vote to amend the Pentucket Regional School District Regional Agreement as follows, contingent upon approval by all three member towns of a school building plan which includes an expanded (grades 6 - 8) middle school residing within the present middle and high school complex and passage of debt exclusion votes in all three member towns to fund said project; said amendment of the Regional Agreement becoming effective when the expanded middle school is ready for beneficial occupancy and the overall plan is ready for implementation as voted by the Pentucket Regional District School Committee.

- (1) Changing the wording in Section II. Type of School, Subsection B from grades 7 - 12 to grades 6 - 12.
- (2) Changing the wording in section II. Type of School, Subsection C from grades PK - 6 to grades PK - 5.
- (3) Changing the wording in Section III. Location of Schools, subsection B from grades PK - 6 to grades PK - 5.
- (4) Changing the wording in Section VIII-2. Withdrawal of member towns from the regional school district at the elementary level, Subsections A and C, from grades PK - 6 to grades PK - 5.

; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: Please refer to the materials that will distributed at the Town Meeting registration table. Per the Pentucket Regional School Committee.

Selectmen Recommendation: 0-2
FinCom Recommendation: N/A

Passed

Article 18 - To see if the Town will vote to authorize the Board of Selectmen to acquire rights in land parcels for the purpose of obtaining a secure and public right of way, as they deem necessary. to allow for the construction and roadway improvements for the River Road and Cobbler's Brooke Bridge projects

Town of Merrimac, Map 35, Block 1, Lot 4
Thomas Tribble, Map 35, Block 2, Lot 4a, Book 13236, Page 531
Charles Rollin, Map 51, Block 2, Lot 2, Book 19667, Page 362
New England Power Company, Map 51, Block 2, Lot 5, Book 4461, Page 314
Andrea Mann, Map 51, Block 2, Lot 4A, Book 24098, Page 548

Furthermore, that the Selectmen may acquire these parcels or modification of these parcels or other required parcels through any legal means. This includes donations, purchase or eminent domain; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article will allow the Selectmen to negotiate the Right of Ways needed to proceed with the projects. Per the Board of Selectmen

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 19 - To see if the Town will vote to amend the Merrimac Zoning By-Law Article 26 Special Permits, Section 26.2 Planning Board, Subsection 26.2.1 The Planning Board shall act as Special Permit Granting Authority (SPGA) for the following SPECIAL PERMITS:, by addition of Subsection 26.2.1.4 to read “**Earth Removal**” and **Article 23 Supplemental Regulations** by the addition of the following Section

23.7 Earth Removal

23.7.1 Stripping of Topsoil

The stripping of topsoil or sod shall be permitted only in the Agricultural Residential (AR) and Office-Light Industrial (OI) zoning districts provided first a Special Permit has been issued by the Planning Board.

- 23.7.1.1** Except that in any district, topsoil or sod stripped for the purposes of erecting or altering a building, or constructing a parking lot or similar facility shall be allowed to the extent of the dimension of the necessary excavation so long as topsoil or sod is not removed from the lot.
- 23.7.1.2** Except that in the Agricultural Residential (AR) and Office-Light Industrial (OI) zoning districts, topsoil or sod stripped for the purposes of erecting or altering a building, or constructing a parking lot or similar facility may be sold or otherwise removed off premises to the extent of the dimension of the necessary excavation, provided first a Special Permit has been issued by the Planning Board.
 - 23.7.1.2.1** The application for Special Permit for stripping of topsoil or sod to be sold or otherwise removed from premises must be accompanied by a nonrefundable fee of \$150.00 and is subject to the procedures of Article 26.2 of this Bylaw and the conditions, provisions and requirements of said article.

23.7.2 Excavation of Clay, Sand, Gravel, or Rock

The excavation of clay, sand, gravel, or rock or other natural mineral deposit shall be permitted only in the Agricultural Residential (AR) and Office-Light Industrial (OI) zoning districts, provided first a Special Permit has been issued by the Planning Board.

- 23.7.2.1** Except that in any district, the excavation of clay, sand, gravel, or rock or other natural mineral deposit for use on the lot, or for grading of said lot not below the level of adjoining streets, or the alteration of a street access, shall be allowed so long as such material is not removed from the lot.
- 23.7.2.2** Except that in the Agricultural Residential (AR) and Office-Light Industrial (OI) zoning districts, excavation of clay, sand, gravel, or rock or other natural mineral deposit may be sold or otherwise removed off premises, provided first a Special Permit has been issued by the Planning Board.
- 23.7.2.2.1** The application for Special Permit for the excavation of clay, sand, gravel, or rock or other natural mineral deposit to be sold or otherwise removed from premises must be accompanied by a nonrefundable fee of \$150.00 and is subject to the procedures of Article 26.2 of this Bylaw and the conditions, provisions and requirements of said article.

23.7.3 Removal Standards

In all instances, the stripping of topsoil or excavation of clay, sand, gravel or rock or other natural mineral are subject to Article 23.7 Earth Removal requiring a Special Permit be granted by the Planning Board. Plans and calculation documents necessary with the filing of the application are related to the size and scope of the proposed work and shall include a plan of the existing topography and a plan of proposed final topography, both plans prepared and sealed by a Registered Professional Engineer, accurately drawn to a scale of one inch = forty feet and indicating:

- a) 4-foot contour intervals of the entire lot area with elevations relating to USCS data;
- b) The exact location and size of any existing buildings or structures;
- c) The proposed area of excavation or soil stripping;
- d) The type of material(s) to be moved, removed or excavated, with associated volume calculations;
- e) Log of soil borings taken to the depth of the proposed excavation;
- f) Proposed location of temporary material stockpile(s) on the lot;
- g) 4-foot contour lines indicating proposed final grades of the entire lot area with elevations relating to USCS data;
- h) Location of drainage facilities;
- i) All public utilities, location of private well and septic systems;
- j) Driveways and ways on or adjacent to the lot;
- k) The delineation of any Flood Plain District, or Water Resource Protection District areas located within the lot, unless the plan includes a statement that: "No part of lot is within a Flood Plain District or Water Resource Protection District;"
- l) Any features as required in Article 23.7.5 Restoration Standards.

23.7.4 Operation Standards

- 23.7.4.1** The active gravel removal operation shall not exceed a total area of two (2) acres at any one time. Natural vegetation shall be left and maintained on the undisturbed land to the maximum extent practicable for purpose of screening and noise reduction. All excavation or stripping work shall be conducted so as not to cause damage to adjacent properties or to the public way, and shall leave no exposed boulders or ledge.
- 23.7.4.2** Excavation for other than approved building purposes shall not be closer than 200 feet to an existing public way unless specifically permitted by the Planning Board; and no excavation shall approach neighboring lot lines closer than 150 feet where excavation is not allowed.
- 23.7.4.3** The Hours of Operation shall be between 7:00AM and 5:00PM on weekdays and Saturday (excluding legal holidays). Equipment operation on the lot and trucks entering and leaving the lot may do so only within the Hours of Operation. No use or idling of any equipment on premises is allowed before or after the Hours of Operation.
- 23.7.4.4** All access roads leading to public ways shall be treated with oil, stone, or other suitable materials to reduce dust and mud for a distance of 200 feet back from said public way. All loaded vehicles entering or exiting the work site shall be suitably covered to prevent dust and contents from spilling and blowing from the load. Any tracking of mud, gravel and stone caused by trucks exiting the lot onto the public way shall be cleaned at the end of each workday.
- 23.7.4.5** All trucking routes, times and methods shall be subject to approval of the Merrimac Chief of Police.
- 23.7.4.6** Access roads shall be constructed at an angle to the public way or constructed with a curve so as to help screen the operation from public view.
- 23.7.4.7** Gravel shall not be removed closer than two feet to the spring high water table or any other distance that would preclude its subsequent re-use according to existing public health standards. The spring high water elevation shall be established from a test pit and the level related to a permanent monument on the property. This information shall show on the topographic plan. Water table shall be determined from two springtime observations at least three weeks apart by the Registered Professional Engineer preparing the submittal documents.
- 23.7.4.8** 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 15 feet with a slope in excess of one (1) horizontal to

one (1) vertical (1:1), a suitable fence or barrier at least 6 feet high shall be erected to prohibit unauthorized access to this area.

- 23.7.4.9 No lot shall be excavated so as to cause accumulation of freestanding water. Permanent drainage shall be provided as needed in accordance with accepted conservation standards and practices. Drainage shall not lead directly into streams, ponds, the public way or onto adjacent properties. No excavation shall be allowed closer than 200 feet from a natural stream
- 23.7.4.10 Topsoil and subsoil obtained from the area of excavation for use in restoring the site shall be temporarily stockpiled on the lot in an approved location with no negative consequence to traffic or to an abutting property.
- 23.7.4.11 Any temporary shelters or buildings erected on the lot for use by personnel or storage of equipment shall first require a building permit and shall be screened from public view as much as possible.
- 23.7.4.12 The Planning Board or their designated agent(s) shall be free to inspect the premises at any time.

23.7.5 Restoration Standards

- 23.7.5.1 Excavation shall not be left with embankment slope cut steeper than three (3) horizontal to one (1) vertical (3:1) unless so authorized by the Planning Board.
- 23.7.5.2 All debris, stumps, boulders, etc., shall be removed from the site and disposed of in an approved location. Or in the case of inorganic material, debris may be buried in an approved location on site and covered with a minimum of two feet of soil, the location of such pit shall be memorialized on an as-built site plan due upon completion of the work.
- 23.7.5.3 Upon completion of excavation work and without delay, ground levels and finish grades shall be established as indicated on the approved topographical plan.
- 23.7.5.4 Retained topsoil shall be spread evenly over the disturbed area to a minimum depth of 4 inches, the intent of which is to provide a favorable growth environment for grass and plantings of trees or shrubs per the approved landscape plan, and to minimize erosion and promptly recover site vegetation.
- 23.7.5.5 Upon completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original natural storm drainage points and so that the area of drainage to any one point is not increased.
- 23.7.5.6 All equipment, buildings, structures, and unsightly evidence of earth removal and excavation operations shall be removed completely from the

premises no later than 30 days after the completion of the work or immediately upon expiration of the Special Permit.

- 23.7.5.7 Upon the issuance of a Special Permit, the Applicant shall provide a performance bond in the amount of \$30,000.00 per acre to the Planning Board as security for the Town of Merrimac that all work will be completed in accordance with the approved documents.
- 23.7.5.8 The Planning Board or their designated agent(s) shall enforce the provisions of Article 23.7 Earth Removal. Noncompliance with the conditions of the approved Special Permit, or any part thereof, may result in a Violation Notice or Stop Work Order, and unmitigated lack of compliance by the holder of the Special Permit shall be reason for revoking said permit and forfeiture of the performance bond.

Or take any other action relative thereto

(This will require a 2/3 vote)

Rationale: This by-law allows for the conditions upon which topsoil, a valuable commodity of the Town, may be removed from the Town for the enrichment of the developer or contractor and also establishes important standards for land restoration when material has been removed. Per the request of the Planning Board.

Selectmen Recommendation: 0-2
FinCom Recommendation: N/A

Passed

Article 20 - To see if the Town will vote to amend the Merrimac Zoning By-Law **Article 8 Village Center District, Section 8.2 Permitted Uses and Structures, Subsection 8.2.5 Residential and Accessory Uses**, by amending 8.2.5.1 to read “DWELLING UNIT(S)above the ground floor of a building occupied by a minimum of 30% commercial uses.”; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: Clarifies that the definition for “DWELLING UNIT” eliminating confusion with the definition of “ACCESSORY DWELLING UNIT”. Per the request of the Planning Board.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 21 - To see if the Town will vote to amend the Merrimac Zoning By-Law, **Article 8 Village Center District, Section 8.2 Permitted Uses and Structures, Subsection 8.2.1 Retail Business or Service**, to read “Retail Business or Services as Specified Below in Buildings of

2,500 square feet or less of GROSS FLOOR AREA.”, **Subsection 8.2.2 Professional, Medical or Business Office**, to read “Professional, Medical or Business Offices, as Specified Below in Buildings of 2,500 square feet or less of GROSS FLOOR AREA.”, **Subsection 8.2.4 Service and Other Establishments**, to read” Service and other Establishments, as Specified Below in Buildings of 2, 500 square feet or less of GROSS FLOOR AREA.” and amend 8.2.3.1 by adding a comma after the word “patio” and the language “in buildings of 2,500 square feet or less of GROSS FLOOR AREA.” and in **Subsection 8.3 Uses and Structures Permitted by Special Permit**, deleting the language in 8.3.11 and replacing with “Retail business or services as specified in 8.2.1.1 through 8.2.1.6 in buildings that exceed 2,500 square feet of GROSS FLOOR AREA.” and add subsection 8.3.12 to read “Professional, Medical or Business Offices, as specified in 8.2.2.1 through 8.2.2.2 in buildings that exceed 2,500 square feet of GROSS FLOOR AREA.”, 8.3.13 to read “Restaurant for the serving of food or beverage inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio, in buildings that exceed 2,500 square feet of GROSS FLOOR AREA.” and 8.3.14 to read “Service and Other Establishments, as specified in 8.2.4.1 through 8.2.4.5 in buildings that exceed 2,500 square feet of GROSS FLOOR AREA.”; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: Creates requirement for Special Permit for Retail Business or Service and Restaurants in buildings exceeding 2, 500 square feet in the VC District. Per the request of the Planning Board.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

Article 22 - To see if the Town will vote to amend the Merrimac Zoning By-law **Article 8 Village Residential, Subsection Design Standards for the Village Center District** by deleting 8.9.8 and replacing with “For applications to replace a razed STRUCTURE, the Planning Board shall find that the replacement STRUCTURE is superior to the razed STRUCTURE and is compatible in design, height, massing and articulation with other historic STRUCTURE in the Village Center District” and by deleting 8.9.8.1 , 8.9.8.2 and 8.9.8.3; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: Removes references to the requirement for a Special Permit for all new construction in the VC District as directed by a court decision. Retains language pertaining to the replacement of razed structures under Design Standards for the VC District. Per the request of the Planning Board.

Selectmen Recommendation: 0-2
FinCom Recommendation: N/A

Passed

Article 23 - To see if the Town will vote to amend the Merrimac Zoning By-law **Article 3 Basic Requirements for All Districts, Subsection 3.3.4** by the addition of 3.3.4.1 to read “For plans for such alteration, reconstruction or structural change to a preexisting non-conforming single or two-family residential structure presented by Permit Application to Merrimac Inspectional Services, the Building Commissioner may determine that a Finding of Fact by the Zoning Board of Appeals is not necessary if: Dimensional bounds of the proposed addition, reconstruction or structure comply with setback distances required for zoning district in which it lies, and proposed addition, reconstruction or structural change does not exceed the maximum height and stories allowed for the zoning district in which it lies. Such alteration, reconstruction, extension or structural change shall be subject to all the usual and customary reviews”; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: This would allow the Building Commissioner the authority to determine that a Finding of Fact by the Zoning Board of Appeals is not necessary under certain, limited conditions for changes to pre-existing non-conforming lots. Per the request of the Planning Board.

Selectmen Recommendation:	2-0
FinCom Recommendation:	N/A

Passed to Table this article

Article 24 - To see if the Town will vote to amend the Merrimac Zoning By-law, **Article 2 Definitions**, by inserting the following sentence after the words “Merrimac Wetlands By-law.” in the definition of **Lot Area** :“ In addition, when the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two (2) points is less than one hundred fifty (150) feet.” ; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: The new wording is designed to ensure that a dwelling has adequate access and usable yard area, by excluding very irregular portions of lots from the determination of minimum lot area for the respective districts. Per the request of the Planning Board.

Selectmen Recommendation:	0-2
FinCom Recommendation:	N/A

Passed

Article 25 - To see if the Town will vote to amend the Merrimac Zoning By-law, **Article 4 Village Residential District, Subsection 4.10 Design Standards for the Village Residential District** by adding the following new sentence at the end of 4.10.6.7 “When a garage is located under the principal STRUCTURE, the entrance to the garage shall not be located on the front exterior wall facing the street (FRONTAGE) side of the lot.”; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: Prohibits new home construction with the garage underneath the principal dwelling unit in the VR District. Per the request of the Planning Board.

Selectmen Recommendation: 0-2
FinCom Recommendation: N/A

Passed

Article 26 - To see if the Town will vote to amend the Merrimac Zoning By-law **Article 2 Definitions** by deleting the definition **MAXIMUM HEIGHT** and adding the following new definition in appropriate alphabetical order: **BUILDING HEIGHT:** Building Height shall be measured as the vertical distance from the average finished grade within twenty feet of the structure on the street (FRONTAGE) side of the building to the highest point of the roof for flat roofs, to the deckline for mansard roofs and to the mean height between eaves and ridge gable, hip and gambrel roofs. Building height shall not include spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space. The mean finished grade shall not be raised or lowered more than five feet above the mean centerline grade of the FRONTAGE street for the proposed building unless the building will be located more than 50 feet from the front property line.; or take any other action relative thereto.

(This will require a 2/3 vote)

Rationale: To disallow the use of the building code and construction techniques to construct dwellings whose height is inconsistent with neighboring homes. The height will be measured in relationship to the finished grade at the front of the lot. Per the request of the Planning Board.

Selectmen Recommendation: 0-2
FinCom Recommendation: N/A

Passed to Table this article

Article 27 - To see if the Town will vote to amend the Town By-Laws by the striking of Article XXVII, Earth Removal By-Law, as this by-law has been incorporated into the Merrimac Zoning By-Law; or take any other action thereto.

(This will require a 2/3 vote)

Rationale: This article removes the Earth Removal By-Law from the Merrimac General By-Laws, as it is in the Merrimac Zoning By-Law. Per the Board of Selectmen.

Selectmen Recommendation: 2-0
FinCom Recommendation: N/A

Passed

**TOWN OF MERRIMAC WARRANT ARTICLES
SPECIAL TOWN MEETING, APRIL 27, 2009**

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 27, 2009 at 7:30 PM to act on the following articles, namely:

Article 1. To see if the Town will vote to transfer various sums of money from line items to other line items to supplement various departmental expense accounts Article 1 of the April 28, 2008 Annual Town Meeting Article, in the FY2009 Omnibus Budget; or take any other action relative thereto.

Rationale: This article is a housekeeping article, to allow for the transfer of balances between appropriations. Per request of the Finance Director.

Selectmen Recommendation:	2-0
FinCom Recommendation:	5-0

Passed

Article 2. To see if the Town will vote appropriate from Free Cash, a sum of money in the amount of \$ 211,176, for the following specific purpose outlined below; or take any other action relative thereto.

- a. \$ 10,000 to be used as an other financing source in the general fund for FY2009.
- b. \$ 88,889.01 to be transferred to Line # 82 of Article 1 of the April 28, 2008 Annual Town Meeting Article, Snow & Washout, to reduce the deficit in this line item.
- c. \$ 4,000 for the setup charges for the Town Website.
- d. \$ 108,286.99 to be transferred to the Town's Stabilization Fund. **(This will require a 2/3 Vote)**

Rationale: This article allows the Town to transfer funds from Free Cash to various one-time expenses within the Town budget, and put the remaining balance in the Stabilization Fund. Per request of the Finance Director.

Selectmen Recommendation:	2-0
FinCom Recommendation:	5-0

Passed

Article 3. To see if the Town will vote to close out Article 5 of the October 20, 2008 Special Town Meeting and transfer the balance of \$18,502.92 to the Stabilization Fund; or take any other action relative thereto.

(This will require a 2/3 Vote)

Rationale: This article will allow the Town to transfer the balance remaining in this article, Fire Pumper Truck Repairs, to the Stabilization Fund. These funds were appropriated with the understanding that the repairs may not be as extensive and any remaining balance be returned to the Stabilization Fund. Per the request of the Finance Director.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$183,000 for all costs associated with the repairs to the Port Lift Station of the Town's sewer system; to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$183,000 under MGL Chapter 44, Section 7(1);; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; or take any other action relative thereto.

(This will require a 2/3 Vote)

Rationale: This article will authorize the Treasurer to borrow funds for the repairs to the Port Lift Station. The borrowing and all costs associated with the project will be paid through the Wastewater Enterprise. Per the request of the Wastewater Department.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

Article 5. To see if the Town will vote to appropriate from the Wastewater Department Retained Earnings, a sum of money in the amount of \$ 5,000 and to authorize from the Wastewater Department to remove the old garage doors and install new doors with automatic openers at the treatment plant, and all associated costs; or take any other action relative thereto.

Rationale: This article will allow the Wastewater Department to use the excess funds within their enterprise to make some capital repairs to the plant. Per the request of the Wastewater Department.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

Article 6. To see if the Town will vote to appropriate from the Wastewater Department Retained Earnings, a sum of money in the amount of \$12,425, and transfer from the Sewer Capital Fund, a sum of money in the amount of \$ 37,575, for legal fees associated with the Winston/Tata & Howard court case; or take any other action relative thereto.

Rationale: This article will allow the Wastewater Department to use the excess funds within their enterprise to pay for the legal expenses related to the ongoing case with Winston/Tata & Howard. Per the request of the Wastewater Department.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

Article 7. To see if the Town will vote to transfer the balance remaining in Article 3(c) of the April 28, 2008 Special Town Meeting in the amount of \$8,686.00 and authorize repairs to equipment in the highway department; or take any other action relative thereto:

Rationale: This article will allow the Town to transfer the balance in this article, purchase $\frac{3}{4}$ ton truck for highway, and use the funds to make necessary repairs to equipment at the highway department. The past two winters have taken their toll on the equipment. Per the request of the Highway Foreman.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

Article 8. To see if the Town will vote to raise and appropriate a sum of money in the amount of \$315,000 to pay a portion in the amount of \$100,000 of its share of the assessment of the Whittier Regional Vocational High School Budget and a portion in the amount of \$215,000 of its share of the Pentucket Regional School District Budget for Fiscal Year 2010, contingent upon the successful passage of a levy limit override question in the amount of \$315,000 on May 4, 2009 under Mass. General Laws Chapter 59, Section 21C; or take any other action relative thereto.

Rationale: This override is requested due to the 47.5% increase in the Town's assessment from Whittier Regional Vocational High School and the 6.8% increase in the Town's assessment from Pentucket Regional School District. The increase is due to an unanticipated change in the state formula, which looks at a communities ability to pay its share of the budget, an additional 15 students attending Whittier in FY2010, and increases in the operating budgets of both school districts. Per the request of the Board of Selectmen.

Selectmen Recommendation: 2-0
FinCom Recommendation: 5-0

Passed

**TOWN OF MERRIMAC WARRANT ARTICLES
SPECIAL TOWN MEETING, OCTOBER 19, 2009**

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 October 19, 2009 at 7:30 PM to act on the following articles, namely:

Article 1. To see if the Town will vote to Raise and Appropriate, or transfer from available funds, a sum of money in the amount of \$1,500.00 for body repairs to the Fire Department's 1999 Ford Expedition; or take any other action relative thereto.

Rationale: This article will allow for repairs of the body rust on the Fire Chief's vehicle. Per the request of the Fire Department.

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

Passed

Article 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$75,000 from the Settlement Reserve to make the necessary repairs to the Wastewater Treatment Plant; or take any other action relative thereto.

Rationale: The Town has received settlement funds in the amount of \$75,000 for the Wastewater Plant Upgrade. This article will appropriate those funds to repair the facility. Per the request of the Wastewater Department.

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

Passed

Article 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$15,000 from the FY2010 Sewer Revenue for the additional costs incurred on the Port Lift Station Upgrade; or take any other action relative thereto.

Rationale: This article will appropriate additional funds for unexpected costs incurred during the upgrade to the Port Lift Station. Per the request of the Wastewater Department.

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

Passed to Table this article

Article 4. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money in the amount of \$1,484.57 from FY2010 Sewer Revenue to pay for FY2009 salaries; or take any other action relative thereto.

(This will require a 9/10 vote)

Rationale: This article will appropriate funds to pay for contractual increases in the FY2009 Fiscal Year. Per the request of the Wastewater Department.

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

Passed

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 \$8,300 from FY2010 Sewer Revenue to increase the Salaries Expense for FY2010; or take any other action relative thereto.

Rationale: This article will appropriate additional funds for the FY2010 Salaries Expense, due to the promotion of a worker to a licensed operator, as required by the Department of Environmental Protection. Per the request of the Wastewater Department.

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

Passed

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 \$3,802.20 to pay invoices from a prior Fiscal Year; the amount to be raised as follows:

General Fund Revenue	\$ 645.87
Wastewater Revenue	\$ 968.79
Water Revenue	\$ 2,187.54

or take any other action relative thereto.

(This will require a 9/10 vote)

Rationale: This article will appropriate funds from the FY2010 Budget to pay for invoices from FY2009, for the Interim DPW Director's Salary. Per the request of the Highway, Wastewater and Water Departments.

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

Passed

Article 7. To see if the Town will vote to transfer a sum of money in the amount of \$20,000 from Article 9 of the April 27, 2009 Annual Town Meeting, Solid Waste Recycling and Disposal and Leaf Collection, for the annual testing, maintenance and reporting required at the Battis Rd. Landfill; or take any other action relative thereto.

Rationale: This article will transfer funds from the Trash and Recycling Special Article for the annual testing, maintenance and reporting required at the Battis Road Landfill as required by the DEP. Per the request of the Finance Director.

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

Passed

Article 8. To see if the Town will vote to reduce the amount raised and appropriated in Article 9 of the April 27, 2009 Annual Town Meeting, Solid Waste Recycling and Disposal and Leaf Collection in the amount of \$70,000; or take any other action relative thereto.

Rationale: This article will reduce the amount of money raised and appropriated for the Town's Trash and Recycling Program. The Town entered into a contract with a new vendor for trash and recycling collection services, which will save the Town over \$100,000 per year. This reduction will help to balance the FY2010 budget. Per the request of the Finance Director.

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

Passed

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 \$5,000 for Tax Title costs; or take any other action relative thereto.

Rationale: This article will raise additional funds for use by the Tax Collector and Treasurer in the collection of Tax Title properties. Due to the amount of delinquencies, additional funds are needed to advertise, lien and begin foreclosure proceedings. This is necessary to protect the Town's interest and the funds are recovered by the Town when the taxes are paid. Per the request of the Finance Director.

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

Passed

Article 10. To see if the Town will vote to reduce the amount raised and appropriated in Article 1, line # 89, of the April 27, 2009 Annual Town Meeting in the amount of \$ 12,982 for the PRSD Assessment; or take any other action relative thereto.

Rationale: This article will reduce the amount raised and appropriated for the Pentucket Regional School District, per their assessment. The School Committee reassessed the 3 member towns on September 15th, reflecting a change in the state formula. Per the request of the Finance Director.

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

Passed

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