

Town of Ipswich  
Annual Town Meeting  
Tuesday - May 9, 2017 - 7:00 PM

**WARRANT**

ESSEX, ss

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Ipswich qualified to vote in Town affairs to meet in the Performing Arts Center of the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on TUESDAY, THE NINTH DAY OF MAY, 2017, at 7:00 o'clock in the evening, then and there to act on the following articles, *viz*:

**ARTICLE 1 – Consent Calendar**

Requested By: Board of Selectmen

To see if the Town will vote:

- (1) To fix the annual salary and compensation of all elected Town Officers as follows: Town Moderator: \$250.00; Board of Selectmen: member \$750.00; Chairperson \$1,000.00; School Committee: member \$ 200.00;
- (2) To transfer the sum of \$325,000 as a payment-in-lieu of taxes from the Electric Light Department;
- (3) To hear reports from the Commuter Rail Committee, the Hall-Haskell Committee, and the Open Space & Recreation Committee, and to continue these as standing committees of Town Meeting;
- (4) To authorize the Board of Selectmen to temporarily appoint a member of said Board as Acting Town Manager for a limited period of time not to exceed the date of the 2018 Annual Town Meeting for purposes of vacation, leave, or absence in accordance with M.G.L. Chapter 268A, Sections 20 and 21A;
- (5) To authorize and/or re-authorize for FY 2018 the following revolving funds established under M.G.L. Chapter 44, Section 53E½:
  - a. a Department of Public Safety revolving fund, the use of said fund to pay for the operation and maintenance of the Town Wharf, and to determine that no more than \$10,000 may be expended by the Department of Public Safety from such funds transferred into said fund during FY 2018. (Source of funds: Launching Fees);
  - b. a Department of Public Works revolving fund, the use of said fund to finance approved beautification projects and related expenses, and to determine that no more than \$5,000 may be expended by the Department of Public Works from such funds transferred into said fund during FY 2018. (Source of funds: Sale of wood from the grand elm tree);
  - c. a Department of Public Health revolving fund, to be funded through reimbursements from Medicare Part B, Medicare Senior Advantage Plans and other insurance plans for the administration of influenza and pneumococcal vaccines to be used to finance part-time wages and pay related expenditures such as the cost of vaccine, medical supplies, and other administrative costs, and to determine that no more than \$5,000 may be expended by the Public Health Department from monies transferred into said fund during FY 2018. (Source of funds: Medicare Part B, Medicare Senior Advantage Plans and other insurance plans);
  - d. a Department of Public Health revolving fund, the use of said fund to finance additional part-time help for Housing sanitary code investigations and compliance and to pay related expenses, and to determine that no more than \$7,000 may be expended by the Health Department from such funds transferred into said fund during FY 2018 (Source of funds: Housing Code inspection fees);
  - e. a Department of Public Health revolving fund, the use of said fund to finance part-time food inspectional and review services and pay related expenditures, and to determine that no more than \$22,000 may be expended by the Department of Public Health from monies transferred into said fund during in FY 2018. (Source of funds: food establishment permit fees, food establishment re-inspection fees and food establishment plan review fees);
  - f. a Council on Aging revolving fund, the use of said fund to pay for special activities, expendable supplies and/or part-time wages, and to determine that no more than \$100,000 may be expended by the Council on Aging from monies transferred into said fund during FY 2018 (Source of funds: fees contributed by seniors participating in special activities);

- g. a Historical Commission revolving fund, the use of said fund to pay for preservation of Town records and to purchase expendable supplies, and to determine that no more than \$5,000 may be expended by the Historical Commission from monies transferred into said fund during FY 2018 (Source of funds: sale of publications);
  - h. a Facilities Department revolving fund to pay for custodial services and other expenses associated with the use of the gymnasium and other Town Hall facilities by outside organizations or for special events sponsored by municipal departments; and to determine that no more than \$20,000 may be expended from the Facilities Department revolving fund from monies transferred into said fund during FY 2018 (Source of funds: user fees); and
  - i. a Shellfish Department revolving fund, said funds to be used for enhancements to the shellfish resources of the Town, and to determine that no more than \$15,000 may be expended by the Shellfish Commissioners from monies transferred into said fund during any given fiscal year (Source of funds: surcharge on recreational and commercial shellfish licenses), or to take any other action relative thereto.
- (6) To authorize the payment of any unpaid bills from prior years, if necessary;
  - (7) To amend the Town's action taken under Article 6 of the May 10, 2016 Annual Town Meeting (FY 2017 Municipal Operating Budget) by transferring from available funds, if necessary; and
  - (8) To appropriate a sum of \$441,276, or a greater or lesser sum, from the state for highway improvements under the authority M.G.L. Chapter 90, or any such applicable laws, and to authorize the Board of Selectmen, if necessary, to apply for, accept and borrow in anticipation of state aid for such projects.

*Summary: The matters are generally of a housekeeping nature and are therefore consolidated under a single consent article. This requires a 4/5 majority vote to pay old bills.*

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 2 – Finance Committee Election**

Requested By: Board of Selectmen

To see if the Town will vote to appoint one [1] member of the Finance Committee for three [3] years, or to take any action relative thereto.

*Summary: The article calls for the appointment of one Finance Committee member, to be appointed by the town meeting as called for in the By-Law. This requires a simple majority vote.*

*Recommendation to be Provided at Town Meeting by the Board of Selectmen*

**ARTICLE 3 - FY 2018 Municipal Budget**

Requested By: Board of Selectmen

To see if the Town will vote to hear and act upon the reports of the Board of Selectmen and Finance Committee relative to the Fiscal 2018 municipal budget, and to raise, appropriate, transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including the compensation of elected Town officers, and to authorize the Town to enter into lease-purchase contracts for equipment having a term of five years or less; or to take any other action relative thereto.

*Summary: An annual operating budget must be adopted and funded for Fiscal Year 2018 which begins July 1, 2017. A budget was adopted by the Board of Selectmen and submitted to the Finance Committee as required under the Town Charter and general by-laws. Detailed budget information is available on the town website [www.ipswichma.gov](http://www.ipswichma.gov). This requires a simple majority vote.*

**ARTICLE 4 – FY 2018 School Budget**

Requested By: School Committee

To see if the Town will vote to hear and act upon the reports of the School Committee and Finance Committee relative to the Fiscal 2018 School Department budget and to raise, appropriate, or transfer money from available funds, and change the purpose of the unexpended balances of prior appropriations, all to be used for the ensuing year's operations, including entering into lease-purchase agreements having a term of five years or less for a school bus and/or for other purposes; and to act upon a request to reauthorize existing revolving funds pursuant to state law; or to take any other action relative thereto.

*Summary: This article funds the operating and debt costs for the school department in Fiscal Year 2018. This requires a simple majority vote.*

**ARTICLE 5 - FY 2018 Whittier Regional High School Budget**

Requested By: Russ Bardsley, Whittier RVTHS Representative

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$500,000, or a greater or lesser sum, to cover the Town’s share of the ensuing year’s annual operating and debt service expenses of the Whittier Regional Vocational Technical High School; or to take any other action relative thereto.

*Summary: This article allows the Town to appropriate the Town’s share of the Fiscal Year 2018 annual operating budget for the Whittier Regional Vocational Technical High School District. The numbers may change after the posting of this warrant or in the fall. This requires a simple majority vote.*

**ARTICLE 6 – FY 2018 Essex County Technical Institute Budget**

Requested By: Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$250,000, or a greater or lesser sum, to cover the Town’s share of the ensuing year’s annual operating and debt service expenses of the Essex County Technical Institute; or to take any other action relative thereto.

*Summary: This article allows the Town to appropriate Town’s share of the Fiscal Year 2018 annual operating budget for the Essex County Technical Institute. These numbers are subject to change after the posting of this warrant or in the fall when final numbers are known. This requires a simple majority vote.*

**ARTICLE 7 – Annual Capital Plan**

Requested By: Town Manager

To see if the Town will vote to transfer from Free Cash the sum of \$875,505, and from the Stabilization Fund the sum of \$158,746, and from the account set aside for fire pumpers the sum of \$24,664, and to raise and appropriate the sum of \$161,000 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

|                                            |           |
|--------------------------------------------|-----------|
| <u>Project Reserve:</u>                    | \$5,000   |
| <u>IT:</u>                                 |           |
| Town Computer Equipment                    | \$33,767  |
| School IT                                  | \$100,000 |
| <u>Facilities:</u>                         |           |
| Payne Building – Repair and paint exterior | \$25,000  |
| Doyon – Replace carpet                     | \$20,000  |
| MS/HS Schools –                            |           |
| Phone and PA system year 2 of 5            | \$35,914  |
| PAC- Sound/communication system upgrade    | \$37,000  |
| Town Hall –                                |           |
| Replace Gym Floor                          | \$80,000  |
| Replace small HVAC Units                   | \$30,000  |
| Library                                    |           |
| Tuck Point Masonry                         | \$35,000  |
| Replace HVAC                               | \$42,000  |

|                                         |          |
|-----------------------------------------|----------|
| Police Station - Office reconfiguration | \$65,000 |
| Linebrook Fire Station – Generator      | \$10,000 |
| Central Fire Station-Replace Bay Doors  | \$30,000 |
| Public Works Garage-                    |          |
| Replace Overhead Doors Phase 2 of 2     | \$20,000 |
| Pony Express Roof Repair                | \$35,000 |

Equipment:

|                                                  |           |
|--------------------------------------------------|-----------|
| DPW – Loader Year 4 of 5                         | \$34,605  |
| DPW – Dump Truck with Plow Year 4 of 5           | \$36,567  |
| DPW – Dump Truck Year 3 of 5                     | \$35,108  |
| DPW - Dump Truck Year 2 of 5                     | \$29,270  |
| DPW-Replace Bucket Truck year 1 of 5             | \$43,500  |
| Cemetery & Parks Mower (Pony Express)            | \$20,000  |
| Cemetery & Parks Pickup Truck                    | \$30,000  |
| Fire – Replace # 4 Class A pumper Year 1 of 5    | \$102,620 |
| Fire – Replace # 2 Class A pumper Year 1 of 5    | \$102,620 |
| Fire – Set aside for SCBA replacement            | \$30,000  |
| Police- Facilities Security Cameras Phase 2 of 2 | \$12,000  |
| Police- Automatic License Plate Reader           | \$15,000  |
| Emergency Management Mobile Command              | \$35,094  |
| COA Van                                          | \$67,000  |

Economic Development:

|                              |          |
|------------------------------|----------|
| Wayfinding Signs Year 3 of 3 | \$22,850 |
|------------------------------|----------|

And to see if the Town will vote to transfer from the Waterways Funds the sum of \$25,000 for the following purposes:

Waterways Fund:

|                            |          |
|----------------------------|----------|
| Purchase 3 new Docks       | \$10,000 |
| Replace Patrol Boat Collar | \$15,000 |

And to see if the Town will vote to transfer from Free Cash the sum of \$30,000 to paint High School classrooms;

Or to take any action relative thereto.

*Summary: A five year capital plan has been developed with the input from all town departments and the schools. The list above represents the highest priorities for the coming year. This requires a 2/3 majority vote to transfer funds from the Capital Stabilization Fund.*

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**ARTICLE 8 – Re-Purpose Remaining Capital Funds**

Requested By: School Committee

To see if the town will vote to amend action taken under Article 11 of the May 10, 2016 town meeting by appropriating the sums of \$14,500 in the Winthrop paging, clock and bell system and \$14,500 in the Doyon paging, clock and bell systems for the purpose of purchasing classroom technology equipment, or take any action relative thereto.

*Summary: In FY17, \$34,000 was appropriated to address problems with the bell, clock and PA systems at the Doyon and Winthrop Schools. The cost to address issues was less than the amount appropriated. We ask the townspeople allow the remaining funds of \$29,000 be appropriated to procure classroom technology equipment. This requires a simple majority vote.*

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**ARTICLE 9 – Appropriation of Funds for Old North Burying Ground Improvements**

Requested By: Historical Commission

To see if the Town will vote to appropriate the sum of \$75,000, or a lesser amount, from the Sale of the Cemetery Lots Fund to cover the Town’s share of the match required for its Preservation Projects grant application to the Massachusetts Historical Commission for improvements to the Old North Burying Ground, should the Town be awarded the matching grant; or to take any other action relative thereto.

*Summary: The town is applying this spring for a grant from the Massachusetts Historical Commission to implement the first phase of recommendations to undertake repairs to the Old North Burying Ground, including mausoleums, pathways, stones and other critical improvements. The state will provide \$50,000 toward the \$100,000 project, provided the town appropriates \$75,000 as a demonstration of its ability to meet the 50% match requirement. The Town’s total actual cost is likely to be about \$55,000, so the appropriation will be about \$20,000 more than what will be expended. This requires a simple majority vote.*

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**ARTICLE 10 - Deputy Fire Chief**

Requested By: Town Manager

To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; provided, however, that the General Court may only make clerical or editorial changes to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objective of the petition:

**“An act establishing the position of Deputy Fire Chief of the Ipswich Fire Department and exempting the position from the Civil Service laws.”**

Section 1. The town of Ipswich may establish the position of Deputy Fire Chief in the Ipswich Fire Department.

Section 2. Notwithstanding any general or special law to the contrary, the position of Deputy Fire Chief shall not be subject to chapter 31 of the General Laws.

Section 3. This act shall take effect upon its passage,

Or take any action relative thereto.

*Summary: The Town has funded a position of Deputy Chief and will be seeking candidates to fill this management position. Except for the Fire Chief, employees in the fire department are covered by Civil Service. This article seeks to remove the Deputy Fire Chief position from Civil Service. Civil Service has become increasingly a holdover from the past, as communities seek to hire the best leaders by drawing from a large pool of qualified candidates using an open and competitive process, which focuses on leadership skills, character and competence, rather than limiting candidate choices to those allowed under Civil Service. Under Civil Service, the town is required to hire one of the top three candidates in a list provided by the Massachusetts Civil Service Commission.*

*Removing the Deputy Chief from Civil Service gives the town more scope and flexibility in hiring the most qualified person with the right skill set needed for this critical management job. This requires a simple majority vote.*

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**ARTICLE 11 – Outdoor Water Use By-Law**

Requested By: Board of Selectmen/Water Commissioners

To see if the Town will vote to amend Chapter 220 of the General Bylaws by replacing Article II in its entirety with the following new Article II, and by renumbering §§ 220-3 through 220-8 as § 220-15 through 220-20.

**ARTICLE II  
OUTDOOR WATER USE**

**§ 220-2. Authority**

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§21 et seq. and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17.

**§ 220-3. Purpose**

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever a Restriction or Ban of Water Use is declared, by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this by-law, the Town of Ipswich Water Rules and Regulations and/or by the Department of Environmental Protection under its state law authorities.

**§ 220-4. Applicability**

All users of the public water supply system and users of private water sources, exclusive of stormwater harvested and stored in tanks or cisterns, shall be subject to this by-law.

**§ 220-5. Definitions**

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Department shall mean the Massachusetts Department of Environmental Protection (DEP).

Drought Management Plan shall mean the Town of Ipswich Drought Management Plan, Appendix VII of the Town of Ipswich Water Rules and Regulations.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

Restriction or Ban of Water Use shall mean a Restriction or Ban of Water Use declared by the Board of Water Commissioners or their designee, pursuant to § 220-6 of this by-law.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

Town shall mean the Town of Ipswich.

Water Customers shall mean all persons using the public water supply irrespective of that person’s responsibility for billing purposes for use of the water.

Water Sources shall mean all municipal water sources, all private wells, waterways, ponds, rivers and wetlands, excluding harvested stormwater.

Water Users shall mean all persons using water within the Town, including private water sources.

Water Rules and Regulations shall mean the Town of Ipswich Water Rules and Regulations.

#### **§ 220-6. Restriction or Ban of Water Use Declaration**

The Town, through its Board of Water Commissioners or its designee authorized to act as such, may restrict or ban the use of water as set forth in Article I, Section 7 of the Water Rules and Regulations. Upon notification to the public that water use is being restricted or banned, no person shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Water Director or Town Manager to declare a Restriction or Ban of Water Use at any time that conditions warrant. Public notice of a Restriction or Ban of Water Use shall be given under § 220-8 (a) of this by-law before it may be enforced.

#### **§ 220-7. Declaration of a State of Water Supply Emergency**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the DEP, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP for the purpose of bringing about an end to the State of Water Supply Emergency.

#### **§ 220-8. Public Notification of Restriction or Ban of Water Use Declaration; Notification of DEP**

a) Public Notification of Restriction or Ban of Water Use Declaration – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of Restriction or Ban of Water Use Declaration shall be made as soon as possible, but no later than 48 hours following the declaration by press release and posting on the Town’s website. The Town may also notify the public using other means determined to be appropriate including signage on roadways, cable TV, telephone, email, emergency communication system, etc.

b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the DEP shall be made by press release and posting on the Town’s website. The Town may also notify the public using other means determined to be appropriate including signage on roadways, cable TV, telephone, email, emergency communication system, etc. This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of the DEP’s declaration of a State of Water Supply Emergency.

c) Any restriction imposed under § 220-6 or § 220-7 or in the DEP’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the DEP within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

#### **§ 220-9. Termination of a Restriction or Ban of Water Use Declaration; Notice**

A Restriction or Ban of Water Use may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the Restriction or Ban of Water Use no longer exist. Public notification of the termination of a Restriction or Ban of Water Use shall given in the same manner as is required in § 220-8 (a) for notice of its imposition.

#### **§ 220-10. Termination of a State of Water Supply Emergency; Notice**

Upon notification to the Town that the declaration of a State of Water Supply Emergency has been terminated by the DEP, the public will be notified of the termination in the same manner as is required in § 220-8 (b) for notice of its imposition.

#### **§ 220-11. Penalties**

The Town through its Water Commissioners or its designee including the Water Director or Town Manager and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning;
- 2) Second violation: \$ 50;
- 3) Third violation: \$ 100;
- 4) Fourth and subsequent violations: \$ 300.

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the water superintendent or the superintendent’s designee. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

## § 220-12. Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

## § 220-13. Controls on In-Ground Irrigation Systems

The Water Commissioners may regulate the registration, specifications, installation and monitoring of in-ground irrigation systems and appurtenances for all water users.

*Summary: This article would amend Ch. XV, § 10, of the 1973 Bylaws to allow the Water Commissioners or their designee to restrict water use as set forth in the Water Rules and Regulations. This amendment would also expand the restriction of water use to include private water sources. Public notification procedures and penalties for violation of the restrictions are also defined.*

*The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever a water supply conservation or emergency is declared, by ensuring an adequate supply of water for drinking, household use and fire protection, and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Board of Selectmen/Water Commission in accordance with this by-law, the Town of Ipswich Water Rules and Regulations and/or by the Department of Environmental Protection under its authority. The bylaw further regulates in-ground irrigation systems to ensure they conserve water during normal operation, and prevent contamination of the public water supply through use of backflow preventers. This requires a simple majority vote.*

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## ARTICLE 12 – Animal Control and Animal Inspector

Requested By: Police Chief

To see if the town will vote to amend Chapter 109 (Animals) by amending Article II, and adding a new Article III, as follows (new text in bold typeface):

Chapter 109      Animals:

Article II: Dogs, Cats, **Ferrets**

### § 109-4. Definitions:

**The following words as used in Chapter 109, Articles II and III shall have the following meanings unless the context requires otherwise:**

**ANIMAL CONTROL OFFICER – an appointed officer authorized to enforce Chapter 109.**

**ATTACK – aggressive physical contact initiated by an animal.**

**DANGEROUS DOG– a dog that either (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.**

**DOMESTIC ANIMAL – an animal designated as domestic by regulations promulgated by the Department of Fish and Game.**

**EUTHANIZE – to take the life of an animal by administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.**

**HEARING AUTHORITY – the selectmen of the town.**

**INTACT- A dog whether male or female which has not been spayed or neutered.**

**KEEPER – a person, business, corporation, entity or society, other than the owner, having possession of a dog.**

**NUISANCE DOG – a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment, or (iii) has threatened or attacked livestock, a domestic animal, or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.**



§ 109-5. Leash Law. [Renumber from 109-4; no change to text of this section]

§ 109-6. Licensing. [Renumber from 109-5; no change to text of this section]

**§ 109-7. Vaccination against Rabies. Whoever is the owner or keeper of a dog, cat, or ferret six months of age or older shall cause such dog, cat, or ferret to be vaccinated against rabies in accordance with MGL c. 140 s. 145b. Violators of this subsection shall be punished by a fine of fifty (\$50.00) dollars for each offense.**

§ 109-8. Dog Fouling. [Renumber from § 109-6; no change to text of this section]

[Replace § 109-8 (“Dogs in Heat”) with the following new section, renumbered to § 109-9]:

**§ 109-9. At Large Intact Dogs: Any person who owns, possesses or controls an intact dog, whether the dog be male or female, shall cause such dog to be confined in a building or secure enclosure in such a manner that such dog cannot come in contact with another animal except for planned breeding, or the dog must be on a leash no longer than six (6) feet in length with a capable adult. A violation of this subsection shall be punishable in the same manner as established in subsection 109-5 of this Animals Bylaw.**

**§ 109-10. Dogs on Public Beaches and in Parks and Cemeteries.**

- A. Dogs are not permitted in any park or cemetery within the Town of Ipswich, with the exception of a park designated for dogs by the Town of Ipswich.**
- B. Dogs are not permitted on beaches, accept as follows:**
  - (1) From Labor Day to Memorial Day annually, leashed dogs will be permitted.**
  - (2) Leashed dogs are permitted in the Town of Ipswich Open Space areas except where signage is posted.**
  - (3) Service Animals as defined by the Americans with Disabilities Act (ADA) are permitted in all public places at any time, provided, they abide by the rules and regulations set forth by the ADA.**
- C. Enforcement: A violation of this subsection shall be punishable in the same manner as established in subsection 109-5 of this Animal By-Law.**

§ 109-11. Calls to Confine and Impounding. [Renumbered from § 109-10; no change to text of this section]

§ 109-12. Nuisance and Dangerous Dogs. [Renumbered from § 109-11; no change to text of this section]

§ 109-13. Complaint, Investigation, Notification and Appeal. [Renumbered from § 109-12; no change to text of this section]

**109-14. Chaining or Tethering Dog to Stationary Object.**

**Any person owning, possessing or controlling a dog in the Town of Ipswich shall not allow or permit said dog to be chained or tethered, as defined by MGL c 140 s 174E. An initial violation of this subsection shall be punished by a written warning, or a fine of fifty (\$50.00), for a second offense, be punished by a fine of \$200.00 and for a third or subsequent offense, be punished by a fine of \$500.00, and be subject to impoundment of the dog in a local shelter at the owner’s, keeper’s or guardian’s expense pending compliance with this section, or loss of ownership of the dog.**

**109-15. Confinement**

**Any person owning, possessing, or controlling a dog in the Town of Ipswich shall not allow or permit said dog to be confined, as defined by MGL c 140 s 174E. An initial violation of this subsection shall be punished by a written warning, or a fifty (\$50.00) fine, for a second offense, be punished by a fine of \$200.00 and for a third or subsequent offense, be punished by a fine of \$500.00, and be subject to impoundment of the dog in a local shelter at the owner’s, keeper’s or guardian’s expense pending compliance with this section, or loss of ownership of the dog.**

**109-16. Confining an Animal in a Motor Vehicle**

**Any person owning, possessing or controlling an animal in the Town of Ipswich shall not allow or permit said animal to be confined inside of a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme hot or cold. The process of removing an animal from a motor vehicle will be as defined by MGL c. 140, §**

**174F. An initial violation of this subsection shall be punished by a fine of \$150.00, and for a second offense and subsequent offense, be punished of a fine of \$300.00. Nothing in this subsection shall preclude prosecution under MGL c. 272, § 77.**

§ 109-17. Penalties and Enforcement. [Renumbered from § 109-16; no change to text of this section]

### **Article III. Farm Animals**

#### **109-18. Keeping of Animals.**

- A. A Keeping of Animals Permit issued by the Ipswich Animal Inspector shall be required for the keeping of horses, goats, sheep, swine, cattle and other large animals or when poultry is being kept as defined by Chapter 109 Article I. Keeping of Animals Permits shall be obtained between September 1 and December 31 of each year.**
- B. A Keeping of Animals Permit shall be issued by the Ipswich Animal Inspector when the application is approved.**
- C. A Keeping of Animals Permit shall be kept on the premises for which it is issued, and shall be produced upon demand of the Ipswich Animal Inspector.**
- D. No animal shall occupy or use a stable unless it has been permitted by the Animal Inspector for such purposes.**
- E. Each owner of a stable keeping the animals described in 109-18 A shall apply for Keeping of Animals permit during the first permitting period following the effective date of this regulation.**
- F. Application for a Keeping of Animals Permit shall be made to the Inspector of Animals on a form provided by the Town of Ipswich, along with a permit fee as established by the Board of Selectmen.**
- G. Animal owner, stable owner, and operators shall:**
  - (1) Maintain all buildings, premises and conveyances in such a manner so as not to create unsanitary or dangerous conditions.**
  - (2) Provide storage or disposal of waste material and manure so as to control vermin, insects and noxious odors.**
  - (3) Provide adequate shelter for the welfare of any animals on the premises. Stalls shall be of adequate size for the comfort and safety of all the animals contained herein.**
  - (4) Provide adequate space for the safety of group housed animals.**
  - (5) Provide adequate food for the species being housed.**
  - (6) Provide adequate amounts of clean water at all times for each animal on the premises.**
  - (7) Take all reasonable precautions to prevent the spread of infectious or contagious diseases.**
  - (8) Each paddock, where a stable is not available, must contain a structurally sound, three sided, roofed shelter. Paddocks must be free of glass, wire, and other materials which may cause injury to animals.**
  - (9) Fenced Enclosures shall be of sufficient design and material to hold the specific species within them. Gates shall be latched and secured at all times. Barbed or similar wire shall not be used.**
  - (10) Engage in best management practices as defined by the Massachusetts Department of Agricultural Resources, and abide by regulations and laws set forth by the Commonwealth of Massachusetts.**
  - (11) Prevent farm animals from roaming beyond the confines of their property.**
- H. Penalties and enforcement: A violation of this subsection shall be punishable in the same manner as established in subsection 109-6.**

*Summary: The purpose of this bylaw is to create a more manageable system for the inspection of farms within the Town. The Animal Control Officer/Animal Inspector performs annual state-mandated inspections between September and December. This by-law would provide the Animal Inspector and/or Animal Control Officer with an up-to-date list of farms currently housing animals, as well as pertinent contact information for owners. In the event an animal gets loose, the ACO, as well as Police Department, would have an*

available list of who has animals, allowing a swift and safe return of the animal. This by-law would also clarify the conditions in which animals are to be kept, thereby preventing cruelty and neglect. This requires a simple majority vote.

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**ARTICLE 13 – Municipal Charges Lien By-Law**

Requested By: Director of Public Health

To see if the Town will amend the General By-laws of the Town of Ipswich by adding a new chapter, entitled “Chapter XXI. MUNICIPAL CHARGES LIEN,” said chapter to read as follows:

CHAPTER 312  
MUNICIPAL CHARGES LIEN

§ 312-1. Authority and Purpose

This by-law is adopted pursuant to M.G.L. c. 40, § 58.

The purpose of establishing a Municipal Charges Lien is to provide the Town with a cost effective method of collecting certain unpaid charges or fees assessed against real property owner(s) in Town, by placing a lien upon real estate owned by the property owner(s).

§ 312-2. Applicable Charges or Fees

The Municipal Charges Lien shall apply to the following municipal charges or fees, including interest and all costs to record said lien(s) in the Essex County Southern Registry of Deeds:

- Board of Health Fees and Charges pursuant to General Laws Chapter 111, specifically the following:
  - Septic Re-Inspection
  - Housing Re-inspection
  - Late Payment Fee; and
  - Permit/License Late Renewal Fee.

§ 312-3. Collection of the Lien

- (a) The Department responsible for collecting the charge or fee shall notify the Assessors, as needed, of all unpaid and past due applicable charges or fees.
- (b) The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list received from the Department and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Essex County Southern Registry of Deeds.
- (c) The Tax Collector shall be in charge of collecting any lien(s) pursuant to this by-law.

§ 312-4. Unpaid Municipal Charges Liens

- (a) If a charge or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the lien to the Assessors’ Department and the Assessors shall add the charge or fee to the next property tax bill for the relevant property(ies), and commit it with the warrant to the Collector as part of the tax.
- (b) If the property(ies) to which the charge or fee relates is otherwise tax exempt, the charge or fee shall be committed as a tax on said property.

§ 312-5. Lien Takes Effect

- (a) The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner(s).

§ 312-6. Release of Lien

The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting the lien, together with any interests and costs, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the property owner(s),

Or take any action relative thereto.

*Summary: This article is the local acceptance of the authority granted to municipalities under Massachusetts General Laws Chapter 40, Section 58 to establish that the non-payment of certain fees and charges for municipal services provided can be charged against property of the resident owing such fees or charges in the form of a lien on the property such that they will appear as part of the delinquent resident's tax bill until payment is made. In addition, where it is a lien, it can be recorded as a cloud on one's property title. This provides the Town with greater enforcement authority and efficiencies in collecting such overdue fees and charges. This requires a simple majority vote.*

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**ARTICLE 14 – Agricultural Commission Membership**

Requested By: Agricultural Commission

To see if the Town will vote to revise the action taken under Article 13 of the 2005 Special Town Meeting by decreasing the membership of the Agricultural Commission established under paragraph 2 of that vote, as follows, or to take any other action relative thereto:

“The Commission shall consist of five members from the active farming and agricultural community in Ipswich, to be appointed by the Board of Selectmen –two members for a term of three years, two members for a term of two years, and for three years thereafter, and one member for a term of one year, and for three years thereafter. Up to five alternates may also be appointed by the Board of Selectmen, each for one-year terms...”

*Summary:*

*This article would reduce the number of full members on the Ipswich Agricultural Commission from seven to five, and the number of alternate members from five to three. The Commission is recommending this change because it has proven difficult, on a monthly basis, to meet the quorum requirement. As a result, there have been several occasions when the Commission has been unable to meet due to failure to attain the required four member quorum.*

*We believe that this revision would make it easier for the Commission to achieve the required quorum (three members), and thus allow us to perform our duties more effectively. As such, the Commission voted, at its meeting of November 9, 2016, to request that the Board of Selectmen place this article on the warrant for the Annual Town Meeting, to be held on May 9, 2017.*

*Massachusetts General Law, in Chapter 40, Section 8, authorizes the establishment of local Agricultural Commissions, and specifies that the membership shall consist of not less than three or more than seven members. As such, changing the full membership requirement for our Commission from seven to five as we have recommended would comply with the state statute. This requires a simple majority vote.*

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**ARTICLE 15 – Bialek Park Consultant**

Requested By: Town Manager

To see if the Town will vote to transfer from Free Cash the sum of \$15,000 to provide technical assistance to the Bialek Park Study Committee, or take any action relative thereto.

*Summary: A study committee was formed to evaluate town outdoor recreational needs and incorporate those into a long term plan for Bialek Park. This will provide funding for preliminary technical assistance, such as consultation with engineers and designers. This requires a simple majority vote.*

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**ARTICLE 16 – Designate Bialek Park under ARTICLE 97**

Requested By Petition: James M. MacDonald

To see if the town will vote to acknowledge that the land known as Bialek Park, having been initially acquired by the town in part for playground purposes and subsequently as a park that includes uses as a playground, recreation and open space, shall be held subject to the restriction that such purposes include the protection of the people of the town of Ipswich in their right to develop and utilization of the town's natural resources, as defined by Article 97 of the amendments to the Massachusetts Constitution and authorize the Board of Selectmen to record a deed or declaration to that effect.

*Summary: Adoption of this article will preserve Bialek Park as a playground under the scope of a public purpose, using the provisions of Article 97: "the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose." This requires a 2/3 majority vote.*

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**ARTICLE 17 – Stabilization Funding**

Requested By: Town Manager

To see if the Town will vote to appropriate the sum of \$150,000 from Free Cash to the Stabilization Fund, or take any other action relative thereto.

*Summary: The Stabilization Fund is an important cash reserve for the Town for emergencies and other unforeseen needs that may arise. It is also an important component of receiving and maintaining favorable bond ratings. Adding this reserve to the Stabilization Fund demonstrates the Town's on-going commitment to financial strength. The December 31, 2016 balance in the Stabilization Fund was \$1,550,319. This requires a simple majority vote.*

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**ARTICLE 18 – OTHER POST EMPLOYMENT BENEFITS FUNDING**

Requested By: Town Manager

To see if the town will vote to raise and appropriate the sum of \$ 87,000 and to transfer the sum of \$100,000 from Free Cash and to transfer said sums to the OPEB Trust Fund, or take any action relative thereto.

*Summary: The Town is setting aside funds toward payment of future insurance benefits for retirees. By contributing regularly to the OPEB account, the Town reduces its future liabilities. The balance in the OPEB trust fund as of December 31, 2016 was \$2,953,280. This requires a simple majority vote.*

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**ARTICLE 19 – Bond Premiums**

Requested By: Finance Director

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any action relative thereto.

*Summary: The Municipal Modernization Act passed by the state legislature amends MGL Ch. 44 Sect. 20 which governs the treatment of premiums received in connection with the sale of bonds or notes. Currently, premiums are general fund revenue. As of Nov. 7, 2016, premiums are: 1) used to pay projects costs and to reduce the amount of borrowing authorization by the same amount when the borrowing vote so authorizes; or 2) reserved for appropriation for capital projects for which a loan has been, or maybe, authorized for an equal or longer period of time than the loan for which the premiums were received. This requires a simple majority vote.*

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**ARTICLE 20 – Establishment of Revolving Funds**

Requested by: Finance Director

To see if the Town will vote to amend Chapter 15 (General Administrative the general by-laws of the Town by adding a new Article XVI to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies, or officers under Massachusetts General Laws Chapter 44, Section 53E½, as reflected below, or take any other action relative thereto.

**ARTICLE XVI: DEPARTMENTAL REVOLVING FUNDS**

§ 15-25. Purpose.

This Article establishes and authorizes revolving funds for use by specified Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

§ 15-26. Expenditure Limitations.

The specified department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this Article without appropriation subject to the following limitations:

- A. Fringe benefits for full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

§ 15-27. Interest.

Interest earned on monies credited to a revolving fund established by this Article shall be credited to the General Fund.

§ 15-28. Procedures and Reports.

Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this Article. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§ 15-29. Authorized Revolving Funds.

- A. Town Wharf Revolving Fund: funds derived from launching fees and boat excise, to be expended by the Harbormaster for the operations and maintenance of the town wharf, including part-time wages, for Fiscal Year 2018 and subsequent years.
- B. Beautification Fund: funds derived from the sale of wood from the grand elm, to be expended by the Director of Public Works to fund beautification projects approved by the Shade Tree and Beautification Committee, for Fiscal Year 2018 and subsequent years.
- C. Public Health Fund: funds derived from Medicare and other insurance funds, to be expended by the Director of Public Health for costs associated with the administration of inoculation programs including medical supplies, administrative costs and part-time wages, for Fiscal Year 2018 and subsequent years.
- D. Sanitary Housing Fund: funds derived from housing code inspection fees, to be expended by the Director of Public Health, for the costs associated with the housing sanitary code inspections and compliance, including part-time wages, for Fiscal Year 2018 and subsequent years.
- E. Food Inspectional Services Fund: funds derived from food permit, re-inspection and plan review fees, to be expended by the Director of Public Health for costs associated with food inspections and plan reviews, including part-time wages, for Fiscal Year 2018 and subsequent years.
- F. Council on Aging Fund: funds derived from contributions and fees from participants in special activities of the Council on Aging, to be expended by the Director of the Council on Aging for activities, supplies and part-time wages, for Fiscal Year 2018 and subsequent years.
- G. Historical Commission Fund: funds derived from the sale of publications, to be expended by the Historical Commission for supplies and preservation of town records for Fiscal Year 2018 and subsequent years.
- H. Town Hall Custodial Services Fund: funds derived from user fees, to be expended by the Director of Facilities, to pay for overtime and other expenses associated with use of the town hall by outside organizations for special events, for Fiscal Year 2018 and subsequent years.
- I. Shellfish Enhancement Fund: funds derived from surcharges on commercial and recreational shellfish licenses, to be expended by the Shellfish Commissioners, for enhancements to shellfish resources, for Fiscal Year 2018 and subsequent years.

Or take any action relative thereto.

*Summary: The Municipal Modernization Act passed by the state legislature eliminates the caps on the amount that could be spent from revolving funds authorized for a particular department and in total from all authorized revolving funds. In addition, the revolving funds are to be authorized by by-law rather than an annual legislative body vote. The legislative body must still vote on or before July 1 on the amount to be spent from each fund during the upcoming fiscal year. This requires a simple majority vote.*

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**ARTICLE 21 – Transfer of FY 2017 Appropriated Budget Funds to Educational Stabilization Fund**

Requested By: School Business Director

To see if the Town will vote to allow the School Department to transfer available funds from FY 2017 Appropriated Budget to the Educational Stabilization Fund or take any action relative thereto.

*Summary: The School Committee believes that there are unused funds available in the FY17 Appropriation. The intent is to transfer these available funds into the Educational Stabilization Fund for use by the School Department in future years. This requires a simple majority vote.*

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**ARTICLE 22 – Student Projects Fund**

Requested By: Board of Selectmen

To see if the Town will vote to transfer from Free Cash the sum of \$10,000 to fund student projects to benefit the Town of Ipswich, or take any action relative thereto.

*Summary: The Board of Selectmen, as one of its stated goals, seeks in increase student involvement in improvement of the community and its resources. This fund would allow the Board to fund small grants to assist students in community service projects. This requires a simple majority vote.*

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**ARTICLE 23 – Recreational Marijuana Moratorium**

Requested By: Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section IX.S, “Marijuana Establishment Temporary Moratorium,” as follows, or take any other action relative thereto:

**S. Marijuana Establishment Temporary Moratorium**

*1. Definition*

"Marijuana establishment" shall mean “a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, as defined in G.L. c. 94G, § 1, but shall not include facilities engaged in the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

*2. Purpose*

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

*3. Temporary Moratorium*

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for “Marijuana Establishments”. The moratorium shall be in effect through July 1, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.

*Summary: This article would implement a moratorium on recreational marijuana facilities in Ipswich while the state clarifies a number of provisions in the legislation approved by the voters in 2016. By adopting a moratorium, the town will have time to review the scope and application of the amended legislation and make a recommendation to town meeting in the future. This requires a 2/3 majority vote.*

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**ARTICLE 24 – Land Acquisition for Farley Brook Water Treatment**

Requested by: Director of Public Works

To see if the Town will vote to:

- (1) authorize the Board of Selectmen to acquire an interest in fee (or lesser interest), in a portion of the land on Mineral Street (Assessor’s Map 41B, Lot 326), now or formerly of NYLAJO LLC, identified as Parcel A on a plan entitled “Plan of Land in Ipswich, MA, Property of NYLAGO, LLC”, dated October 9, 2008, on file with the Town Clerk, said Parcel A consisting of 5,400± square feet of open land, for water quality treatment purposes; and
- (2) authorize the Board of Selectmen to acquire said parcel by purchase, gift, lease, or otherwise; and
- (3) authorize the Selectmen to apply for, accept and expend without further appropriation any federal and/or state grants pertaining to said acquisition;

or to take any other action relative thereto.

*Summary: The proposed article would enable the Town to acquire a parcel of land adjacent to Farley Brook in the vicinity of Mineral Street, for the purpose of constructing an engineered wetland. Farley Brook has long been identified as a major contributor of pollutants to the Ipswich River. With the support of funds from the Section 319 Nonpoint Source Pollution Competitive Grant Program, the Town has been investigating sources of pollutants in Farley Brook and potential measures to reduce the levels of those pollutants. Constructing a wetland on the subject property, and then diverting the water flow into the wetland for treatment purposes, is one the measures recommended by the Town’s engineering consultant. The treatment capacity of the wetland area is dictated by the square footage of the wetland. Purchasing this 5,400 square foot land-locked parcel will increase the capacity of the wetland area by approximately 30%, thereby treating a greater flow from the brook. Without the inclusion of this parcel, sufficient space will not be available to provide any meaningful level of treatment of Farley Brook. This requires a simple majority vote.*

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**ARTICLE 25 - Ipswich Trust Act**

Requested By Petition: Isaac Ross

“To see if the Town will amend Part II of the Regulatory General ByLaws of the Town of Ipswich by inserting therein the following new Chapter to be entitled “Prevention of Warrantless Seizure of Immigrants”:

(a) *Definitions.* For the purposes of this Chapter the following definitions apply:

- 1) *Civil immigration detainer request* means a non-mandatory request issued by an authorized federal immigration officer under Section 287.7 of Title 8 of the Code of Federal Regulations to a local law enforcement official to maintain custody of an individual for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration officer prior to the release of that individual.
- (2) *Convicted* means having been proved guilty of a criminal act in a judicial proceeding, unless the conviction has been expunged or vacated pursuant to applicable law.
- (3) *Eligible for release from custody* means that the individual may be released from custody because any of the following conditions has occurred:
  - a.All criminal charges against the individual have been dropped or dismissed;
  - b.The individual has been acquitted of all criminal charges filed against him or her;
  - c.The individual has served all the time required for his or her sentence;
  - d.The individual has posted a bond, or has been released on his or her own recognizance;
  - e.The individual has been referred to pretrial diversion services;
  - f.The individual is otherwise eligible for release under state or local law.
- (4)*Law enforcement official* means any department, officer, or employee of the town of Ipswich, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.



(5) ICE means the United States Immigration Customs Enforcement.

(b) *Detainment.*

(1) Except as provided in subsection (b) (2), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer request after that individual becomes eligible for release from custody.

(2) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer request for up to 48 hours after that individual becomes eligible for release from custody, excluding Saturdays, Sundays, and holidays, if the individual meets any of the following criteria:

- a. ICE has a criminal warrant for the individual;
- b. The individual has been convicted of a violent crime as defined in M.G.L. c. 140, § 121;
- c. In the past ten years, the individual has been convicted of a felony as defined in M.G.L. c. 274, § 1;
- d. The individual is a current registrant on the Massachusetts Sex Offender Registry;
- e. The individual is identified in the federal government's consolidated terrorist watchlist.

(3) Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual pursuant to this section.

(c) *Reporting.* Beginning no later than January 31, 2018, and no later than January 31st of each subsequent year, the Ipswich Police Chief shall submit a report to the Town Manager who shall forward that report to the Board of Selectmen who shall docket the report and include it as an agenda item in their next-occurring meeting. The report shall include the following information for the preceding 12-month period:

- (1) A statistical breakdown of the total number of civil immigration detainer requests lodged with the Town's law enforcement officials, organized by the reason(s) given for the request;
- (2) A statistical breakdown of the total number of individuals that Ipswich law enforcement officials detained pursuant to subsection (b)(2), organized by the reason(s) supporting the detention;
- (3) The total number of individuals transferred to ICE custody; and
- (4) A statistical breakdown of the total cost reimbursements received from the federal government pursuant to subsection (b)(3), organized by individual case; or take other action thereto"

*Summary: The Ipswich Trust Act is a safeguard against the misuse of our local police department to enforce Federal Immigration policy. Immigration policy and customs enforcement are the sole purview of the Federal government and are not the role or responsibility of municipal law enforcement officers. Allowing the Ipswich Police Department to become involved in immigration enforcement undermines an immigrant trust in law enforcement, and exposes the Town to liability for unwarranted detention and deportation. The Trust Act will:*

- *Free the Ipswich Police Department to focus on criminal violations and public safety.*
- *Safeguard Ipswich taxpayers against the cost of an unfunded federal deportation and detention mandate.*
- *Protect the town from liability for unlawful detentions without a warrant.*
- *Protect law abiding residents and visitors against detention and deportation.*

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**ARTICLE 26 – A new-school site other than the existing Winthrop School site** Requested By Petition: Peregrine White, Jr. PE

Whether the Town should recommend to the School Committee and the School Building Committee that a site other than the existing Winthrop School site be considered for one new elementary school.

*Summary: The Winthrop location is unsuitable for the reasons listed below, among others.*

- 1) *Greater traffic congestion will decrease public safety, including that of school-aged pedestrians and bicyclists.*
- 2) *Greater traffic congestion will worsen response times from the fire department, that is often the first medical presence at a traffic accident or health emergency.*
- 3) *Greater traffic congestion will worsen response times from the fire department to fight fires.*
- 4) *Greater traffic congestion will worsen the quality of life of our fellow citizens who restore and care for our heritage of early homes. Their parking options and ability to come and go will be lessened.*
- 5) *Greater traffic congestion will worsen downtown air quality; this may create bad effects both for downtown residents and for the early homes in the historic district.*
- 6) *Greater traffic congestion will reduce available parking spaces for downtown businesses.*

**ARTICLE 27 – Ballot Vote for Open Space Transactions Greater than \$500,000** Requested By Petition: Linda Alexson

To see if the Town will vote to amend its actions taken under Article 19 of the 2011 Annual Town Meeting by adding the following language [**in bold double-underline**] in paragraph (c):

(c) to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary, on behalf of the Town of Ipswich, to effect said purchases or sales, or to carry out such development and construction, or to take any other action thereon; provided, however, that any such purchase, sale, or expenditure which exceeds \$500,000 shall require a specific town meeting vote approving same, and a subsequent approval by ballot of a question substantially the same as approved by the Town Meeting, said election to be called in accordance with Massachusetts General Laws, or to take any other actions relative thereto, including authorizing the Board of Selectmen to petition the General Court to enact appropriate legislation, if such legislation is required.

*Summary: If passed, this would require a ballot vote for any purchase, sale or expenditure in excess of \$500,000 under the Open Space Program, giving all registered voters in Ipswich the opportunity to approve or reject the proposed purchase, sale or expenditure.*

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## Election of Officers

And you are also directed to notify said inhabitants, qualified to vote in the election of Town Officers, to meet at the YMCA Hall, County Road, on Tuesday, May 16, 2017, when the polls will be open from 7:00 a.m. to 8:00 p.m. to vote on one ballot for the following offices and questions:

- (1) Moderator, 1 seat, 1 year term; Board of Selectmen, 2 seats, 3 year term; School Committee, 3 seats, 3 year term.
- (2) QUESTION: Shall the Town of Ipswich adopt, and shall the town of Ipswich be authorized to adopt, the following amendment to the General Bylaws:

“Chapter 170: Marijuana Establishments

“170-1. Marijuana Establishments Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

\_\_\_\_\_ YES      \_\_\_\_\_ NO

- (3) QUESTION: Shall the Select Board, Planning Board, Public Safety Officials, School Committee, Finance Committee and citizens at large proceed with a combined and comprehensive evaluation of site options for the ongoing elementary school project and a future public safety facility that is presented to the Tri-Board for debate and vote at a well-publicized public meeting as soon as possible?

\_\_\_\_\_ YES      \_\_\_\_\_ NO

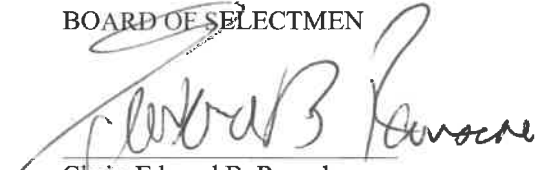
### *Summary:*

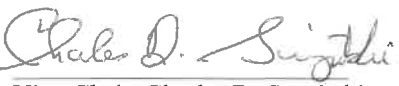
*Question 1 identifies the seats that will appear on the ballot for the May 16, 2017, Annual Town Election. Questions 2 and 3 have been placed on the ballot by vote of the Board of Selectmen. Question 3 is a non-binding public opinion advisory question. The charter requires that any proposed ballot question for the annual election warrant be included in the annual town meeting warrant, as a notice to the public. This article is not voted upon by town meeting.*

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

Given unto our hands this 18th day of April in the year of our Lord, Two Thousand Seventeen.

TOWN OF IPSWICH  
BOARD OF SELECTMEN

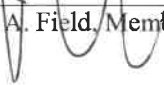
  
Chair, Edward B. Rauscher

  
Vice-Chair, Charles D. Surpitski

\_\_\_\_\_  
William M. Craft, Member



\_\_\_\_\_  
Judy A. Field, Member



  
Nishan D. Mootafian, Member