

Government Study Committee Minutes February 11, 2020

Present: Gary Champion; Scott Glosserman; Tammy Jones; Craig Saline, chair; Diane Young.
Guests: Bill Fabri, Scott Goodwin, Jim Rataj.

Call to order: 7:02pm.
Citizens queries: None.

Minutes: January 14, 2020 minutes were approved.

Citizens queries: None.

Old business:

Waterways Bylaw: Saline presented Version 2 of the proposed bylaw as developed with the Waterways Advisory Committee:

The Select Board Shall appoint the Waterways Advisory Committee. The Select Board shall determine the Waterways Advisory Committee composition and charge to include advising the Select Board, Harbormaster and the Town related to regulations, planning, development, and management associated with town navigable and tidal waterways, town wharf, and public landings. The Harbormaster is an ex-officio non-voting member of the Waterways Advisory Committee and shall be appointed by the Town Manager. All activities and recommendations of the Waterways Advisory Committee shall respect Ipswich long term planning and priorities. Members of the 2020 Waterways Advisory Committee will continue to serve.

At its last meeting, WAC strongly expressed that it doesn't approve regulations, just advises. Version 2 does not deal with the regulatory process. Saline's perspective is that getting rid of the outdated regulations is a next step, possibly for this fall's Special Town Meeting. He reported that WAC includes moorings in the definition of waterways, and that, when talking about a step two process, the chair of WAC suggested considering a small working group.

Jones said that the Select Board would be comfortable with Version 2, which provides a triangle of checks and balances.

Version 3 was presented by Champion. It adds "policies" and "moorings," and deletes "Members...will continue to serve." It adds a sentence about regulations.

The Select Board Shall appoint the Waterways Advisory Committee. The Select Board shall determine the Waterways Advisory Committee composition and charge to include advising the Select Board, Harbormaster and the Town related to policies, regulations, planning, development, and management associated with town navigable and tidal waterways, moorings, town wharf, and public landings. The Harbormaster is an ex-officio non-voting member of the Waterways Advisory Committee and shall be appointed by the Town Manager. All activities and recommendations of the Waterways Advisory Committee shall respect Ipswich long term planning and priorities. The Select Board shall authorize policies and regulations.

The final sentence of Version 2, about membership, was discussed. It was suggested that the sentence be removed. Is the sentence legal? That is for Town Counsel to determine. WAC

wants it in. Jones said she can pretty much guarantee that the Select Board will not be looking for new members. Can the Select Board include a letter of intent? Jones supports the deletion, and will talk to the WAC chair about it, to allay concerns.

Disagreement over whether MGL Chapter 91 Section 10A implicitly gives Ipswich's Harbormaster oversight of moorings, or whether Town Meeting must designate a person or body. Chair requested that the topic, which requires legal interpretation, be put aside. If the warrant article refers to regulatory authority, it will lose the support of WAC.

Motion was made and seconded to approve Version 2, striking the last sentence about current members. The motion carried, with the expectation that Jones will speak to WAC Chair Murray.

Glosserman proposed adding a second warrant article pertaining to regulations, that would be voted upon if the first article (Version 2) passes.

Next steps: review Version 2 as moved with WAC, then with the Select Board, where the question of adding a second warrant article can be raised. Saline and Champion will go to Select Board; Young will communicate with Planning Board; Glosserman will communicate with School Committee.

Discussion of legality and advisability of a committee member speaking against the committee's vote ("minority report") at a public meeting such as Select Board or Town Meeting.

Motion made and seconded to support Version 3 of the proposed bylaw. The motion failed.

Next meeting date: Tuesday, March 10, 2020.

Adjournment: 9:00pm.

Respectfully submitted,

Diane J. Young, Secretary