

TOWN OF IPSWICH
MASSACHUSETTS

Article 20 Committee
Meeting of Thursday, July 28, 2016
Ipswich Town Hall, 25 Green Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Article 20 Committee was held on THURSDAY, JULY 28, 2016 at 7 PM in Town Managers Conference Room

Eric Josephson, Chief Paul Nikas, Bob Weatherall, Tammy Howe Psy. D., William Craft, Susan Boreri MD, and Fred Winthrop.

William Craft called the meeting to order at 7:07.

Citizens Inquires

None

Committee Organization: Mr. Craft would like to know if anyone would like to be Chair, and discussion ensued. Mr. Weatherall will be the chairman.

VOTE: Dr. Howe nominated Mr. Weatherall Chair, Mr. Josephson seconded. The motion passed unanimously.

VOTE: Mr. Josephson closed the nomination, Mr. Erickson seconded. The motion passed unanimously.

Minutes:

June 30th & July 7th: Dr. Boreri should have MD added to her name in the minutes

VOTE: Mr. Josephson moved to approve the minutes, Dr. Howe seconded. The motion passed unanimously. Mr. Winthrop abstained as he was not at the June 30th meeting.

Committee Timeline for Fall Town Meeting:

- Mr. Craft said the point of the committee is to report on this not require changes.
- Mr. Craft also said the Selectman could add items to the warrant from a Committee a bit late but best to do a good job researching.
- Mr. Winthrop would like to hear from the Chief, if he is looking for changes to any regulations in town.
- Mr. Weatherall suggested they talk this evening about whether they are going to recommend or not recommend or if this should hang until more information is available.
- Chief Nikas said getting some form of enforcement could be a benefit. This would even application from the police department. It would provide a guide for patrols and provide reasoning.
- This would need to be balanced against over regulating it. This will be a difficult task.
- Dr. Boreri said as a neighbor knowing people have proper setups and knowledge would be more comforting.
- Mr. Josephson would like to challenge the assertion that the state laws are vague, Mr. Josephson feels the state laws are crystal clear.
- Mr. Weatherall said that even though the state law makes reference to backyard shooting ranges it doesn't have a definition.

- Dr. Howe said as a start this says the footage, etc. the committees task is to say these are the boundaries and we are going to define in Ipswich what a backyard firing range would be. The definition and what the requirements are. There would be a removal of gray area.
- Dr. Howe also did not feel it was bad to say there are EPA regulations that they should be aware of.
- Mr. Josephson is very concerned about regulating a problem away that most people don't believe exists.
- Mr. Josephson also has concerns preventing people who are not establishing a range, but want to site a rifle for hunting season etc. He wants to make sure nothing prevents them from doing this.
- Dr. Howe said we could make recommendations, there is still a best practices issue. What is minimally acceptable without having to build something specific. There can be two tiers of guidelines.
- Mr. Winthrop felt there should be a safe place to shoot, but he is not sure what a range is. Dr. Boreri read the definition she found in her research.
- Dr. Howe said the committee needed to define the range. What makes the range different from sighting a rifle?
- Mr. Winthrop said the difference is intensity of use. A person who knows enough about firearms would have a backstop, etc.
- Dr. Howe said maybe we should start with what is a safe situation, it needs to be safe if your shooting once a year or daily.
- Dr. Howe suggested a list, this would make it easier for police enforcement and the shooter to know requirements.
- Mr. Josephson said maybe yes maybe no. You need to know your target and what is behind it. With hunting you need to make sure it's going to be stopped by something safe.
- Dr. Boreri felt we should look at this as a public safety measure.
- Chief Nikas wondered if we could do this with zoning. Certain parts of town have tighter regulations then other parts of town.
- Mr. Weatherall said this was discussed at the last meeting, and wondered if this was legal.
- Mr. Weatherall felt this was a valuable way of looking at this, more rural areas are very different then the in town residential district.
- Dr. Boreri said that may not work because she is considered rural but she owns less than an acre.
- Mr. Josephson said recommendation and best practices are great to assemble and communicate but he does not want to legislate anything. He feels this is dangerous to do but they still need something to let the Chief say this well arranged to shoot vs. someone not doing something properly.
- Dr. Howe felt guidelines were what we needed, without them people would not know what we consider safe.
- Chief Nikas said if we have guidelines and there is a complaint we can explain to the person they are doing this the right way.
- Dr. Boreri said we always talk about the rights of gun owners, what about the rights of people who are not gun owners.
- Mr. Josephson said we cannot single out one right.
- Mr. Craft said this not entirely true, we do have certain opportunities in town to regulate shooting. Discharging a firearm is essentially unregulated in Ipswich.
- Mr. Craft said stating the expectations we have on discharge of a firearm is not a bad thing to do.
- Dr. Howe said we are not talking about ownership we are talking about discharging of the firearm.
- Dr. Howe felt the right thing to say is if you want to discharge a weapon there are guidelines.

- Mr. Winthrop it is so clear in his head what represents responsible gun use, but he has no idea how they would set all the proper guidelines.
- The Chief explained that there is a gray area that becomes an opinion. One person may not feel the backstop is appropriate but the police who responds may feel it is. A general guide would help.
- There are a lot of variables, so setting building things this way because it depends on the weapon. This could be a rabbit hole to complete.
- Mr. Weatherall felt recommending tools to be put in place to govern backyard shooting to assist law enforcement. But he wants to be careful because to recommending this at town meeting then another committee would need to create the documents.
- Mr. Josephson said the goal was not to put something before town meeting, it would be to present to the selectman.
- Dr. Boreri felt coming up with general guidelines could create the best case scenario. She wanted to come to some agreement with all sides to move this forward.
- Dr. Howe suggested the next step is to go through the guidelines from NRA and discuss at next meeting on agreements. She felt a consensus on what best practices are.
- Mr. Josephson felt best practices would be easy to come up with, but he wants a conclusion on what they plan to do with those.
- Dr. Howe felt if we come up with these we could make the decision after we see what everything looks like.
- Mr. Craft felt the more they understand what they are talking about the easier it is to discuss.
- Dr. Howe felt once we figure this out, we decide if this is guidance or regulations.
- Mr. Josephson wanted to look at this first, he is much more willing to document guidance but if goal is to legislation then the document would be smaller and less descriptive.
- Dr. Boreri felt that they needed to find a way to come together and compromise on all sides.
- Mr. Weatherall feels that more members then not agree that we need are inclined to put in place guidelines for town meeting.
- Mr. Josephson believes the tools exist already for someone with dangerous with a firearm they can be stopped.
- Dr. Howe said that we could prevent a slippery slope by coming in the middle and agreeing. Let's state it so the police can go in and say this is safe or not safe.
- Dr. Howe felt if we leave these gray we are not meeting our responsibilities.
- Mr. Josephson wanted to know what we intend to do with the document we create.
- Mr. Weathrall wanted to know if this committee would create or not create a document.
- Mr. Craft felt we should seriously consider further regulation on the discharge of firearms in Ipswich. This doesn't mean eliminating or making requirements onerous.
- MR. Winthrop is having trouble believing that we are the only town in the Commonwealth that is dealing with this problem. He wonders if they could look into other towns regulations.
- Dr. Boreri explained there are 34 towns that have some kinds of regulations in place.
- Mr. Winthrop felt it would be smart for everyone to research other towns regulations for the next meeting.
- Mr. Winthrop asked the Fish and Wildlife department to send some information because we cannot create regulations that would affect hunting in anyway.
- Mr. Craft said the mission is to look at the discharge of firearms on private property for target shooting and sport shooting.
- Mr. Winthrop felt we were trying to come up with enforcement items for the Chief.
- Chief Nikas felt they also needed to stand legal muster for when they pull someone's weapons for unsafe practices.

- Mr. Winthrop felt we needed to give the Chief tools so he doesn't have to revoke a license or take a firearm. He can say this is how you should be doing this.
- Dr. Howe thought the goal and duty should be to go to the Selectman with recommendations. Even if we just say we should stick with state laws, they are tasked with coming up with a recommendation either way they decide to go.
- Mr. Craft felt if we could provide the context on bad behavior it is easier then catching someone while acting in bad behavior.
- Mr. Craft said the appropriateness of the context of firearm use matters, what is appropriate for a smaller gun vs. a larger one.
- Mr. Josephson said if the goal is to submit recommendations to give to the Selectman he is OK with this.
- Mr. Winthrop agreed, but he didn't want to say what kinds until a lot more research is completed. He feels this should be explored but he is not committed to the product.
- Mr. Weatherall said they needed to engage in options.
- Dr. Howe they are not clear on what the product should be, but they are committed to looking into the product.
- Mr. Winthrop felt that training would be important for young people, and asked if the Chief looked into this and how young people were taught how to behave with a firearm.
- It was explained that it was Mr. Josephson who did this, the Chief explained that law enforcement stays out of that.

VOTE: Mr. Josephson moved to establish a list of best practices for the discharge of firearms for the purposes of target and sport shooting and submitting these to the Board of Selectman, Dr. Howe seconded. The motion passed unanimously.

- Dr. Boreri provided an overview on a packet she brought on best practices she found and the Committee would review for more in depth discussion at the next meeting.
- The committee would come to the 18th having put thought into what are reasonable expectations.

Set Schedule for Future Meetings

The next meeting would be August 18th at 7PM.

Adjournment

Mr. Weatherall moved to adjourn at 8:45, Mr. Josephson seconded. The motion passed unanimously.

Respectfully submitted by

Jennifer Dionne

7.28.16