

Town of Ipswich
Annual Town Meeting
Tuesday - May 12, 2015 - 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 TWELFTH DAY OF MAY, 2015, 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 2016 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'2016 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 in FY 2014 from such funds transferred into said fund during FY'2016. (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 in FY 2016 from such funds transferred into said fund during FY'2016. (Source of funds: Sale of wood from the grand elm tree);
 - c. a Health Department 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'2016. (Source of funds: Medicare Part B, Medicare Senior Advantage Plans and other insurance plans);
 - d. 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'2016 (Source of funds: fees contributed by seniors participating in special activities);
 - e. 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 2016 (Source of funds: sale of publications);
 - f. a Health Department revolving fund, the use of said fund to finance additional part-time help in the Health Department and to pay related expenses, and to determine that no more than \$7,000 may be expended by the Health Department in FY'2016 from such funds transferred into said fund during FY 2016 (Source of funds: Housing Code inspection fees);
 - g. 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'2016 (Source of funds: user fees); and

- h. 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 commercial shellfish licenses), or to take any other action relative thereto.

Summary:

1. *This item sets the annual salaries for all elected officials as presented in the Town's operating budget.*
2. *This item authorizes payment-in-lieu-of-taxes of \$325,000 to the Town from available funds in the Electric Light Department.*
3. *This item provides an opportunity for standing committees of town meeting to report.*
4. *In accordance with Massachusetts General Laws, this item authorizes the Board of Selectmen to appoint an Acting Town Manager from among its members during vacation or leave of absence of the Town Manager with the exemption from the state conflict-of-interest law.*
5. *This item authorizes certain revolving funds under the terms of M.G.L., Chapter 44, Section 53 E ½. Fees collected by departments under this article are deposited into special, revolving accounts that are separate from the General Fund of the Town. Revolving fund monies must be expended for purposes directly related to the mission of their respective departments.*

This requires a simple majority vote.

Recommended by the Board of Selectmen

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.

Recommended by the Board of Selectmen

ARTICLE 3 – FY'2015 School Budget Amendments

Requested By: School Committee

To see if the Town will vote to appropriate to the FY2015 school budget, a sum of money from insurance claim reimbursements; or to take any other action relative thereto.

Summary:

This article allows the school to utilize insurance reimbursements to offset the costs to repair sprinkler breaks and resulting damage and to remove snow from school buildings. For use of Free Cash, a simple majority vote is required; for use of Stabilization Fund, a 2/3 vote is required.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 4 – FY'2015 Municipal Budget Amendments

Requested By: Board of Selectmen

To see if the Town will vote to amend the Town's action taken under Article 8 of the May 13, 2014 Annual Town Meeting (FY'2015 Municipal Operating Budget) by transferring sums between departments or from available funds; or to take any other action relative thereto.

Summary:

This article allows the town to cover unanticipated expenses in Fiscal Year 2015 through transfers among departments or from available funds. As of the date of the warrant approval, it is unknown what transfers will be necessary. Transfers are necessary this year to cover deficit in the snow and ice removal budget. For use of Free Cash, a simple majority vote is required; for use of Stabilization Fund, a 2/3 vote is required.

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

ARTICLE 5 – Prior Year Unpaid Bills

Requested By: Board of Selectmen

To see if the Town will vote to pay, or transfer a sum of money from available funds, to pay unpaid bills incurred in prior years and remaining unpaid; or to take any other action relative thereto.

Summary

This article allows the Town to pay unpaid bills that were incurred in prior years which remain unpaid. This requires a 4/5 majority vote.

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

ARTICLE 6 – FY'2015 Chapter 90 Amendments

Requested By: Board of Selectmen

To see if the Town will vote to amend action taken under Article 7 of the 2014 Annual Town Meeting (Chapter 90) by increasing the amount from \$444,004 to \$666,006, which is the sum actually released to the Town under the authority of M.G.L. Chapter 90, or to take any action relative thereto.

Summary:

Additional transportation bond funds were released by the Governor in 2015. This will enable the town to spend these additional funds. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 7 – Chapter 90

Requested By: Board of Selectmen

To see if the Town will vote to appropriate the sum of \$666,006, 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, or to take any action relative there to.

Summary:

The state annually allocates to the Town a sum of money to be spent on Town roads. The amount must be appropriated by town meeting. The Town spends the money first and is reimbursed by the state upon completion of the project. Amount is unknown at time of setting the warrant, but is generally expected to be the same as the prior year. This requires a 2/3 vote in case of borrowing.

Recommended by the Board of Selectmen

ARTICLE 8 – FY 2016 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 2016 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 2016 which begins July 1, 2015. 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. This requires a simple majority vote.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 9 – FY'2016 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 Year 2016 School Department 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 and debt service, 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 2016. This requires a simple majority vote.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 10 – School Override

Requested By: School Committee

To see if the Town will vote to raise and appropriate a sum of money to supplement the school budget for Fiscal Year 2016, provided that this appropriation shall be contingent upon passage of a proposition 2 ½ referendum question, pursuant to the provisions of M.G.L., Chapter 59, Section 21C, or to take any other action relative thereto.

Summary:

This article requests that an additional sum of money be raised in Fiscal Year 2016 through an operating override to fund the school department operating budget. This requires a simple majority vote.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 11– FY 2016 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 \$556,348, 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 2016 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.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 12– FY 2016 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 \$325,000, 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 2016 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.

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

ARTICLE 13– Annual Capital Plan

Requested By: Town Manager

To see if the town will vote to transfer from the Capital Stabilization Fund the sum of \$673,748 and from free cash the sum of \$49,000 for the following purposes, and that any remaining funds be returned to the Capital Stabilization Fund:

Facilities:

Computer Equipment	\$20,800
Network Equipment	\$43,000
Project Reserve	\$ 2,000
Payne – Air Conditioning	\$15,000
Doyon – Replace Boiler 1 of 2	\$37,500
Winthrop – Split A/C	\$16,000
Middle/High Schools –	
Repair/Replace Indoor Track,	
Gym, Cafeteria Floors	\$90,000
HVAC System	\$65,000
PAC Carpet and Floors	\$35,000
Town Hall –	
Carpet Replacement Program	\$15,500
Replace large HVAC Units	\$80,000
Library – Replace Carpet Year 3 of 3	\$20,000

Equipment:

DPW- Loader Year 2 of 5	\$34,605
DPW – Dump Truck with Plow Year 2 of 5	\$35,843
DPW – Dump Truck Year 1 of 5	\$28,000
Fire – Replace Hurst “Jaws of Life”	\$35,000
Fire – Set aside for pumper replacement	\$40,000
Fire – Set aside for SCBA replacement	\$25,000
Shellfish Truck	\$27,000
Emergency Management- Message Board	\$17,000

Economic Development:

Wayfinding Signs Year 1 of 3	\$40,500
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and to see if the Town will vote to transfer from the Waterways Funds the sum of \$35,000 for the following purposes:

Waterways Fund:

Harbormaster Truck:	\$35,000
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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 2014 fall town meeting transferred \$650,000 from free cash into the Capital Stabilization Fund to fund the capital plan for Fiscal Year 2016. The balance as of December 2014 was \$675,353. An additional amount of \$49,000 from free cash has been requested to complete the track/gym and cafeteria floors in the middle and high school. This requires a 2/3 majority vote to transfer funds from the Capital Stabilization Fund.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 14 – Town Hall Exterior Painting

Requested By: Board of Selectmen

To see if the Town will vote to transfer from Free Cash the sum of \$60,000 for exterior painting and related repairs to the Town Hall or take any action relative thereto.

Summary:

As part of the capital budget process, facility conditions are identified. As was done for interior painting for the schools and library, the town is seeking use of Free Cash to paint the exterior wood trim of the town hall, which is peeling and missing throughout. This requires a simple majority vote.

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

ARTICLE 15 – OPEB

Requested By: Board of Selectmen

To see if the Town will vote to transfer from Free Cash the sum of \$50,000, to the special Other Post-Employment Benefits account (OPEB) as established under M.G.L., Chapter 32B, Section 20, or to take any other action relative thereto.

Summary:

The town established an irrevocable trust fund for other post-employment benefits - specifically for future costs of retiree health insurance. This action continues the town's progress on setting aside funds for these costs. The present balance in the Trust is approximately \$2.1 million. This requires a simple majority vote.

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

ARTICLE 16 – APD Bylaw Enforcement Provision

Requested By: Board of Selectmen

To see if the Town will vote to amend “Chapter XXII. ARCHITECTURAL PRESERVATION DISTRICT” of the General Bylaws of the Town of Ipswich as follows:

(*bold italics* = proposed new language; ~~strike through~~ = language to be deleted)

- (1) Amend Section 2: Definitions by amending the definitions of “ADDITION, SUBSTANTIAL” AND “SUBSTITUTE SIDING” as follows:

“ADDITION, SUBSTANTIAL: Any addition to a principal or accessory contributing building that *is enclosed by walls and a roof and which* increases the existing gross floor area by 1,000 square feet or by thirty percent (30%) or more, whichever is less...”

“SUBSTITUTE SIDING: A siding material that has been placed over or has replaced the ~~original~~ wood siding of a building...;”

- (2) Amend Section 8: Alterations Which Require APCD Review, paragraph (c) as follows:

(c) New construction of buildings on properties within the APD, including substantial additions ~~fully enclosed by walls and a roof,~~ but not including *the construction of* accessory buildings that are less than 250 square feet in area.,”

- (3) Add the following language to “Section 11: Enforcement”:

“In addition to the duties previously set forth in this Bylaw, the APDC or the Building Inspector may issue enforcement orders directing compliance with this Bylaw and may undertake any other enforcement action authorized by law. Upon request of the APDC, and with the approval of the Board of Selectmen, the Town Counsel may take legal action on behalf of the Town for enforcement of this Bylaw, or any order issued hereunder, in any court of competent jurisdiction.”; and

- (4) Amend Section 13: Appeal Procedure as follows:

~~Any Person Aggrieved by a determination of the APDC may appeal to the Superior Court within twenty (20) days of the filing of the disapproval with the Town Clerk~~ *Any aggrieved party may appeal the action of the APDC. Appeals may be taken as provided by MGL Chapter 249, Section 4 as may be amended.;*

or to take any other action relative thereto.

Summary: When the special town meeting voted last October to adopt the Architectural Preservation District (APD) general bylaw without any enforcement language, it was with the understanding that revised enforcement language would be presented for consideration at the May 2015 annual town meeting.

There were two concerns expressed about the proposed enforcement provision that led to its deletion from the adopted bylaw. One concern was that the language extended overly broad authority to the APD Commission (APDC), which the bylaw establishes to administer the bylaw. The second concern related to the question of whether or not the APDC has the authority to require the Building Inspector to act on its behalf.

This article proposes language that is responsive to both of these concerns, by making the following changes: (1) replaces the language indicating that the APDC may designate the Building Inspector to act on its behalf on enforcement issues with a statement that both the APDC and the Building Inspector may issue enforcement orders directing compliance with the bylaw; and (2) removes the statement that the APDC is authorized to “institute any actions it deems necessary and appropriate to obtain compliance with the requirements of this bylaw” with language which states that the APDC may request Town Counsel, with approval of the Board of Selectmen, to take legal action, if necessary, to enforce the bylaw. These changes were drafted by Town Counsel George Hall, who after thoroughly reviewing both statutory and case law is confident that the revised language is not only legal but will also be an effective and fair way to enforce the provisions of the APD bylaw.

In addition to the above, this article also makes a few minor, non-substantive changes to clarify a couple of definitions. For one, it adds language to the definition of “Addition, Substantial” that is currently found in Section 8(c) of this APD bylaw but is more appropriately contained within the definition. Second, the article strikes from the definition of “Substitute Siding” a word that could be incorrectly read to limit the exemption relative to substitute siding to only buildings which had retained their original wood siding, which was not the intent.

Finally, the article revises the language under Section 13. Appeal Procedure to respond to a comment made by the Attorney General in her letter of February 4, 2015 approving the APD bylaw. Like the changes described in the preceding paragraph, it is not substantive, but does clarify the time periods associated with appeals are solely within the prerogative of the Legislature.

This requires a simple majority vote.

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

ARTICLE 17 – Chapter XIV: Occupational Licenses – Section 4. Fortunetelling for Money

Requested By: Police Chief

To see if the Town will vote to amend the general bylaws as follows:

By add the following Section to **Chapter XIV: Occupational Licenses**

Section 4: Fortunetelling for Money

- A. The purpose of this By-law is to regulate fortunetelling and similar business so that the Town can efficiently and thoroughly investigate fraud and deception, and protect the public by preventing people who have been charged with deceptive practices from having easy access to persons who may be vulnerable to fraud or confidence games.
- B. Fortunetelling shall mean the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy, or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act.
- C. The Board of Selectmen may issue a license to a person to tell fortunes for money under the provisions of Mass. Gen. Laws Chapter 140, section 185I. Any person applying to tell fortunes for money shall file a written application for a Fortune Teller license with the Town Clerk, on a form issued by the Police Department, signed under the penalties of perjury, containing the following information:
 - a. The name of the applicant.
 - b. Physical address of the applicant (PO Box shall not be acceptable)..
 - c. The applicant’s height, weight, eye & hair color.
 - d. The applicant’s Social Security number or Federal Identification number.
 - e. The full name under which the business will be conducted.
 - f. The present or proposed address where the business will be conducted.
 - g. The length of time for which the right to do business is desired (business hours).
 - h. A brief description of the nature of the business and the services to be provided.
 - i. The applicant shall be photographed and fingerprinted by the Police Department for the purpose of completing a criminal background check and producing photo identification. The fingerprinting shall be in compliance of Chapter XV, Section 18 of these of the General By-laws.
- D. Fees for the issuance of such license shall be in accordance with a scheduled fee, to be established from time to time by order of the Board of Selectmen.

or to take any action related thereto

Summary:

As the first paragraph of this By-law states, the purpose of this Article is to prevent “people who have been charged with deceptive practices from having easy access to persons who may be vulnerable to fraud or confidence games.” To conduct a criminal history

check on applicants properly, the Police Department needs to capture fingerprints and submit them to State and Federal authorities. A newly purchased photo identification machine allows the Police to create a standard License with a photograph. This will ensure that any Fortune Tellers licensed by the Board of Selectmen will be properly vetted and have a standard identification, easily reviewed by a resident wishing to patronize the services of a specific Fortune Teller. Additionally, the information on the business name and address will allow the Police Department to conduct physical investigations when necessary and close down clandestine locations when discovered. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 18 – Chapter XV: Miscellaneous Provisions for Public Order and Safety – Section 18: Fingerprint-Based Criminal Record Background Checks
Requested By: Police Chief

To see if the Town will vote to amend Chapter XV: Miscellaneous Provisions for Public Order and Safety – Section 18: Fingerprint-Based Criminal Record Background Checks by adding the following occupational license:

- Fortune Teller

or to take any other action relative thereto.

Summary:

The addition of Fortune Teller to this By-law is needed to address the procedures in the newly requested CH. XIV Occupational License. Section 4. Fortunetelling for Money. A fee of \$50.00 will be recommended to the Board of Selectmen to cover the cost of processing individual fingerprints for these specific licenses issued by the Town. M.G.L., Chapter 6, Section 172B ½ mandates that the Town pay the State thirty dollars (\$30.00 to the Firearms Fingerprint Identification Verification Trust Fund each time it submits a Fingerprint-Based Criminal Background Check. If the fifty dollar (\$50.00) fee is approved, the Town will retain twenty dollars (\$20.00) to cover the costs associated with the administration of the computer system. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 19 – Chapter XV: Miscellaneous Provisions for Public Order and Safety – Section 19: Carrying certain weapons or weapon-like objects.
Requested By: Police Chief

To see if the Town will vote to add the following Section to Chapter XV: Miscellaneous Provisions for Public Order and Safety – Section 19: Carrying certain weapons or weapon-like objects.

- a) No person, except as provided by law, shall carry on his/her person or carry on his/her person or under his/her control while in a vehicle, including those weapons and instruments mentioned in Mass. Gen. Laws Chapter 269, section 10 (b) and section 12, any sabre, sword, or weapon of like or similar nature; any knife having any type of blade in excess of 3 inches, except when actually engaged in hunting, fishing, shellfishing or other sporting activity or going to and/or returning from such activities or in any employment which activity requires the use of any type of knife; or other object or tool so redesigned, fashioned, prepared or treated that such may be used to inflict bodily harm or injury to another.
- b) Any person who violates this section shall be subject to arrest and a fine of not more than fifty (\$50.00) dollars for each offense.

or to take any other action relative thereto.

Summary:

This new Section of the By-laws would make it a violation for people to carry the specific per se dangerous weapons mentioned in the Mass. Gen. Laws and any bladed instrument in excess of three inches in length, while in public, without a legitimate reason. This By-law helps to protect officers and the public from individuals carrying long bladed weapons, homemade weapons and weapons prohibited by Massachusetts General Laws. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 20 – Chapter XIV: Occupational Licenses – Section 3 Solicitors & Canvassers

Requested By: Police Chief

To see if the Town will vote to amend Chapter XIV: Occupational Licenses – Section 3 Solicitors & Canvassers by deleting subsection (C) (h) and inserting the following new subsection (C) (h):

(h) The applicant shall be photographed and fingerprinted by the Police Department for the purpose of completing a criminal background check and producing photo identification. The fingerprinting shall be in compliance of Chapter XV, Section 18 of these of the General By-laws.

Or to take any other action relative thereto.

Summary:

To properly conduct a criminal history check on applicants, the Police Department needs to capture fingerprints and submit said fingerprints to State and Federal authorities. A newly purchased photo identification machine allows the Police to create a standard identification for all solicitors with the required photograph. These changes will ensure any Solicitors and Canvassers licensed by the Police will be properly vetted and have a standard identification tag, openly displayed, when they approach a residence. These identification tags can be easily reviewed by residents. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 21 – Chapter XII – Section 12 Removal of Snow & Ice on Sidewalks

Requested By: Board of Selectmen

To see if the Town will vote to amend Chapter XII: Use of Streets, Sidewalks, and Public Places, by adding a new Section 12.

“Removal of Snow and Ice on Sidewalks”, as follows:

- (a) **Obligation:** The owner, occupant, tenant or agent in charge of any land or building abutting a paved (whether with brick, stone, cement, asphalt or other impervious material) sidewalk within the right-of-way of a street in the Town of Ipswich shall be responsible for the removal of snow, slush and ice from abutting sidewalks and access points to sidewalks no later than 8:00 p.m. on the day following the cessation of the weather event. Sidewalks and access points shall be cleared to a width of at least forty-two (42) inches or, if the sidewalk or access point is narrower, the width of the sidewalk or access point.

The obligation set forth in this Section shall be extended for those who are temporarily absent for vacations, holidays, hospitalization and other unexpected absences; provided, however, that they shall be required to satisfy their obligation no later than 8:00 p.m. on the day following the end of their temporary absence. Temporary absences shall be limited to no more than five (5) calendar days.

- (b) **Enforcement:** The Chief of Police or Department of Public Works Director, or their designee(s), shall be responsible for the administration and enforcement of this Section, pursuant to Section XVII. Noncriminal Disposition of Certain Violations, Section 4, Subsection C of the General Bylaws.
- (c) **Exemptions:** Homeowners who have an approved Clause C1 37A (Blind), C1 41A, C1 41D, C1 17E (Elderly), or C1 22 (Veteran Disability Exemption) from the Ipswich Board of Assessors as of October 1 each year shall be exempted from the requirements of this bylaw.
- (d) **Rules and Regulations:** The Board of Selectmen may promulgate or amend Rules and Regulations which pertain to the administration of this Section. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

And further to amend Chapter XVII, Section 4, Subsection C by adding: Removal of Snow and Ice on Sidewalks (Police Department): \$50; or take any action relative thereto.

Summary:

The purpose of this new by-law is to improve public safety for pedestrians, including children who walk to school, by requiring sidewalks to be cleared by abutting property owners or those responsible for snow removal. This is common practice throughout the Commonwealth. Although the town does plow sidewalks, often this only occurs after roads are cleared for passage by public safety vehicles and motorists. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 22 – Additional Liquor License

Requested By: Board of Selectmen

To see if the Town will vote to 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 make only 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 objectives of this petition:

An act authorizing the Town of Ipswich to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises and an additional license for the sale of wines and malt beverages not to be drunk on the premises.

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ipswich may issue 1 additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to the establishment known as Mamma Luisa Cucina and Bar, located at 14 Central street, in the town of Ipswich, and 1 additional license for the sale of wines and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to the establishment known as Cellar Door Ipswich, located at 2 South Main street, in the town of Ipswich. These licenses shall be subject to all of said chapter 138 except said section 17.

The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant such license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

Section 2. This act shall take effect upon its passage.

Summary: The town has reached its statutory limit for all-alcoholic on-premise and wine and malt off-premise licenses and must file special legislation to increase the limit. This has been determined to be important to the community’s interest by supporting and providing more and varied dining and retail opportunities. It is also important to the local economy, by supporting local dining and retail establishments and creating more job opportunities. This request was initiated by the owners of Mamma Luisa’s in September of 2014 with a formal request letter on January 9, 2015 and the owners of Cellar Door Ipswich with a formal request on March 16, 2015. This requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 23 – Green Crab Eradication

Requested By: Shellfish Advisory Committee

To see if the Town will vote to transfer from available funds the sum of \$10,000 for green crab control efforts or to take any action relative thereto.

Summary:

The Committee would like green crab control efforts to begin in May when the crabs are active and most vulnerable. Funding for the eradication is included in the FY16 budget but will not be available until after July 1, 2015. Use of Free Cash requires a simple majority vote.

Recommended by the Board of Selectmen

ARTICLE 24 – Repairs to School Dept. Administrative Office Building (Payne School) Requested By: School Department

To see if the Town will vote to transfer from free cash the sum of \$35,000 for exterior roof and siding repairs, window replacement and upgrade of electrical service at the School Department Administration Office Building or take any action relative thereto.

Summary:

Building repairs are needed to address roof and siding leaks, improve functionality of electrical system and to increase energy efficiency by replacing old and dilapidated windows. Use of Free Cash requires a simple Majority vote.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 25 – Replacement of Shades and Blinds at Doyon School Requested By: School Department

To see if the Town will vote to transfer from Free Cash the sum of \$20,000 to replace window shades and blinds at the Doyon School or take any action relative thereto.

Summary:

Building repairs are needed to address roof and siding leaks, improve functionality of electrical system and to increase energy efficiency by replacing old and dilapidated windows at Doyon School. The window blinds and shades are original to the building and most are inoperable. In order to address security concerns and to improve the learning environment funding to install new blinds and shades is requested. Use of Free Cash requires a simple majority vote.

*Recommended by the Board of Selectmen
Recommended by the School Committee*

ARTICLE 26– Prevent Solar Glare from Ground Mounted Photovoltaic Installations

Requested By: Phillip N. Goss and Delores Tammy Goss

To see if the Town will vote to enact a by-law for residential Ground-Mounted (and as applicable roof mounted) Solar Photovoltaic Installations that prevents glare being directed onto abutting or neighboring properties and be enforceable by the Town. This would bring Ipswich by-laws in line with many other Massachusetts towns.

Summary:

In September 2013, a neighboring property owner installed a large (~10kw) Ground-Mounted Solar Photovoltaic system configured into 2 arrays, each approx. 13 ft. x 27 ft. (the combined arrays are about the size of a highway billboard) facing the rear of the petitioner's property. Intense glare from each solar system array was experienced across the Petitioner's entire back yard and all rear facing windows (1st and 2nd story) on all sunny or partly sunny afternoons for 10 months of the year. Intense glare from the solar system arrays was also present across the Petitioner's front yard and on to Linebrook Road during May & June. Attempts to resolve the issue directly with the property owner and contractor were unsuccessful. Petitioners retained legal counsel in April 2014 after exhausting all other avenues, including multiple interactions with the Town Administration.

Legal counsel actions included obtaining an independent lighting expert to take glare measurements and affidavits from Ipswich citizens who had observed the glare intensity. Following legal counsel interactions, the property owner/contractor turned the solar arrays away from petitioner's property in October 2014.

Since 2012, the Town Planning Board has not progressed language to address glare from residential solar systems that would be enforceable by the Town.

This article is sought to prevent a recurrence of this issue. It was the petitioner's experience that without a by-law, the only recourse currently available to an Ipswich Citizen is to be prepared to file a lawsuit under Massachusetts nuisance laws and incur significant legal costs.

This requires a 2/3 majority vote.

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

ARTICLE 27–Height Restriction and Screening for Ground-Mounted Photovoltaic Installations

Requested By: Phillip N. Goss and Delores Tammy Goss

To see if the Town will vote to enact a by-law for residential Ground-Mounted Solar Photovoltaic Installations that limits the height of the solar system to 8 ft. and require full screening (vegetation or fence) to be installed and maintained by the solar installation property owner for the life of the system. This would bring Ipswich by-laws into line with many other Massachusetts towns.

Summary:

Background information on a neighboring property owner's September 2013 installation of a large (~10kw) ground mounted solar system has been provided in a separate petition regarding a glare nuisance affecting the petitioner's property.

This petition is intended to address the height specifications in the Town of Ipswich by-laws whereby residential ground mounted solar installation heights are treated under the regulations for accessory buildings and structures. Current accessory building and structure regulations stipulate a maximum height of 18-25 ft. without requiring a special permit from the Zoning Board of Appeals (ZBA). The height limit for residential solar installations should be less than the existing Town of Ipswich 12 ft. height limit for commercial (>10kw) Ground-Mounted Solar Photovoltaic installations (Zoning by-laws: section IX.Article Q.3.e.ii).

The proposed 8 ft. height limit and full screening for a residential GSI would help protect property values and interests of abutters and neighboring properties. Further, this would protect abutter's and neighboring properties from incurring their own costs to screen the visual impact of the solar installation.

This requires a 2/3 majority vote.

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

ARTICLE 28– Harbormaster & Mooring Regulations Study Committee

Requested By: Gary Champion

To see if the Town will vote to direct the Board of Selectmen (BOS) to appoint a Harbormaster & Mooring Regulations Study Committee to include a BOS member, the Harbormaster, a Government Study Committee member, citizen at large and subject matter expert Gary Champion, and a member of the Ipswich Bay Yacht Club. The Committee may request participation and advice from the Massachusetts Harbormaster Association, State Departments, Commissions and other legal and authoritative sources. The Committee shall make comprehensive and non-biased findings in fact, law, safety, public rights and private interests. The Committee findings shall be presented at a public BOS meeting no later than September 2015. The Town shall make appropriate and required amendments to Harbormaster & Mooring Regulations by December 2015.

Summary:

A great deal of information has been attained since the revised Harbormaster and Mooring Regulations took effect in March 2011 including: Research of more than 20 other Massachusetts Coastal Towns; Two State Ethics Commission conflict of interest reports; Inspector General reports, case law and legal opinions; Town Counsel misrepresentations; Inequitable mooring wait list and assignment data.

Town Government has been reluctant to make a comprehensive assessment of the information, evaluate appropriate changes to regulations procedures and adapt Harbormaster policies that ensure fair, equitable and mutually beneficial compromise of public rights and private interests.

Not Recommended at this time by the Board of Selectmen

ARTICLE 29 – Modify Definition of “INN”

Requested By: Raymond Morley

To see if the Town will vote to: Amend the Protective Zoning Bylaw of the Town of Ipswich by Amending “III DEFINITIONS” as follows:

Modify definition of “INN” by deleting the existing language in its entirety and substituting in lieu thereof the following: “A building or group of buildings containing no more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A common dining facility where meals are served to overnight guests and others, and/or related retail and consumer services intended for serving the needs of guest room occupants and the public, including functions and meetings, may be provided for the common good.”

Summary: The current definition of “inn” runs counter to the commonly accepted definition of “Inn” by essentially excluding the public from using the dining room and other amenities of an Inn. The proposed definition reflects the traditional role of an Inn and is supportive of the economic development goals of Ipswich. This requires a 2/3 majority vote.

Referred to the Planning Board by the Board of Selectmen

Election of Officers & School Override

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 19, 2015; 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) To choose the following officers, viz: a Moderator for one [1] year; one [1] member of the Board of Selectmen for three [3] years; one [1] member of the Board of Selectmen for one [1] year; two [2] members of the School Committee for three [3] years; one [1] member of the Housing Authority for one [1] year; one [1] member of the Housing Authority for five [5] years.
- (2) BALLOT QUESTION: Shall the Town of Ipswich be allowed to assess an additional \$2,900,000 in real estate and personal property taxes for the purposes of funding the School Department for the fiscal year beginning July 1, 2015?

Summary:

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.

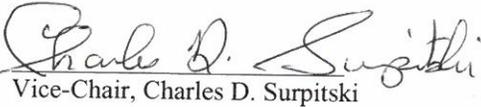
And you are directed to serve this Warrant by posting at least one attested copy in each precinct in the Town at least seven days prior to the time for holding said meeting in a newspaper published in, or having a general circulation in, the Town of Ipswich.

Given unto our hands this Sixth day of April in the year of our Lord, Two Thousand Fifteen.

TOWN OF IPSWICH
BOARD OF SELECTMEN

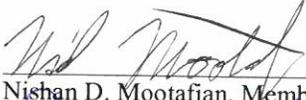


Chair, William M. Craft

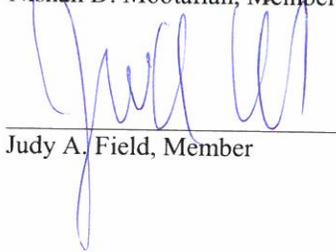


Vice-Chair, Charles D. Surpitski

Shirley A. Berry, Member



Nishan D. Mootafian, Member



Judy A. Field, Member