

Commonwealth of Massachusetts

Town of Ipswich

Warrant for **Annual** Town Meeting

May 15, 2021

9:00 am



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 IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on SATURDAY, THE FIFTEENTH DAY OF MAY, 2021 at 9:00 o'clock in the morning, then and there to act on the following articles, viz:

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| 4 | FY 2022 School Budget | School Committee |
| 5 | FY 2022 Whittier Regional High School Budget | Whittier RVTHS Representative |
| 6 | FY 2022 Essex County Technical Institute Budget | Select Board |
| 7 | Transfer of FY21 Appropriated Budget Funds to Educational Stabilization Fund | School Committee |
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| 21 | Amend General Bylaws – Add “Noise Bylaw” | Select Board |
| 22 | Amend General Bylaws – Electronic Voting | Select Board |
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| 25 | Citizen Petition – Amend General Bylaws – Chapter 118 -Section 118-9 Appt. & Charge | Gary Champion |
| 26 | Citizen Petition – Amend General Bylaws – Chapter 35 – Finance Committee | Michael Dougherty |
| 27 | Citizen Petition – Amend General Bylaws – Chapter 25-5 (Quorum Requirement) | Ed Marsh |
| 28 | Citizen Petition – Amend General Bylaws – Chapter 25-4 (OPEB Funding Requirement) | Ed Marsh |

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| 29 | Citizen Petition – Amend General Bylaws – Chapter 35 (Requirement for Online Access to Recordings & Transcripts) | Ed Marsh |
| 30 | Citizen Petition – Amend General Bylaws – Chapter 25-4 (Prohibiting Warrant Articles Presuming Anthropomorphic Climate Change) | Ed Marsh |
| 31 | Citizen Petition – Affirmation of Bill of Rights | Ed Marsh |

Under the Americans with Disability Act, the Town of Ipswich will make every effort to assure that Town Meeting is accessible to individuals with disabilities. Should any assistance be desired in this regard, please contact the Select Boards Office at (978) 356-6604.

ARTICLE 1 – Consent CalendarRequested By: Select Board

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; Select Board: member \$750.00; Chairperson \$1,000.00; School Committee: member \$ 200.00;
- (2) To transfer the sum of \$324,000 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 establish the following expenditure limitations for the revolving funds authorized in § 15-29 of the Town Bylaws for FY2022:
 - a. Town Wharf Revolving Fund: \$12,000;
 - b. Beautification Fund: \$5,000;
 - c. Public Health Fund: \$5,000;
 - d. Sanitary Housing Fund: \$7,000;
 - e. Food Inspectional Services Fund: \$25,000;
 - f. Council on Aging Fund: \$100,000;
 - g. Historical Commission Fund: \$5,000;
 - h. Town Hall Custodial Services Fund: \$20,000;
 - i. Shellfish Enhancement Fund: \$15,000;
 - j. Electric Vehicle Charging Fund: \$1,000;
 - k. Health Reimbursement Fund: \$85,000; and
 - l. Crane Beach Maintenance Fund: \$50,000.
- (5) To raise and appropriate \$50,000 and transfer said sum to the Crane’s Beach Maintenance Fund;
- (6) To authorize the payment of any unpaid bills from prior years, if necessary;
- (7) To amend the Town’s action taken under Article 3 of the June 27, 2020 Annual Town Meeting (FY 2021 Municipal Operating Budget) by transferring from available funds, if necessary; and
- (8) To appropriate a sum of \$440,221, or a greater or lesser sum, from the state for highway improvements under the authority of M.G.L. Chapter 90, or any such applicable laws, and to authorize the Select Board, if necessary, to apply for, accept and borrow in anticipation of state aid for such projects.

MOTION:

I move to set the salaries of elected officials; transfer funds from the Electric Light Department; hear reports from committees and continue listed committees as standing committees of Town Meeting; amend section 15-29 of the General Bylaws and establish expenditure limitations of revolving funds; to appropriate the sum of \$440,221 under the authority of M.G.L. Chapter 90 and to authorize the Select Board to borrow in anticipation of state aid for such projects, all as set forth in Article 1 of the warrant for this Town Meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 2 – Finance Committee ElectionSubmitted By: Select Board

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.

MOTION:

I move to appoint Rob White to the Finance Committee for a term of three years.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 3 - FY 2022 Municipal Budget

Submitted By: Select Board

To see if the Town will vote to hear and act upon the reports of the Select Board and Finance Committee relative to the Fiscal 2022 municipal budget totaling **\$27,950,878**, 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 2022 which begins July 1, 2022. A budget was adopted by the Select Board 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 <http://www.ipswichma.gov/632/Budget-Information>.

I move to appropriate the sum of \$27,950,878 for the FY2022 municipal budget to be expended as follows:

| | |
|--|---------------------------|
| General Government | \$828,809 |
| Finance | \$1,023,678 |
| Planning | \$603,827 |
| Public Safety | \$5,669,052 |
| Public Works | \$4,825,062 |
| Community & Cultural Services | \$1,573,577 |
| Benefits & Other Misc. | <u>\$5,818,013</u> |
| | |
| General Fund Total | \$20,342,018 |

For a General Fund Total of \$20,342,018 including waterways; and

| | |
|---|-------------------------|
| Water Department | \$4,748,095 |
| Wastewater Department | \$2,740,834 |
| Sanitation, Solid Waste, Recycling | <u>\$119,931</u> |
| | |
| Total Municipal Budget | \$27,950,878 |

And that the following sums be raised and appropriated or transferred to fund the FY2022 budget:

| | |
|--|---------------------|
| Septic Loan Program | \$33,740 |
| Tourism Account | \$2,000 |
| Debt Premium | \$1,359 |
| Overlay Surplus | \$125,000 |
| Waterways Improvements | \$117,631 |
| Raise and Appropriate | \$19,872,288 |
| Water Receipts | \$4,693,493 |
| Water Surplus | \$54,602 |
| Wastewater Receipts | \$2,740,834 |
| Sanitation, Solid Waste & Recycling | \$119,931 |
| | |
| Total Funding Sources | \$27,950,878 |

and to authorize the Town to enter into lease-purchase contracts for equipment having a term of five years or less.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 4 – FY 2022 School Budget

Submitted 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 2022 School Department budget totaling **\$33,291,311** 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 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.

MOTION:

I move to transfer \$125,000 from the Overlay Surplus account; to transfer \$1,342,296 from the Education Stabilization Fund; and to raise and appropriate the sum of \$31,824,015 for a total of \$33,291,311 to fund the FY 2022 School Budget as set forth in Article four of the warrant for this Town Meeting.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 5 – FY 2022 Whittier Regional High School Budget
Representative

Submitted By: *Whittier RVTHS*

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$590,000 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.

MOTION:

I move to raise and appropriate the sum of \$590,000 to pay the Town’s share of the ensuing year’s annual operating and debt service expenses of the Whittier Regional Vocational Technical High School.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 6 – FY 2022 Essex County Technical Institute Budget

Submitted By: *Select Board*

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$335,000, 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.

MOTION:

I move to raise and appropriate the sum of \$335,000 to pay the Town’s share of the ensuing year’s annual operating and debt service expenses of the Essex County Technical Institute.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 7 - Transfer of FY21 Appropriated Budget Funds to Educational Stabilization Fund

Submitted By: School Committee

To see if the Town will vote to allow the School Department to transfer available funds from the FY21 Appropriated Budget to the Educational Stabilization Fund.

Summary: The School Committee believes that there are unused funds available in the FY21 Appropriation. The intent is to transfer these available funds into the Educational Stabilization Fund for use by the School Department in future years.

MOTION:

I move to transfer the sum of \$1,035,092 from the FY 2021 School Budget to the Education Stabilization Fund.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 8 - Transfer of FY21 Appropriated Budget Funds to Special Education (SPED) Stabilization Fund

Submitted By: School Committee

To see if the Town will vote:

To allow the School Department to transfer available funds from the FY21 Appropriated Budget to the Special Education (SPED) Stabilization Fund.

Summary: The School Committee believes that there are unused funds available in the FY21 Appropriation. The intent is to transfer these available funds into the Special Education (SPED) Stabilization Fund for use by the School Department in future years.

MOTION:

I move to transfer the sum of \$224,397 from the FY 2021 School Budget to the Special Education Reserve Fund.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 9 – Stabilization Funding

Submitted By: Select Board

To see if the Town will vote to transfer the sum of \$190,000 from Free Cash to the Stabilization Fund, or take any other action relative thereto.

MOTION:

I move to transfer the sum of \$190,000 from Free Cash to the Stabilization Fund.

Select Board Recommend:
Finance Committee Recommend:

ARTICLE 10 - Other Post-Employment Benefits Funding

Submitted By: Select Board

To see if the town will vote to raise and appropriate the sum of \$75,635 and to transfer the sum of \$304,265 from Free Cash and to transfer said sums to the OPEB Trust Fund, or take any action relative thereto.

MOTION:

I move to raise and appropriate the sum of \$75,635 and to transfer the sum of \$304,265 from Free Cash and to transfer said sums to the OPEB Trust Fund.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 11 – Annual Capital Plan

Submitted By: Select Board and School Committee

To see if the Town will vote to transfer from the Capital Stabilization fund the sum of \$17.321, from Free Cash the sum of \$1,369,717, from Overlay Surplus the sum of \$40,000, from the Waterways fund the sum of \$40,000, from the Fire Pumper Set-Aside fund the sum of \$51,084 and raise and appropriate the sum of \$70,025 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

IT:

| | |
|--|----------|
| Computer Replacement | \$28,000 |
| Firewall Upgrade/Redundancy | \$27,000 |
| WiFi Expansion/Support | \$7,000 |
| Server Room Protection from Sprinklers | \$15,000 |
| Permit/AssessPro Sync Automation | \$10,000 |

SCHOOLS:

| | |
|---|-----------|
| Wind Turbine Gear Box Set-Aside (Year 4 of 7) | \$20,000 |
| Technology: User Equipment | \$159,000 |
| Flooring & Carpet (District) | \$20,000 |
| Roof Repairs (District) | \$35,000 |
| Interior Exterior Painting (District) | \$15,000 |
| Univent Control Upgrade (Elementary Schools) | \$100,000 |
| Building Exterior Lighting (Doyon) | \$15,000 |
| Bathroom Upgrade (Doyon) | \$35,000 |
| Replacement of Sewer Injector Pumps (Doyon) | \$7,400 |
| Replace Unit Ventilators (Winthrop) | \$93,000 |
| Replacement of Unit Heater (Winthrop) | \$5,000 |
| Replace of Flooring (MS/HS) | \$75,000 |
| Boiler Upgrade Feasibility Study (MS/HS) | \$25,000 |
| Drinking Fountain Replacement (MS/HS) | \$25,000 |
| Replacement – 10 Ton Condensing Unit | \$20,000 |
| PAC Center Curtains | \$25,000 |
| Update Security Alarm Systems (MS/HS) | \$50,000 |

BUILDINGS:

| | |
|--|----------|
| Roofing Repairs – Town Wide | \$20,000 |
| Town Hall Boiler Replacement Feasibility Study | \$15,000 |

Library Window Replacement P-1 \$70,000

EQUIPMENT:

| | |
|---|-----------|
| Sidewalk Machine (Final 2 yrs. of Lease) | \$42,822 |
| PW-56 Bucket Truck (Year 5 of 5) | \$43,500 |
| PW-48 (750) Truck | \$187,423 |
| 60" Slice Seeder | \$9,000 |
| 60" Core Aerator – 3 Point Hitch | \$5,000 |
| E-4 Class A Pumper Truck (Year 5 of 5) | \$95,501 |
| E-2 1992 Replacement Pumper (Year 5 of 5) | \$95,501 |
| Ladder Truck Set Aside | \$50,000 |
| PPE (2 nd set for Fire Fighters) | \$24,000 |
| Fire Communication (2 Vehicle Repeater Systems) | \$22,000 |
| Replacement Body Worn Cameras (Police) | \$57,000 |
| Harbor Patrol Boat (15' Ribcraft – Waterways) | \$40,000 |

Or to take any action relative thereto.

MOTION:

I move to transfer from the Capital Stabilization Fund the sum of \$17,321; to transfer from Free Cash the sum of \$1,369,717; to raise and appropriate the sum of \$70,025; from the Overlay Surplus Account the sum of \$40,000; from the Waterways fund the sum of \$40,000; from the Fire Pumper Set-Aside fund the sum of \$51,084; and for a total capital spending of \$1,588,147 to fund the capital budget as set forth in Article 11 of the warrant for this town meeting, and that any remaining funds be transferred to the Capital Stabilization Fund.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 12 – Topsfield Road – Mill and Overlay (Repave)

Submitted By: DPW Director

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to mill, overlay, and reconstruct Topsfield Road in Ipswich, including but not limited to, bicycle safety enhancements and related bicycle and pedestrian safety, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other borrowing authority; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto.

Summary: Topsfield Road is in need of milling and an overlay. Chapter 90 funds of approximately \$440,000 per year and the budgeted paving funds of \$350,000 per year is not enough money to pave Topsfield Road, which is a major road. This article is necessary to fund the Topsfield Road project before the road degrades further and calls for a major reconstruction which could cost a million dollars more. The Chapter 90 and general fund budgeted money is not enough to pave major roads and can be

used for smaller road projects. This requires a 2/3 majority vote at Town Meeting and a subsequent affirmative ballot vote at the May 18, 2021 election.

MOTION:

I move that the Town appropriate \$1,500,000 for milling, overlaying, and reconstructing Topsfield Road in Ipswich, including but not limited to, bicycle safety enhancements and related bicycle and pedestrian safety, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under M.G.L. c.44, §7(1) or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 13 – Water Infrastructure Upgrade (Treatment Plant & Browns Well) Submitted By:
Select Board as Water Commissioners

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town’s water system, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other borrowing authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto.

(2/3rds majority)

Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to design upgrades to the Water Treatment Plant (WTP) and Browns Well. The WTP is past its useful life and requires upgrades to continue meeting required water quality criteria. Upgrades will also provide operational flexibility and allow of the treatment of groundwater sources Browns Well. Browns Well has high levels of manganese and requires treatment in order to regain full pumping capacity. These upgrades will improve system reliability, resilience and redundancy. This requires a 2/3 majority vote at Town Meeting.

MOTION:

I move that the Town appropriate \$1,500,000 to pay costs of surveying, designing, permitting, and constructing improvements to the Town’s water system, including the payment of costs incidental

or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under M.G.L. c.44, §8 or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 14 – Water Infrastructure Upgrades (Town Hill Water Tank) Submitted By: Select Board as Water Commissioners

To see if the Town will vote:

- (1) to appropriate the sum of \$4,000,000 to survey, design, permit and construct improvements to the Town’s water system, including the payment of costs incidental or related thereto; and
- (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other borrowing authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or
- (3) to take any other action relative thereto.

Summary: This article will authorize the Treasurer to borrow the sum of \$4,000,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to design and construct one or more water storage tanks on Town Hill. The current 3-million-gallon water storage tank is past its useful life and needs rehabilitation or replacement. A full evaluation of water system hydraulics and water quality will determine if one or two tanks are required. These upgrades are necessary to maintain adequate water pressure and fire flow for the community. These upgrades will improve system reliability, resilience and redundancy. This requires a 2/3 majority vote at Town Meeting and a subsequent affirmative ballot vote at the May 18, 2021 election.

MOTION:

I move that the Town appropriate \$4,000,000 to pay costs of surveying, designing, permitting, and constructing improvements to the Town Hill Water Tank(s) and associated infrastructure as part of the Town’s water distribution system, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$4,000,000 under M.G.L. c.44, §8 (5) or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 15 – Wastewater Infrastructure Upgrade & Design Work
Board as Wastewater Commissioners

Submitted By: Select

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the aeration system at the Wastewater Treatment Plant, the Town Wharf Pump Station and the wastewater collection system, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other borrowing authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto.

Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to upgrade sewer infrastructure within the Town of Ipswich. Funds are anticipated to be used to rehabilitate a portion of the sewer system along the Ipswich River near Choate Bridge; design of the replacement of the Town Wharf Pump Station, including potential relocation; and design improvements to the aeration system at the Wastewater Treatment Plant. The piping and pump station infrastructure date back to the late 1950's and is in poor condition and subject to storm and climate impacts. Failure of this infrastructure will result in raw sewerage discharges into the Ipswich River and impact shellfish beds, bathing beaches and public health. The aeration system is a critical component to the Town's biological treatment process and includes equipment that is past its useful life. Failure of this system will result in partially treated wastewater and violation of federal discharge permit parameters. This requires a 2/3 majority vote at Town Meeting.

MOTION:

I move that the Town appropriate \$1,500,000 to pay costs of surveying, designing, permitting, and constructing improvements to the aeration system at the Wastewater Treatment Plant, the Town Wharf Pump Station and the wastewater collection system and associated infrastructure, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under M.G.L. c.44, §8 or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 16: Planning - Inclusionary Housing Amendments

Submitted By: *Planning Board*

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (strike through = language to be deleted; bold italics = new language):

1. Amend Section VI. Footnotes to the Table of Dimensional and Density Regulations as follows:

11. The Planning Board may increase the number of dwelling units allowed under this requirement by special permit if it determines that a proposed multi-family dwelling or multi-family residential development would provide public benefit to the general public. For the purposes of this provision, public benefit shall mean contributing to the preservation or creation of affordable housing as defined in Section IX.I. of this bylaw, or contributing to the enhancement or creation of public recreational facilities. Multi-family dwellings or developments that provide at least 20% of the additional dwelling units allowed under this footnote as affordable (as defined in Section IX.I.3.a.ii), or which pay *an \$20,000 affordable housing fee, in accordance with the “Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option”, adopted on June 19, 2008, as amended*, for each unit allowed under this footnote, will satisfy the public benefit requirement. ~~As a stimulus for creating affordable housing units, if a multi family development or dwelling of nine or fewer units meets the affordability requirement under Section IX.I.3.a.ii by creating an affordable unit, then the fee for additional units allowed under this footnote shall be \$15,000 per unit.~~

2. Amend Section IX.I.3.a.i. and ii. and b.i. as follows:

3. Requirements

a. Multi-family Residential Development

- i. ~~Ten~~ **Fifteen** percent (**15%**) of the units in any multi-family *dwelling, multi-family residential development, or residential mixed use* of ~~ten units or more~~ (the “Affordable Housing Units”) requiring a special permit shall be sold or rented to households *that meet the eligibility requirements described in ii. below. This requirement means that for a seven-unit development a minimum of one affordable unit will be required.* ~~with incomes at or below eighty percent (80%) for for sale housing and sixty percent (60%) for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth’s Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town’s subsidized housing inventory under G.L.C. 40B Sec. 20-23. For purposes of this bylaw, rental housing shall be deemed affordable if rents (including utilities or a HUD approved utility allowance if utilities are paid separately by tenants) do not exceed thirty percent (30%) of fifty percent (50%) of the gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit in accordance with the protocols accepted under Section 42 of the federal tax code. For sale housing shall be deemed affordable for purposes of this bylaw if it is priced so that monthly principal, interest, tax, and property insurance costs and condominium fees (if applicable) do not exceed thirty percent (30%) of seventy percent (70%) of gross monthly Median Regional Household Income for a family of four (4), adjusted for the bedroom size of the unit, using the best generally available mortgage terms and rates for such borrowers. For~~

development of fewer than seven housing units, an Applicant shall either make a payment to the Ipswich Affordable Housing Trust Fund or provide an Affordable Housing Unit. For developments of seven or more units, where the application of this formula results in a fractional portion of a housing unit, a fraction of one half ($\frac{1}{2}$) of a dwelling unit or more shall be considered as one (1) Affordable Housing Unit; if the fraction is less than one half ($\frac{1}{2}$) of a dwelling unit, each tenth of the fraction unit shall require the payment of the unit fee specified in (ii) below the “Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option”, adopted on June 19, 2008, as amended. The fees may be adjusted by the Planning Board from time to time by amending these Regulations.

- ii. *An eligible household for an Affordable Housing Unit shall have a total income at or below eighty percent (80%) for for-sale housing and sixty percent (60%) for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth’s Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town’s subsidized housing inventory under G.L.C. 40B Sec. 20-23. For purposes of this bylaw, rental housing shall be deemed affordable if rents (including utilities or a HUD-approved utility allowance if utilities are paid separately by tenants) do not exceed thirty percent (30%) of fifty percent (50%) of the gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit in accordance with the protocols accepted under Section 42 of the federal tax code. For-sale housing shall be deemed affordable for purposes of this bylaw if it is priced so that monthly principal, interest, tax, and property insurance costs and condominium fees (if applicable) do not exceed thirty percent (30%) of seventy percent (70%) of gross monthly Median Regional Household Income for a family of four (4), adjusted for the bedroom size of the unit, using the best generally available mortgage terms and rates for such borrowers. For multi-family residential developments of fewer than ten (10) units requiring a special permit, the applicant shall, in consideration of such permit, provide either one (1) Affordable Housing Unit in accordance with 3. a. (i), 4., 5., and 6. of this Section I., or pay a fee to the Town to provide affordable housing in Ipswich. The fee shall be calculated on a pro rata basis, and for developments of fewer than ten dwelling units, the fee shall be \$10,000 per rental unit and between \$10,000 and \$25,000 per ownership unit, based on the formula in the “Planning Board Regulation: Inclusionary Housing Payment in Lieu of Option”, adopted on June 19, 2008, as amended. The fee may be adjusted by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single family homes developed for sale to households at or below eighty percent (80%) of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development.*

b. Single Family Developments

- i. *Provide an Affordable Housing Unit in accordance with 3.a.(i), 4., 5., and 6. of this Section I.; or provide an affordable housing fee in accordance with 3.a.(ii) of this Section IX.I the “Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option”, adopted on June 19, 2008, as amended; and*

3. Amend Section IX.I.4.b. as follows:

- 4. Conditions of Approval
- b. Comparability

Affordable units shall be dispersed throughout the site *development*. ~~and shall be indistinguishable from the exterior from market rate units except in size, interior finish, fixtures and appliances~~ ***They shall be similar in size and bedroom size distribution to the balance of the development, and shall be substantially indistinguishable from market rate units. Applicants proposing to use interior finishes, mechanical equipment, fenestration and other building envelope materials in the affordable units that are different than those proposed for the market rate units shall submit, for Planning Board review, a detailed description of these differences. In determining whether to approve the proposed materials and equipment, the Board shall focus particularly on issues of energy efficiency and cost of utilities, ease and cost of maintenance and durability.***

...or take any other action relative thereto.”

Summary: This article will amend the Inclusionary Housing Requirements of the Zoning Bylaw for multifamily projects by lowering the threshold for requiring affordable units from one per ten to one per seven, which, put another way, is an increase from requiring 10% of the new units in a development to be affordable to requiring 15%. The article will also remove references to specified dollar amounts for projects where a “payment-in-lieu-of” an affordable unit is allowed. (Payment calculations will instead be located in accompanying Rules & Regulations which are in the process of being reviewed and revised and will be accepted as part of a Public Hearing process.) The article will also refer the reader of Footnote 11 to the Table of Dimensional and Density Regulations in Section VI and the Inclusionary Housing Requirements in Section IX.I to the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option. The article will make formatting improvements to Section IX.I and will strengthen the Planning Board’s authority to require that the construction and materials of affordable units are indistinguishable from market rate units in projects where affordable units are created.

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Sixteen of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 17: Great Estate Preservation Development (GEPD) Amendments Submitted By: Planning Board

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (strike through = language to be deleted; bold italics = new language):

- 1. Amend Section IX.H.1.a. as follows:
 - a. Encourage the preservation and appropriate development of the building and lands of the large estate properties in the RRA District ~~(For the purposes of this subsection, a Great Estate is defined as an architecturally significant residence and its formal landscape features and supporting structures, constructed prior to 1948 and situated on a minimum of sixty (60) acres).~~
- 2. Amend Section IX.H.2.b.iii. as follows:

iii. At least ~~ten~~ **fifteen** percent (~~10~~**15**%) of the total units are affordable housing as defined in IX.I.3.a.~~(1)~~**ii.** of this zoning bylaw;...

3. Amend Section IX.H.3. as follows:

3. Density Standards

a. ~~Minimum Lot Size~~ **GEPD Lot Eligibility**: A GEPD may be permitted on a lot which:

i. ~~Has~~ **an land** area of at least sixty (60) acres **on January 1, 1948, and contains a great estate mansion as defined in sub-paragraph ii., below, and** which **lot** has remained substantially unchanged in lot configuration and size since ~~December 31, 1996~~, except for a lot from which a portion of the land has been conveyed **conveyances of land** to the Town or a qualified conservation organization for perpetual conservation protection; provided that the remaining unprotected lot has an area of at least sixty (60) acres. **For purposes of determining eligibility under this section, the lot area of a GEPD shall be defined as the total of (a) the area of the applicant's land plus (b) the area of the permanently protected land previously so conveyed after January 1, 1948, which is available for use by the general public.** Contiguous lots may be **added to and** combined **with the above-defined GEPD lot** for inclusion in a GEPD, provided that at least one of the lots contains sixty (60) acres and has remained substantially unchanged in lot configuration and size since ~~December 31, 1996~~. The calculation of minimum lot size shall be done in accordance with paragraph b. (~~3~~**iii**) below;

ii. ~~Is~~ **Contains a gGreat eEstate** as defined in ~~1.a above~~ **as an estate residence, constructed prior to January 1, 1948, with formal landscape features and supporting structures, which together have been certified by the Historical Commission as having historic or architectural significance;** and

iii. Contains buildings constructed prior to December 31, 1996, which contain in aggregate a minimum of ~~40,000~~ **30,000** square feet of existing floor area, **and of which at least 12,500 square feet is located in the Great Estate mansion that was constructed prior to January 1, 1948.** For the purposes of this ~~subsection~~ **GEPD bylaw**, floor area is defined as the aggregate gross floor area of all floors within all principal and accessory buildings.

b. Floor Area of Development: **For the purposes of determining the allowable floor area of buildings on a GEPD lot an applicant may only use that portion of the GEPD lot that is owned by the applicant, in accordance with the following:**

i. New Floor Area: For the purposes of determining the total new floor area... The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, ~~and~~ the Ipswich Wetlands Protection Bylaw and Rules and Regulations, **Article 97, and other restrictions in place at the time of the calculation. ...**

4. Amend Section IX.H.5.c. as follows:

c. Open Space Restriction: A minimum of forty percent (40%) of the ~~lot~~ **land owned by the applicant** shall either be:...

...or take any other action relative thereto.”

Summary: This article will amend the Great Estate Preservation Development (GEPD) section, IX.H, in the Zoning Bylaw by expanding the eligibility of GEPD lots to those that had an estate land area of at least sixty acres on January 1, 1948, inclusive of land which has been permanently protected and which is

available for use by the general public. The article will require that a GEPD lot contains a mansion with at least 12,500 square feet built before January 1, 1948. Further, to expand eligibility of the Great Estate bylaw, the article will lower the existing aggregate floor area minimum from 40,000 square feet to 30,000 square feet.

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Seventeen of the warrant for this town meeting.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 18: Water Demand Minimization Amendments

Submitted By: *Planning Board*

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (strike through = language to be deleted; bold italics = new language):

1. Amend Section X. Site Plan Review Section C. General Standards as follows:

In the review of any site plan conducted under this Section, the Planning Board (herein "Board") shall determine that ~~reasonably~~ adequate provisions have been made ***to the maximum extent feasible*** by the Applicant for the following:

1. Traffic circulation and access;

...

13. Minimization of water demand in accordance with the Board of Water Commissioners' Water Use Mitigation Program regulations.

Applicants are encouraged to review the Board's rules and regulations for guidance on how to satisfy the above standards. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

2. Amend Section XI.J. Special Permits Subsection 2 Criteria, by adding a new section 2.b.vii. as follows:

2. Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority (SPGA) only upon its written determination that:

- a. The benefit to the Town outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site; and
- b. The petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to show the project meets the intent of this bylaw.

In making this determination, the SPGA shall apply the following criteria:

- i. Social, economic or community needs which are served by the proposal;
- ii. Potential fiscal impact, including impact on town services, tax base, and employment;
- iii. Traffic flow and safety, including parking, loading;
- iv. Adequacy of utilities and other public services;
- v. Compatibility with neighborhood character; ~~and~~
- vi. Impacts on the natural and built environment; ***and***
- vii. ***Minimization of water demand in accordance with the Board of Water Commissioners' Water Use Mitigation Program regulations.***

...or take any other action relative thereto.” (Amended by 10/21/14 STM; approved by AG 2/4/15)

Summary: This article will insert review standards for the Planning Board under its Site Plan Review Authority, Section X, and for Special Permit Granting authorities for Special Permits, Section XI.J, pertaining to water demand minimization. The standards will strengthen the Planning Board and Zoning Board authority for advancing water conservation measures in development projects subject to Site Plan Review and Special Permits and in conjunction with the Water Use Mitigation Program regulations under the authority of the Board of Water Commissioners.

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Eighteen of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 19: Energy Efficiency Amendments

Submitted By: Planning Board

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (strike through = language to be deleted; bold italics = new language):

1. Amend Section I. Purpose, as follows:

This bylaw is enacted for the following purposes: to lessen congestion in the streets; ...; to encourage efficient use and conservation of energy, ***and to aggressively reduce the use of fossil fuels and actively adopt renewable energy sources***; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land ***and most beneficial development practices*** throughout the town, ... It is made with reasonable consideration to the outstanding characteristics and unique position that Ipswich holds in the historical background of the Country, ***its unique and critical coastal features***, and the character of each district and to its peculiar suitability for particular uses; in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereto.

2. Amend Section VI Dimensional and Density Regulations, Subsection G Other General Dimensional and Density Requirements, as follows:

Insert a new Subsection G.2 as follows and renumber the existing subsections accordingly.

G.2. A required side yard or rear yard setback for the renovation of an existing building or for the construction of a new building may be reduced by up to one (1) foot if the construction uses both advanced energy conservation measures and advanced building envelope design. Such measures and design may be determined via regulations promulgated by the Planning Board in consultation with the Building Inspector.

Summary: This article will amend the Purpose section of the Zoning Bylaw by inserting language that shows the Town’s commitment to aggressively reduce the use of fossil fuels and to adopt renewable energy sources. The article will also provide setback flexibility for the installation of advanced energy conservation measures and advanced building envelope design.

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Nineteen of the warrant for this town meeting.

Select Board Recommend:

ARTICLE 20 – Home Rule Petition – Agawam Village

Submitted By: Select Board

To see if the Town to vote to authorize the Select Board to petition the Legislature to enact legislation as set forth below, and further to authorize the Select Board to approve amendments to the bill before enactment by the Legislature which shall be within the scope of the general public objectives of the petition.

**AN ACT FURTHER REGULATING CERTAIN AFFORDABLE HOUSING IN IPSWICH,
MASSACHUSETTS.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Construction and development activity related to development by the Ipswich Housing Authority of the Agawam Village Apartments, a ninety-four (94) unit multifamily housing project in Ipswich, Massachusetts, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency but shall be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling or repair of any publicly-owned public works that services this project and that would otherwise be subject to section 39M of chapter 30 of the General Laws shall be subject to said section 39M of said chapter 30 if the redevelopment of the project is funded, in part, by a state or federal low-income housing tax credit, grant or loan or pursuant to the issuance of tax-exempt bonds authorized by law. A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized under chapter 121A of the General Laws or to a nonprofit state and federally tax-exempt corporation organized to revitalize the project shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled or managed by the Ipswich Housing Authority on the date of the conveyance. Subject to compliance with the requirements of said chapter 30B, the project may be conveyed to and may be owned, maintained and operated by an entity that is not owned, controlled or managed by the Ipswich Housing Authority provided that such entity enters into a binding legal contract and land use restriction with the Ipswich Housing Authority and with the department of housing and community development that requires compliance with chapter 121B of the General Laws and 760 CMR §§ 4.00 et seq., 5.00 et seq. and 6.00 et seq. in the same manner and to the same effect as if such entity were a housing authority, subject to such regulatory waivers given by the department of housing and community development as may be necessary to secure financing.

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

Summary: The Ipswich Housing Authority intends to pursue a new loan from the Federal Housing Administration that will enable it to raise funds for a comprehensive renovation of Agawam Village. The Agawam Village buildings are a portion of the IHA campus on County Road and contain fourteen families and eighty elderly apartments. This effort will include replacement of kitchens, bathrooms and all major systems at the property. It will be the first large scale recapitalization since the property was built a little more than forty years ago. The renovation scope will ensure that the properties are stable and will be able to provide quality affordable housing for many years to come.

Housing Authorities in the Commonwealth are required to select contractors for major projects through a “filed sub-bid” process. It is generally estimated that this process results in 30-40% cost increases as compared to a more typical process in which a general contractor assembles a team of sub-contractors

and files a bid for the entire work scope. Such a cost premium would prevent the IHA from comprehensively addressing the many repair and replacement needs of these aging buildings. The Home Rule Petition put forward as a warrant article for the Annual Town meeting will allow the IHA to forgo the filed sub-bid process, and to accomplish the thorough rehabilitation of the property. Substantially identical Home Rule Petitions have been enacted on behalf of other Housing Authorities in the Commonwealth for these same reasons.

To petition the General Court to the end that legislation be adopted as set forth under Article Twenty of the warrant for this town meeting, and further to authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of this petition.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 21 – Amend General Bylaws – Add new Chapter 145 – Noise Control Bylaw

Submitted By: Select Board

To see if the Town will vote to amend the General Bylaws of the Town of Ipswich as set forth below by adding a new Chapter 145 – Noise Control Bylaw, or take any other action relative thereto.

CHAPTER 145 - IPSWICH NOISE CONTROL BY-LAW

Section 1 Purpose

This Bylaw is adopted to ensure the residents of the Town of Ipswich an environment free of excessive sound that may jeopardize or degrade their quality of life. This Bylaw shall be applied to control all noise originating within the geographical limits of the Town of Ipswich.

Section 2 Definitions

All terminology used in this By-law, but not defined below, shall be used with the meanings ascribed to such terms in the applicable standards of the American National Standards Institute ("ANSI") or its successor bodies.

- A. Construction: Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition for, or of, public or private rights-of-way, structures, utilities, or similar property.
- B. Demolition: Any dismantling, intentional destruction of, or removal of, structures, utilities, public or private rights-of-way surfaces or similar property.
- C. Emergency Work: Any work performed for the purpose of preventing or alleviating the physical harm to persons or property, which requires immediate action.
- D. Enforcement Official: Any Town official having authority to enforce this By-law as provided in Section 3.C.
- E. Legal Holiday: Any day designated as a legal holiday under Federal or Massachusetts State Law.
- F. Noise Disturbance: Any sound which may (a) disturb or annoy reasonable persons of normal sensitivities; (b) cause, or tend to cause, an adverse effect on the public health and welfare; (c) endangers or injures persons; or (d) endangers or injures real or personal property.

G. Person: Any individual, association, partnership, joint venture, corporation or other form of legal entity. H. Plainly Audible Sound: Sound as to which the information content is unambiguously communicated to the listener including, without limitation, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.

I. Power Tool: Any device powered mechanically, by electricity, by gasoline, by diesel or any other fuel, which is intended to be used, or is actually used, for functions including, without limitation, cutting, nailing, stapling, sawing, vacuuming or drilling.

J. Public Right-of-Way: Any highway, boulevard, street, avenue, lane, sidewalk, or similar place, which is owned or controlled by a government agency.

K. Public Property: Any real property, including structures thereon, which are owned or controlled by a government entity.

L. Residential District: Any area designated as a Residential District in the Town of Ipswich Zoning By-law.

M. Weekday: Any day from Monday through Friday that is not a Legal Holiday.

Section 3 Permitting and Enforcement of Ordinance

A For the purpose of this By-law a Noise Permit shall be obtained with the Town of Ipswich's Building Office for all purposes which have not been specified in Section 6: Specific Activities or listed in Section 7: Exemptions and Permits.

B. For the purpose of this By-law the Building Commissioner of the Town of Ipswich is hereby charged with the granting of all Noise Permits, there shall be no permit fee for said permit application. Noise Permit applications shall be acted upon within fourteen (14) business days of permit filing with the Building Department. If the Building Commissioner determines that the noise permit application comply with all applicable provisions of this By-law; or if not acted upon within fourteen (14) business days shall be deemed approved.

C. Enforcement Officials. This By-law shall be enforced by the Chief of Police, the Building Commissioner and/or Local Building Official. Designees of the Chief of Police shall include any Ipswich Police Officer.

D. Penalties for Violation. Violations of this By-law shall be punishable by fine in accordance with the following schedule:

| Offense | Fine |
|----------------------|-------------|
| First | \$ 75 |
| Second | \$ 150 |
| Third and Subsequent | \$ 300 |

Violations resulting from sound emanating from a particular parcel of property will be assessed against the person controlling said property at the time of the violation, regardless of said person's legal status as owner, lessor, tenant-at-will, and licensee or otherwise. Nothing contained in this Bylaw shall prohibit an Enforcement Officer from giving a warning in lieu of a fine if, in the Official's discretion, a warning is appropriate under the circumstances.

E. Fines. In assessing fines for violations of this By-law, the Enforcement Official shall follow the procedure set forth in M.G.L. c. 40, § 21D.

Section 4 Duties and Responsibilities of Town Boards and Officials

- A. Town programs and activities. All Town Departments, Boards and Officials shall carry out their programs and activities in a manner reasonably consistent with this Bylaw.
- B. Project review and approval. All Town Departments, Boards and Officials having responsibility for the review and approval of new projects or activities', or changes to existing projects that result, or may result, in the production of sound shall, to the extent reasonably feasible under the circumstances, require compliance with the provisions of this By-law as a condition of approval. This By-law is not intended to require any Town Department, Board or Official to apply a more restrictive standard for the approval of any project or activity, or change to any existing projects, than has been applied prior to the By-law's adoption.
- C. Projects and developments that have received permitting and approval by all Town Departments, Boards and Officials shall be held to noise provision of said permit.

Section 5 Noise Disturbance Prohibited

- A. No person shall make, continue, or cause to be made or continued, any noise disturbance. Unamplified, non-commercial public speaking and public assembly activities conducted at conversational voice levels on any public property or public right-of-way shall be exempt from the operation of this section if such sound is not plainly audible beyond 100 feet or does not infringe the legitimate rights of others.
- B. The facts required to establish a noise disturbance shall be identical to those required to establish a disturbance of peace under common law (and punishable under M.G.L. c. 272 § 53). Violations of this By-law need only be proven by a preponderance of the evidence.

Section 6 Specific Activities

The following activities are permitted as set forth below:

- A. Construction, Demolition and Commercial Landscaping Activity are allowed to operate or permit the operation of any tools or equipment used in construction, demolition or commercial landscaping work in a Residential District between the hours of 7:00 a.m. and 7:00 p.m. on Weekdays (Monday thru Friday) or between the hours of 8:00 a.m. and 7:00 p.m. on any other day.
- B. Domestic Power Tools. Persons shall operate, or permit the operation of, any power tool or any garden tool, leaf blower, chain saw or similar device powered mechanically, by electricity, gasoline, diesel or other fuel, outdoors in a Residential District between the hours of 7:00 a.m. and 9:00 p.m.
- C. Dumpsters and Trash Receptacles. Persons/Businesses shall empty dumpsters or similar trash receptacles between the hours of 6:00 a.m. and 8:00 p.m. on Weekdays (Monday-Friday) or between the hours of 7:00 a.m. and 8:00 p.m. on any other day.

Section 7 Exemptions and Permits

The following uses and activities shall be exempt from the provisions of this By-law:

1. Any law enforcement motor vehicle in the performance of law enforcement duties.
2. Any law enforcement, public safety training facility to include the Ipswich Police Firing Range.
3. Any fire apparatus, ambulance, rescue, public works or emergency response vehicle creating sound in the performance of public safety responsibilities.

4. Any vehicle in the performance of emergency work.
5. Public address systems used at public events in a manner approved by any Town Board, Department or Official having authority over said use.
6. Safety signals, warning devices, emergency pressure relief valves and similar devices during and in relation to public emergencies.
7. Parades, music festivals, public gatherings, and events for which the permit granting authority has granted a noise permit.
8. Bells, chimes or carillons, or amplified, recorded, or other electronic substitution while being used in conjunction with religious services or to denote time intervals.
9. Snow removal from public or private parking lots, roads, driveways, sidewalks and other surfaces traveled by vehicles or pedestrians.
10. Activities of temporary duration during a time of emergency conducted by a public utility company to repair or maintain public utility infrastructure.
11. Construction activity under a valid noise permit issued by the Building Commissioner under section 7 or 15 of Chapter 136 of the Massachusetts General Laws, or by any Town Board or Department having regulatory authority over construction activity.
12. Any vehicle utilizing an amplified communications system operated by a highway maintenance, water department, or public utilities worker acting in the performance of his or her responsibilities.
13. Any noise originating from a preexisting municipal structure prior to the adoption of this Bylaw which serves and protects the general health safety and welfare of an Ipswich residence.
14. This Bylaw shall not prevent the use of any mechanical device or equipment used to mitigate emergency conditions or an event by any persons, homeowners, business owner, or Town department.
15. Any activity to the extent the regulation thereof has been preempted by State or Federal Laws or Regulations.

Section 8 Appeal

Appeal of any citation for a violation of this By-law shall be made to the District Court or other Court of competent jurisdiction in accordance with the provisions of M.G.L. c. 40, § 21D.

Section 9 Severability

If any of the provisions of this By-law are held to be invalid by any Court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Summary: This article puts parameters and rules in place to allow for Ipswich residents to enjoy life free of excess noise. Ipswich has seen an increase in noise complaints and this article was drafted to address resident concerns from loud music, early dumpster pickups in commercial areas that abut residential neighborhoods, and other excessive noise issues. Support of this article will give the Police Department and other Department heads the ability to address excessive noise complaints and assess fines when necessary.

MOTION:

I move to amend the Ipswich General Bylaws by adding Chapter 145, Noise Control Bylaw as set forth in Article Twenty-One of the warrant for this town meeting.

ARTICLE 22 – Amend General Bylaws – Chapter 25 Town Meeting – 25-9 Voting

Submitted By: Select Board

To see if the Town will vote to amend the § 25-9 of the General Bylaws by inserting new text pertaining to electronic voting at Town Meeting, and editing and renumbering the existing text, all as shown in the redlined text below, or take any other action relative thereto. [Note: ~~strike through~~ indicates deletions; **bold italics** indicates additions.]

§ 25-9 Voting.

- A. *As used in this section, the words "electronic" and "electronically," when used in reference to voting or the counting of votes at Town Meeting, shall refer to the use of computer software to record votes transmitted from wireless handheld mobile devices distributed and assigned to each registered voter in attendance. At any town meeting where an electronic voting system is available, the Moderator shall review proper use of the mobile devices and direct a test of the electronic system at the beginning of each Town Meeting session.*
- B. *Except as otherwise provided in this section or by any other applicable law, all votes shall be taken in the first instance by electronic vote.*
- C. *Electronic votes shall not be required on motions that are identified in Town Meeting Time (see § 25-11, below) as privileged, subsidiary, incidental, or non-binding; in these cases, the vote shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote, or if at least seven voters so request by rising and standing in their places, the Moderator shall count the vote electronically. Electronic votes shall not be required on any motion that is adopted by unanimous consent.*
- D. *Before asking for a vote on any question, the Moderator shall first clearly state the question to the meeting.*
- E. *If an electronic voting system is not available, the following provisions shall apply:* ~~Except in those cases where a particular procedure is required by law, or by other provisions of these bylaws,~~
- (1) the Moderator, in his/her discretion and upon his/her own motion, may put a question to a vote of the meeting by any one of the following procedures: by voice vote; by counting the "Yeas" and "Nays", as determined from a show of hands by persons present and desiring to vote; or by counting the "Yeas" and "Nays" as determined by having persons present and desiring to vote stand in their places to be counted; ~~or by the use of an electronic voting system with handheld wireless devices distributed to each registered voter. Before asking for a vote on any question, the Moderator shall first clearly state the question to the meeting.~~
 - (2) Whenever a vote is to be taken upon a question by counting the "Yeas" and "Nays", whether by a show of hands or by a standing vote, the Moderator shall appoint tellers, if such tellers have not been designated and appointed at the outset of the meeting. The Moderator shall then instruct the voters to vote, according to the procedure to be followed, either by raising their hands to be counted by the tellers, if the vote is to be taken by a show of hands, or by rising in their places to be counted, if the vote is to be taken by a standing vote. No person shall be entitled to cast a vote who does not comply with the Moderator's instructions to occupy a seat, if seats are available in

the hall. If there are not sufficient seats in the hall for all voters in attendance at the meeting, voters standing shall be counted separately, in the case of a standing vote, by a show of hands.

(3) Teller votes.

- (a) Whenever a teller vote is being taken, in order to minimize delay in determining whether the required number of affirmative votes has been achieved, the Moderator, in his/her discretion and upon his/her own motion, may instruct the voters that the tellers will count and report the number of those voting in the negative before counting and reporting the number of those voting in the affirmative.
 - (b) After the tellers have completed the count of those voting in the negative, the Moderator shall then require them to report the number so voting to the chair and to the meeting. The Moderator shall then direct the Clerk to tally the votes; after the Clerk has made and recorded the tally, he/she shall report the result to the Moderator, who shall announce the tally and declare the result of the vote to the meeting.
- (4) If the initial decision of the Moderator on the outcome of the vote on any question is doubted, and if at least seven voters so signify by rising and standing in their places, the Moderator shall thereupon direct that the vote on said question be taken again. After a standing vote has thus been taken on the question, in response to a challenge to the Moderator's initial determination of the result of the vote, and the result of the second vote has been determined by the Moderator and announced to the meeting, in accordance with the procedures established by this bylaw, then no further challenge to the result, as thus determined and announced by the Moderator, shall be permitted.
- (5) In accordance with MGL c. 39, § 15, whenever a two-thirds vote is required by statute a vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon the Moderator's declaration; provided, however, that if seven or more voters at the meeting doubt the vote, the Moderator shall take a count of the vote.

Summary: Open town meeting is the oldest and most valued form of local government, giving all registered voters the opportunity to voice their opinion and vote on important matters that shape their community and affect their finances. Hand-counting hundreds of votes on strongly contested matters is extremely time-consuming and has led to inaccurate results requiring recounts and questions of validity. Voters are demanding that the town meeting vote process be as time-efficient and, most importantly, as accurate as possible.

We have the technology available to streamline the process and ensure voting accuracy, although it is currently at the Moderator's sole discretion if and when to employ it. This bylaw amendment would mandate that electronic voting be used for all contested articles, thus saving valuable time and instilling confidence that the results are true and correct.

MOTION:

I move to amend Chapter 25 of the Ipswich General Bylaws as set forth in Article Twenty-Two of the warrant for this town meeting.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 23 – Amend General Bylaws – Chapter 118 – Boats and Waterways

Submitted By: Police Chief/Harbormaster

To see if the Town will amend Chapter 118 Boats and Waterways of the General Bylaws of the Town of Ipswich as follows:

(Note: ~~striketrough~~ indicates language to be deleted; ***bold italics*** indicates new language.)

Article I
Operation of Motorboats

[Adopted 6-15-1961 TM, approved by State Director, Division of Motor Boats, 7-1-1961, having been referred to that agency by the Attorney General's office; amended 3-4-1974 TM; approved by Attorney General 5-10-1974 (Ch. XV, § 4, of the 1973 Bylaws)]

§ 118-1 ***Types of Operation & Speed limit.***

It shall be unlawful to operate or cause to be operated any motor boat or other vessel propelled by an internal combustion engine contrary to the following restrictions ~~at a speed exceeding five miles per hour in any Town of Ipswich waterways.~~ of the following waters in the Town of Ipswich:

- A. The following types of operation are prohibited in Ipswich waterways;***
- 1. Operating a motorboat within a designated swimming area, whether public or private.***
 - 2. Operating at an excessive speed considering weather conditions, boat traffic, and other hazards.***
 - 3. Operating a motorboat without properly working lights between sunset and sunrise.***
 - 4. Operating a motorboat during the nighttime while towing water skiers, tubers, wakeboarders.***
 - 5. Operating at greater than headway speed (6 mph or less) within 150 feet of a swimmer, water skier, mooring area, marina, boat launch, or when the operator's vision is obscured in any way.***
 - 6. Operating in an overloaded condition (carrying total weight that exceeds capacity plate recommendations or is excessive considering water conditions).***
 - 7. Operating with passengers on the bow, gunwales, or any other place where there may be a chance of falling overboard.***
- B. Operation of Jetskis (Personal Watercraft-PWC)***

All Operators of Jetskis (PWC) shall adhere to the following regulations while operating in the Waterways of Ipswich:

- 1. Wear an approved life jacket (Personal Floatation Device - PFD) at all times (operator and passengers).***
- 2. Attach the safety lanyard to the operator and the cutoff/kill switch.***
- 3. Always operate at slow, no-wake speed (6 mph or less) within 150 feet of a swimmer, any shoreline, a water-skier, a boat launch, a raft or float or a moored or docked boat.***
- 4. You are prohibited from operating a PWC if:***

- i. You are less than 16 years old;*
- ii. Under the influence of alcohol;*
- iii. Between sunset and sunrise;*
- iv. At high speed in a congested area;*
- v. Crossing or jumping vessel wakes or operate too close to other vessels;*
- vi. While towing persons on water skis, tubes, surfboards, etc.*

5. All PWCs must have proper registration numbers displayed and have an active status to operate on Ipswich waterways.

- ~~A. Any area used regularly for the docking or mooring of boats or for the loading or discharge of passengers;~~
- ~~B. Any area used regularly for swimming for pleasure;~~
- ~~C. Any area within 100 feet of the edge of any public or private beach; or~~
- ~~D. Any area in which limited space or visibility cause any greater speed to be dangerous to the public.~~

§ 118-2 Marking of areas.

For the purposes of enforcing this bylaw, any area which has been marked by, or under the direction of, the harbormaster with conspicuous orange signs or markers, or signs lettered in orange, shall be deemed prima facie to be one of the areas described in § 118-1 hereof, but such presumption shall be subject to rebuttal by competent evidence by the defendant, in which case similar evidence by the plaintiff shall also be considered.

§ 118-3 List of speed limit areas.

The Harbormaster is directed to keep a list of all areas marked by pursuant to § 118-2 of this bylaw and to make such list publicly available.

§ 118-4 Tampering with signs or markers prohibited.

It shall be unlawful to deface, alter or remove any sign or marker placed by, or under the direction of, the Harbormaster.

§ 118-5 Operation on Sylvania Dam prohibited.

It shall be unlawful to operate, or cause to be operated, any motor boat or other vessel propelled by an internal combustion engine of greater than five horsepower on any part of the Ipswich River upstream of the dam commonly known as the Sylvania Dam.

§ 118-6 Noise restrictions.

[Adopted 4-3-1989 TM, approved by Attorney General]

No craft, vehicle, boat, and/or ATV shall be operated in the Town which produces a sound pressure level of more than 78 decibels. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter approved by the Commonwealth's Director of the Division of Marine and Recreational Vehicles. Measurements shall be made of overall vehicle noise at maximum speed at 50 feet in accordance with test procedure SAE J192 of the Society of Automotive Engineers, or in accordance with such other test procedure for measurement of sound pressure levels as the Commonwealth's Registrar of

Motor Vehicles may adopt.

§ 118-7 Severability.

If any provision of this bylaw shall be declared invalid, the remaining provisions shall continue in effect nonetheless.

Article II Taking of Seaweed

[Adopted 5-2-1955 TM, approved by Attorney General 10-7-1966 (Ch. XV, § 8, of the 1973 Bylaws)]

§ 118-8 Restrictions.

No person shall take the marine plant known generally as seaweed in an amount exceeding 100 pounds in weight at the time of such taking in any one day without the express written approval of the Select Board. No person shall take seaweed in any amount on Sunday.

Article III Appointment and Charge

[Adopted 10-17-20 STM, approved by Attorney General XXX]

Sec. 118-9 Appointments and Charge

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 ***shall approve the Harbormaster Office (Mooring) Rules & Regulations of the Waterways and any changes thereunto. Proposed changes by the Harbormaster require the Select Board and Harbormaster to first hold a joint public hearing as required by General Bylaw –Administrative Article IX, section 15–13. 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.

Article IV Use of Waterways

Sec. 118-10 Restrictions

- A) The Harbormaster may prohibit SCUBA or other type of diving in mooring areas if such diving cannot be conducted safely without undue inconvenience to boat operations.***
- B) No lobstering whatsoever shall be permitted in designated mooring areas.***
- C) No vessel shall make fast to the Town landing for a period of more than fifteen (15) minutes without prior approval of the Harbormaster.***
- D) No vessel shall exceed headway speed or cause a disturbing wake within mooring areas or other areas where vessels are at anchor or designated by the Harbormaster.***
- E) Water skiing is prohibited in mooring areas.***
- F) No person shall operate a vessel in a reckless or negligent manner so as to endanger the life, safety or property of another person. Operators shall be responsible for damage caused by excessive wake at any time.***

G) Sail-boarding or wind-surfing is prohibited in all mooring, swimming or anchorage areas.

H) No vessel or boat of any description shall be chained or locked to any Town owned or maintained dockage facilities.

I) No vessel shall anchor in any designated mooring area, designated swim area or channel.

J) The Harbormaster may order any anchored vessel to move, if in the reasonable opinion of the Harbormaster, said vessel creates a safety concern.

K) Vessels searching for safe waters during inclement weather may anchor within Ipswich Waterways without notifying the Harbormaster, provided once the weather subsides, notification shall be made if the vessel remains anchored for more than 24hrs.

L) All vessels operating upon Ipswich waterways shall have the required safety equipment required for their particular vessel size.

M) A personal floatation device (PFD) must be worn by the following:

(1) Youth less than 12 years of age;

(2) Personal watercraft users;

(3) Water skiers/tubers/wakeboarders;

(4) canoeists/kayakers from September 15 - May 15.

A boat owner or a boat's operator is responsible to ensure that passengers on-board wear PFDs as required.

Article V

Town Landing and Floats

Sec.118-11 Town Landings and Floats

A) Any dinghy tied to town floats, awash and left unattended for 72 hours or more, shall be pumped, removed and stored by the Harbormaster at the owner's expense.

B) Dinghies shall be secured only by the bow and shall not interfere with the channel. Dinghies tied to town floats in violation of this regulation will be removed and stored by the Harbormaster at the owner's expense.

C) No boat shall be made fast to a town landing or pier for more than fifteen (15) minutes, except by permission of the Harbormaster. Should the Town maintain docks for the purpose of securing dinghies thereto, said dinghies shall be exempt from this rule provided the owners thereof have obtained a permit from the Harbormaster, paid the associated fee and have affixed a dinghy permit sticker to the upper right-hand transom of the dinghy. The Harbormaster may provide one (1) Tie-up spot on said dinghy dock to secure vessels of appropriate size owned and used by handicapped boaters.

D) The Harbormaster shall be responsible for town landings, floats, and piers.

E) Dinghies must be less than 13' in length.

Article VI

Moorings

Sec 118-12 Moorings

A) No person shall establish a mooring or use any mooring within the Ipswich Waterways without first having obtained a permit therefor from the Harbormaster.

B) Mooring balls must have owners name clearly on them.

C) All tackle will be inspected and certified annually by the owner or a certified mooring inspector to ensure safety.

D) Mooring permits will be affixed to all permitted vessels.

E) Borrowing moorings will only be permitted with prior approval of the Harbormaster.

Article VII

Paddle Craft

Section 118-13 Paddle Craft

A. Definition: A paddle craft is any vessel that is not equipped with any type of mechanical propulsion and is powered by paddle or manual propulsion device. This includes kayaks, pedal kayak, canoes, row boats, and stand up paddle boards (SUP).

B. Restrictions:

- 1. All paddle craft must have a Vessel Identification Sticker attached to their paddle craft with the name and phone number of the owner affixed to the craft to be used in Ipswich waterways.*
- 2. All paddle craft, whenever it is safe to do so, must remain out of the boat channel.*
- 3. PFDs are required to be worn by youth less than 12 years of age and canoeists/kayakers from September 15th – May 15th. PFDs are required to be carried on board from May 16th - September 14th.*
- 4. Paddle craft operating between sunset and sunrise must have an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision.*

Article VIII

Penalties

Section 118-14 Penalties

The Harbormaster or any appointed assistant harbormaster or any sworn police officer of the Town of Ipswich may enforce the regulations of Chapter 118 Boats and Waterways. Any person violating any section of this by-law shall be punished by a fine of \$50 dollars for a first offense, \$100 dollars for a second offense, \$300 dollars for a third or subsequent offense, in accordance with Chapter 325 Noncriminal Disposition of Violations.

Or take any other action relative thereto:

Summary: The Select Board requested the Harbormaster's Office, Waterways Advisory Committee and Government Study Committee work together to review our current Bylaws and the Harbormaster Regulations to make sure they have accountability, transparency and they meet state law. This Article represents that combined effort and meets all of those charges. The current Bylaw allows for certain enforcement of waterways violations. Most other waterways violations can be cited under state laws, specifically M.G.L. CH. 90B. When enforcing violations via M.G.L. CH. 90B, the Commonwealth sets the

fine amount and keeps all the fine money from violations. Adding these M.G.L. CH. 90B waterways violations, many of which already exist in the Harbormaster Office (Mooring) Rules & Regulations of the Waterways, to the town's Bylaw, allows the Town to set its own fine amount for offenses, but only after Town Meeting approval. It gives us local control. Additionally, all fines would be payable to the Town of Ipswich's general fund, as opposed to the State coffers. Any local Bylaw violation can also be appealed to the Ipswich District Court, through a Clerk Magistrate's hearing. The current Bylaw also does not clearly outline the fine structure, which this article corrects for transparency. If approved, any further changes on enforcement actions or fine amounts can only be done through the Town Meeting process. The Bylaw also memorializes and clearly outlines the existing authority of the Harbormaster to maintain control of, and the approval of, the Harbormaster Office (Mooring) Rules & Regulations of the Waterways, as is statutorily set forth in state laws, specifically; MGL CH. 91 s. 10A & 310 CMR 9.07. For full transparency, any changes to the Harbormaster Office (Mooring) Rules & Regulations must be done in accordance with town of Ipswich General By Laws—Administrative Article IX, s. 15-13 at a Select Board meeting. This means any request for changes must be publicly posted, have a 14 day review period, and only take effect after holding the public hearing and receiving public comment.

MOTION:

I move to amend Chapter 118 of the Ipswich General Bylaws as set forth in Article Twenty-Three of the warrant for this town meeting.

Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:

ARTICLE 24 – Amend General Bylaws – Chapter 325 - Non-Criminal Disposition

Submitted By: Police Chief/Harbormaster

To see if the Town will amend Chapter 325 Noncriminal Disposition of Violations, Section 325-4(B) of the General Bylaws of the Town of Ipswich as follows:

(Note: ~~striketrough~~ indicates language to be deleted; ***bold italics*** indicates new language.)

- B. General Bylaws. Notwithstanding the enforcement and penalties prescribed elsewhere in the General Bylaws of the Town of Ipswich and the provisions of MGL c. 40, § 21, the provisions of the following General Bylaws may be enforced by the designated official(s) and/or Board(s)/Commission(s) by noncriminal complaint. Except as specified herein below, each day of violation shall constitute a separate offense. No enforcement under this subsection shall be authorized until the enforcing official and/or Board/Commission has mailed by certified mail or delivered in hand to the offender a written notice of violation and 21 days have expired from the date of mailing or delivery and no appeal to a court of competent jurisdiction has been timely filed, and/or final determination has been made favorable to the Town. The penalty for violations shall be as follows: [Added 10-17-1992 STM, approved by Attorney General 1-11-1993; amended 10-21-1996 TM, approved by Attorney General 12-9-1996]

| | | |
|------------------------------------|--|--------------------|
| Chapter 105 | Advertising on Property of Others (Building Inspector) | \$50 |
| Chapter 118, Article II | Taking of Seaweed (Shellfish Constable, Harbormaster) <i>Boats and Waterways (Harbormaster, Police)</i> | \$50 |
| | <i>a. First Offense</i> | <i>\$50</i> |

- b. Second Offense** **\$100**
- c. Third Offense** **\$300**

| | | |
|--------------------------|---|---------|
| Chapter 122 | Street Numbering (Fire Chief) | |
| | a. First offense | Warning |
| | b. Second and subsequent offense | \$50 |
| | (Each thirty-day period shall constitute a separate offense) | |
| Chapter 134 | Dealers in Secondhand Articles (Police) | \$50 |
| Chapter 138 | Demolition Delay (Historical Commission) | \$50 |
| Chapter 142 | Disorderly Behavior (Police) | \$50 |
| Chapter 149 | Discharge of Firearms (Police) | \$50 |
| Chapter 153 | Fortunetelling (Police) | \$50 |
| Chapter 170 | Peeping Tom (Police) | \$50 |
| Chapter 180, Article II | Disposal of Rubbish (Health Agent) | |
| | a. First offense | \$50 |
| | b. Second and subsequent offense | \$200 |
| Chapter 185 | Scenic Roads (Police) | \$50 |
| Chapter 189 | Solicitors and Canvassers (Police) | \$50 |
| Chapter 197 | Streets and Sidewalks (Police) | \$50 |
| Chapter 201 | Use of Town Property (Police) | \$50 |
| Chapter 212 | Vehicles for Hire (Police) | \$50 |
| Chapter 220, Article I | Sewer Tie-ins (Health Agent) | \$50 |
| Chapter 220, Article II | Public Water Use Restrictions and Restraint (Director of Utilities) | \$50 |
| Chapter 220, Article III | Mandatory Metering of Non-Seasonal Water Services (Director of Utilities) | \$50 |
| | Subsurface Storage of Materials (Fire Chief, Director of Utilities) | |
| | a. First offense | \$50 |
| | b. Second and subsequent offense | \$200 |

Summary: The Select Board requested the Harbormaster’s Office, Waterways Advisory Committee and Government Study Committee work together to review our current Bylaws and the Harbormaster Regulations to make sure they have accountability, transparency and they meet state law. This Article incorporates all the fines associated with Chapter 118 Boats and Waterways, Articles I-VII and specified in Article VIII, s118-14 Penalties within the Noncriminal Disposition of Violations bylaw.

MOTION:

I move to amend Chapter 325 of the Ipswich General Bylaws as set forth in Article Twenty-Four of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

**ARTICLE 25 – Citizen Petition – Amend General Bylaws – Chapter 118 – Section 118-9
Appointment and Charge**

Submitted By: Gary Champion, 3 Palamino Way

To see if the Town will vote to amend Town of Ipswich Bylaw Part II: General Bylaws- Regulatory, Chapter 118 Boats and Waterways. Article III Waterways Advisory Committee, Sub Section 118-9 Appointment and Charge as follows: (strike through = language to be deleted; bold italics = new language):

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. ***The Select Board approves mooring, waterways, and Town Wharf regulations.***

Summary This warrant article is about protecting our Town Meeting legislative jurisdiction over responsible government by and for the people.

Our expansive waterways and 43 miles of shoreline may be the largest and most used open space in Ipswich. They require regulations over public tidelands (land under water that 1050 moorings connect to) state and federal public waterways, pollution, public rights, public safety, and public access. Mass General Law Chapter 91 Section 10A and 310 CMR 9.07 (equivalent to a state law) enable Towns to determine what public body or official is empowered to develop and approve mooring regulations that are within Ipswich Rules and Regulations of the Waterways (ref as RRW). Attorneys at the Department of Environmental Protection Waterways Division, and the Attorney General Municipal Law Unit affirmed this is a matter of municipal law for Town Meeting to determine. Town Meeting did not empower one municipal employee appointed as Harbormaster to approve RRW. Under Ipswich Bylaw 15-13, only the public body or official that is authorized to approve RRW can hold a posted public hearing. Under Ipswich Bylaw 15-13, the full text of regulations must be made available to the public at least 14 days prior to the posted public hearing. There has never been a posted public hearing on the complete RRW in compliance with Bylaw 15-13.

The Select Board held two public hearings on amendments to RRW in May of 2018 that were in full compliance with Bylaw 15-13. This proposed amendment to Bylaw 118-9 affirms Select Board authority to approve RRW which resolves years of misinformation and conflicts.

Government checks and balances are lost if one municipal employee appointed as Harbormaster develops, approves, enforces, and administers RRW and is also responsible to resolve complaints. There is no other example of Town regulations where this takes place because it is not good governance. The Town Government Study Committee acknowledge there is insufficient government transparency, public notification or public participation if one municipal employee appointed as Harbormaster holds public hearings on RRW.

The Select Board is our elected five-member chief executive body responsible for public rights, public safety, and public property when approving Town regulations as advised by Town study and advisory boards and committees, Town officials, stakeholders, and citizens. RRW approval by the multimember Select Board assures full transparency and avoids undue influence and favoritism.

The Select Board has care, custody, and control over all public property in Ipswich. RRW involve state public tidelands in Ipswich (land under water that 1050 moorings connect to), state and federal public waterways, Town Wharf, pollution, public rights, public safety, and public access.

Select Board approval of RRW ensures full transparency and maximum participation by posted public meetings and posted public hearings that are broadcast live and recorded by Ipswich Community Access Media, complete meeting minutes are taken, and there is full public record of what took place.

Under Bylaw 118-9 the Select Board appoints the Waterways Advisory Committee and sets its charge which includes recommendations on RRW. The Harbormaster is a non-voting ex officio member of the WAC. Under Bylaw 118-9 Town Manager appoints the Harbormaster to enforce RRW in compliance with Town Charter Section 11i on Town Manager duties. All of this ensures checks and balances in our government. The Select Board authority under Town Charter Section 2 to approve regulation can be clarified in Town Bylaw 118-9.

Select Board approval of RRW follows the proven best practice for Shellfish Regulations which also involve state public tidelands (shellfish beds), state and federal public waterways, pollution, public rights, public safety, and public access.

The Select Board also appoints the Shellfish Advisory Board. Town Manager appoints the Shellfish Constable and the Harbormaster. Both regulations are administered and enforced through the Police Dept.

A Shellfish Advisory Board report affirms that selfish, mooring and RRW will become more interrelated over time making Select Board approval of all regulations more informed, coherent, and coordinated.

Shellfish, mooring and RRW will become more aligned by the Ipswich Long-Term Waterways Plan now being developed with U Mass Boston.

The mooring and RRW complaint resolution process would begin with the WAC and Harbormaster. If not resolved, then the complaint would come before the Select Board during posted public meetings.

Like shellfish, traffic and parking regulations, there is no detriment to Police Dept/ Harbormaster administration and enforcement of RRW approved by the Select Board. It supports enforcement like all other town regulations.

MOTION:

I move to amend Chapter 118 of the Ipswich General Bylaws as set forth in Article Twenty-Five of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 26 – Citizen Petition – Amend General Bylaws - Chapter 35 – Article IV, Section 35-14

Submitted By: Michael S. Dougherty, 10 Appleton Park

To see if the Town will vote to amend Chapter 35, Article IV, Section 14 “Membership and organization” of Part 1: General Bylaws – Administrative, to read as follows: (~~strike through~~ = language deleted, **bold italics** = new language)

A.

A Finance Committee of nine members shall be appointed **by a simple majority vote of the legislative body** at the Annual Town Meeting: ~~three by the Moderator for one year, two years, and three years, respectively;~~ **three in similar fashion by the Select Board, and three in similar fashion by the voters; and thereafter, one**

~~annually by the Moderator, one by the Select Board, and one by the voters, each for three years, at the Annual Town Meeting. Each term shall be for three years. Current committee members shall retain their seat until their respective expiration at which point the seat shall be reappointed by the new appointing authority.~~ The Town ~~Accountant~~ **Finance Director** shall *be an* ex officio, ~~be a~~ nonvoting member of the Committee. The terms of the members of the Committee shall expire at the close of the Annual Town Meeting at which their successors are appointed. After the conclusion of the Annual Town Meeting, the Committee shall organize by choosing a Chairperson, *a Vice Chairperson and assign subcommittee appointments, and a secretary,* and shall cause a true record of its proceedings to be kept. (1937: c. IV, s. 1)

B.

Whenever a vacancy occurs in the committee by resignation, failure to qualify, or ~~otherwise,~~ *absent a candidate at the time of a seat's expiration,* the same shall be filled by the Committee. If the Committee so votes, a member who is absent from ~~four~~ *five* consecutive meetings may be deemed to have resigned. The term of any person appointed to fill a vacancy shall expire at the close of the next Annual Town Meeting, and the *remainder of the* vacancy shall then be filled by the exercise of the ~~appointive power under which the original appointment was made~~ *legislative body at the Annual Town Meeting.* (1937, c. IV, s. 2)

[Amended 1973]

C.

No *person in the Town's employ or* person holding an elective Town office shall be eligible to serve on the Finance Committee. (1937, c. IV, s. 2)

Summary: This Citizen's Petition is designed to clean up the "Membership and organization" portion of the town bylaw for the Town of Ipswich Finance Committee.

The core functions of the Town Finance Committee are to advise the town legislature (the body of any town meeting) on municipal and school finances, all warrant articles, and investigate any department spending. The committee is a nine-member body comprised of individuals with educational and/or professional backgrounds in anything relative to the field of finance, government or budgeting. Three committee members are appointed each year to serve three-year terms on a volunteer basis. As it stands, the members are appointed by the Select Board (3 appointments), the Moderator (3 appointments), and the legislative body at the Annual Town Meeting (3 appointments).

In section A, the major change proposed would have all nine members appointed by the legislative body at the Annual Town Meeting. The Finance Committee reports to, and has a Fiduciary Duty to the town legislature, therefore, the legislature should be the authority making all appointments, not the executive branch (Select Board) or the Moderator. This change will help sharpen the balance of power within town government. The first sentence of the Finance Committee's mission statement is: "The Finance Committee's mission is to make objective recommendations to Town Meeting on all warrant articles." Changing the appointing authority to be in the full purview of the legislative body enhances committee member's objectivity when making recommendations. In past annual reports, "Moderator's Guide to Town Meeting", the definition of "Finance Committee" includes the language "... Its charge is to advise the Town Meeting on everything on the warrant." Being such, this would further the autonomy of committee members by eliminating the possibility of pressure or influence from other appointing authorities. Lastly, and arguably the most important reason this change is necessary, is the citizenry has direct influence on their local government. Since any registered voter in town has the opportunity to

participate in town meeting, this change would allow the voter to choose who will represent their best interests as stated in the mission statement.

In section B, the major change is allowing any vacant seat occurring prior to an expiration be filled by a vote of the Finance Committee until the next Annual Town Meeting when the legislature fills the remainder of that vacancy.

In section C, the major change is adding that no town employee can serve on the Finance Committee.

MOTION:

I move to amend Chapter 35 of the Ipswich General Bylaws as set forth in Article Twenty-Six of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 27 – Citizen Petition – Amend General Bylaws – Chapter 25 (Town Meeting Quorum Requirements)

Submitted By: Ed Marsh, 23 Woods Lane

To see if the Town will amend Section 25-5 of Chapter 25 (Town Meetings) of the General Bylaws as set forth below, or make any other changes to Section 25-5:

[Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.]

The presence of ***ten percent of the*** ~~two hundred~~ registered voters of the Town at any Town Meeting shall be required to constitute a quorum, except for a motion to adjourn for which no quorum shall be required; provided, however, that no vote carrying the expenditure or appropriation of any sum of money shall be held to be invalid by reason of lack of the required quorum, unless it appears from the records of the Town Clerk that, before the result of such vote was declared, the question of the presence of a quorum was duly raised and that such record shows that the required quorum was lacking. This section shall not apply to those parts of meetings devoted exclusively to the election of Town officers or balloting with respect to any appropriation of money as required by Article ***I***, Bond Appropriations, of this chapter.

Summary: The current bylaw requires a mere 200 voters to convene a Town Meeting. That translates to a mere 1% of the town's population required to enact significant changes for the other 99%. That's flat out wrong.

MOTION:

I move to amend Chapter 25 of the Ipswich General Bylaws as set forth in Article Twenty-Seven of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 28 – Citizen Petition – Amend General Bylaws – Chapter 25-4 (Adding New OPEB Funding Requirement Section)

Submitted By: Ed Marsh, 23 Woods Lane

To see if the Town will amend Section 25-4 of Chapter 25 (Town Meetings) of the General Bylaws by adding the new section as set forth below, or make any other changes to Section 25-4:

[Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.]

No article which would require an override vote, or any bonding or capital expenditure in excess of \$250,000, shall be presented by the Finance Committee or Select Board for placement on the town meeting warrant until municipal employee “other post-employment benefits” is funded to a level of at least 75% current anticipated requirements using best practice current actuarial assumptions and presuming rates of return not to exceed 2% for the next 20 years.

Summary: We’ve entered into a moral contract with municipal employees to provide for post-employment benefits including medical care and pension. Our ability to honor our contractual obligation to our neighbors is based on prudent financial preparation. That means addressing this issue aggressively rather than continuing to kick the can down the road.

MOTION:

I move to amend Chapter 25 of the Ipswich General Bylaws as set forth in Article Twenty-Eight of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 29 – Citizen Petition – Amend General Bylaws – Chapter 35 (Adding New Documentation of Meetings Section)

Submitted By: Ed Marsh, 23 Woods Lane

To see if the Town will amend Chapter 35 in Article 1 (General Provisions) of the General Bylaws by inserting the new Section as set forth below, or make any other requirements for documentation of meetings:

[Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.]

Documentation of Meetings

Recordings of all duly noticed board and committee meetings shall be available online, via a clearly marked and easily navigable section of the town’s website, within five business days following the conclusion of the meeting. Recordings will include video and audio, and will be accompanied by downloadable transcripts, and will remain available for at least ten years

Summary: This is a simple administrative step, likely with no or minimal cost, to ensure that meeting documentation is faithful and accurate, and that all stakeholders have access for reference and accountability.

MOTION:

I move to amend Chapter 35 of the Ipswich General Bylaws as set forth in Article Twenty-Nine of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 30 – Citizen Petition – Amend General Bylaws – Chapter 25-4 (Adding a new section prohibiting warrant articles presuming anthropomorphic climate change)

Submitted By: Ed Marsh, 23 Woods Lane

To see if the Town will amend Section 25-4 of Chapter 25 (Town Meetings) of the General Bylaws by adding the new section as set forth below, or make any other changes to Section 25-4:

[Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.]

No article shall be placed on the town meeting warrant which presumes the legitimacy or compelling nature of climate change as a basis or justification for any public expenditure or any regulation which would restrict the exercise of private property rights.

Summary: Throughout history countless frenzies based on “settled science” became clearly wrong in retrospect as science advanced. We must avoid draconian measures which may well be unfounded and motivated by hysteria.

MOTION:

I move to amend Chapter 25 of the Ipswich General Bylaws as set forth in Article Thirty of the warrant for this town meeting.

**Select Board Recommend:
Finance Committee Recommend:
School Committee Recommend:**

ARTICLE 31 – Citizen Petition – Affirmation of Bill of Rights

Submitted By: Ed Marsh, 23 Woods Lane

To see if the Town will instruct public officials to publicly and irrevocably affirm the inviolable nature of the U.S. Constitution, including the Bill of Rights, substantially as follows:

Ipswich is known as the Birthplace of American Independence and through the efforts of Massachusetts residents John Hancock and Samuel Adams the U.S. Constitution was ratified with the original ten amendments – known as the Bill of Rights. Therefore, it is appropriate that the Town Manager, Finance Committee and Select Board publish an affirmation, to be prominently featured on the Town website, confirming their inviolable and unequivocal embrace of the breadth of rights and liberties to which the residents of Ipswich are entitled. And further that this affirmation will recognize the “Creator” as the origin and grantor of these rights and liberties, and that town officials will observe, in perpetuity, the explicit limits these natural rights place the town and its officials in any exercise of authority.

Summary: Ipswich has played an important role in the founding and establishment of The United States - mankind's greatest experiment in liberty and freedom. We should recognize and celebrate that role.

MOTION:

I move that town meeting require the Town Manager, Finance Committee and Select Board publish an affirmation prominently featured on the Town website as set forth in Article Thirty-One of the warrant for this town meeting.

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 18, 2021; 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:

Moderator 1 seat, 1 year term; Select Board 1 seat, 3 year term; School Committee 2 seats, 3 year term; School Committee 1 seat to fill unexpired term, 1 year; Housing Authority 1 seat, 5 year term and Constable 1 seat, 3 year term.

Ballot Questions:

- (1) Shall the Town vote, in accordance with Part I, Chapter 25, §1 of the Town’s General Bylaws, to approve the borrowing of \$4,000,000 to pay costs of surveying, designing, permitting and constructing improvements to the Town’s water system, including the payment of costs incidental or related thereto, that was authorized by a vote of the Town under Article 14 of the Warrant at the Town Meeting held on May 15, 2021.
YES ___ NO ___

- (2) Shall the Town of Ipswich be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to mill, overlay, and reconstruct Topsfield Road in Ipswich, totaling \$1,500,000, including but not limited to, bicycle safety enhancements and related bicycle and pedestrian safety, including the payment of costs incidental or related thereto?
YES ___ NO ___

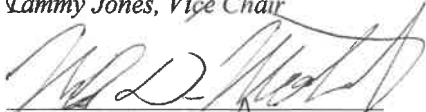
And you are directed to serve this Warrant by posting at least one attested copy in each precinct in the Town at least seven days prior to the time for holding said meeting in a newspaper published in, or having a general circulation in, the Town of Ipswich.

Given unto our hands this 2nd day of March in the year of our Lord, Two Thousand Twenty-Two One.

**TOWN OF IPSWICH
SELECT BOARD**


Linda D. Alexson, Chair


Tammy Jones, Vice Chair


Nishan D. Mootafian


William D. Whitmore


Kerry L. Mackin