

RECORD OF ACTION
SPECIAL TOWN MEETING
OCTOBER 24, 2023

Pursuant to the foregoing Warrant, the legal voters of the Town of Ipswich met at the Ipswich Middle/High School in said Town of Ipswich on Tuesday, October 24, 2023. A quorum was present (448 present/200 required), and the meeting was called to order by the Moderator, Mr. James Engel, at 7:07 P.M. Unless otherwise noted, all votes cast with electronic voting.

ARTICLE 1 – FY 24 Municipal Budget (State Aid)

Submitted by: *Select Board*

To see if the Town will vote to amend the FY2024 Municipal Budget approved under Article 4 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$135,570 of which \$119,970 is moved to the Management Transfer account and \$15,600 to the Conservation Comm. Permanent Part-Time account for the purpose of funding the Conservation Comm. Field Inspector, or take any other action relative thereto.

MOTION: I move to amend the FY2024 Municipal Budget by raising and appropriating an additional \$135,570 and applying \$15,600 to the Conservation Commission Permanent Part Time budget line, and applying the remaining \$119,970 to the Management Transfer Account.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: 6-0, 1 abstention

ACTION: Yes: 381 No: 20. Article one carries by the necessary majority.

ARTICLE 2 – FY 24 School Budget (State Aid)

Submitted by: *School Committee*

To see if the Town will vote to amend the FY2024 School Budget approved under Article 5 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$122,227 or take any action relative thereto.

MOTION: I move to amend the FY2024 School Budget by raising and appropriating an additional \$122,227.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: 7-0

ACTION: Yes: 293 No: 21. Article 2 carries by the necessary majority.

ARTICLE 3 – FY 24 Municipal Budget (Regional Animal Control)

Submitted by: *Select Board*

To see if the Town will vote to amend the FY2024 Municipal Budget approved under Article 4 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$150,694 to the Animal Control budget, within the Public Safety Directorate, or take any other action relative thereto.

292 ANIMAL CONTROL		FY2024	FY2024
Acct. #	Account Description	ATM Approved	STM Requested
12921-5112	Appointed Salary Chief Animal Control Officer	\$ 60,934.80	\$ 85,000.00
12921-5113	Salary Permanent Full Time		\$ 73,275.00
12921-5116	Permanent Part Time	\$ 14,455.00	
12921-5121	Temporary Part Time		\$ 10,000.00
12921-5123	Other Pay	\$ 2,941.68	
	General Benefits		\$ 35,000.00
12921-5197	Uniform Allowance		\$ 800.00
	PERSONNEL SUB-TOTAL:	\$ 78,331.48	\$ 204,075.00
12922-5211	Electricity		\$ 6,500.00
12922-5231	W&S Utilities		\$ 1,000.00
12922-5244	Maintenance Contracts		\$ 7,000.00
12922-5245	Motor Vehicles	\$ -	\$ 600.00
12922-5246	Radio Equipment	\$ -	\$ 1,000.00
12922-5301	Medical Exams	\$ 750.00	\$ 2,500.00
12922-5310	Consultant	\$ -	\$ 3,000.00
12922-5422	Printed Forms & Licensing	\$ 1,750.00	\$ 6,000.00
12922-5482	Tires	\$ -	\$ 1,000.00
12922-5511	Training	\$ 500.00	\$ 750.00
12922-5585	Boarding Dogs	\$ 50.00	\$ 250.00
12922-5588	Other Supplies	\$ 2,850.00	\$ 1,000.00
12922-5721	Out of State Travel	\$ 50.00	\$ 200.00
12922-5731	Association Dues	\$ 100.00	\$ 200.00
12922-5818	Vehicles	\$ -	
	EXPENSES SUB-TOTAL:	\$ 6,050.00	\$ 31,000.00
292	ANIMAL CONTROL SUB-TOTAL:	\$ 84,381.48	\$ 235,075.00

Ipswich Assessment	\$	79,176.25
Boxford Assessment	\$	58,768.75
Newbury Assessment	\$	48,565.00
Rowley Assessment	\$	48,565.00

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: NR

MOTION: I move to amend the FY2024 Municipal Budget by raising and appropriating an additional \$150,694 and amending the Public Safety Directorate budget to \$6,298,977 (from \$6,148,283).

ACTION: Yes: 328 No: 19. Article 3 carries by the necessary majority.

ARTICLE 4 – Appropriation to Essex TechSubmitted by: *Town Manager*

To see if the Town will amend the action taken under Article 7 of the May 9, 2023 Annual Town Meeting by reducing or increasing the Town’s share of the budget appropriated for the FY2024 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District, or take any action relative thereto.

Motion: I move to amend the action taken under Article 7 of the May 9, 2023 Annual Town Meeting by increasing the raised and appropriated amount from \$383,082 to \$403,082.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: 5-0

ACTION: Yes: 293 No: 73. Article 4 carries by the necessary majority.

ARTICLE 5 – Transfer Funds for Opioid Remediation PurposesSubmitted by: *Select Board*

To see if the Town will vote to transfer from available funds, the sum of \$91,956.35, to Public Health Other Consultants budget for the purpose of Opioid Remediation, or take any other action relative thereto.

MOTION: I move to see if the Town will vote to transfer from Free Cash to Public Health Other Consultants budget, the amount of \$91,956.35 for the purpose of funding the remediation efforts of the opioid crisis.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: 7-0

ACTION: Yes: 339 No: 17. Article 5 passes by the necessary majority.

ARTICLE 6 - Water Department Infrastructure Improvements 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 Water Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; and (3) to rescind the borrowing authority conferred by Article 20 of the May 9, 2023 Annual Town Meeting, or take any other action relative thereto.

MOTION: I move 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 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, and further to rescind the vote adopted under Article 20 of the 2023 Annual Town Meeting granting authorization to borrow \$2,500,000 for Water Department Infrastructure Improvements.

Quantum of Vote: 2/3 Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0

ACTION: Yes: 348 No: 6. Article 6 carries by the necessary 2/3rd vote.

ARTICLE 7 - Public Safety Facility Bid Contingency Funds

Submitted by: *Select Board*

To see if the Town will transfer from available funds the amount of \$500,000, more or less, for the purpose of creating a contingency fund for the Public Safety Facility bidding process, or take any action relative thereto.

MOTION: I move to transfer \$500,000 from Free Cash for the purpose of creating a contingency fund for the Public Safety Facility construction bidding.

A motion was made and carried by voice vote to move the question.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 5-4
School Committee Recommend: 6-0

ACTION: Yes: 221 No: 174. Article 7 carries by the necessary majority.

ARTICLE 8 - Amend Town Government Study Committee Bylaw

Submitted by: *Government Study Committee*

To see if the Town will vote to amend the Town Government Study Committee Bylaw as follows:

General Bylaws-Chapter 35- Town Officers, Boards, Committees and Commissions.

Article X Town Government Study Committee.

Section 35-42 Establishment and Membership.

The Town Government Study Committee was permanently established by the December 10, 1962, Town Meeting unanimous approval of Warrant Article 17. The Committee shall hence forth consist of five members with staggered three-year terms. The Select Board, Finance Committee, and School Committee shall each appoint one committee member or designee.

Town Meeting shall appoint two Committee **members-at-large**. The Committee shall post sixty-day public notice of Town Meeting **member at-large** appointment vacancies **and in local media, on the Town website, and request announcements at public meetings. The Committee will** submit the Town Meeting warrant article for any **Town Meeting** appointments to the Committee.

Should no one be appointed **at by** Town Meeting, the first **member-at-large** vacancy will be appointed by the Town Moderator and any second **member-at-large** vacancy will be appointed by the Town Manager.

35-43 Responsibilities and Referrals.

~~The Select Board and Town Meeting will refer topics to the Committee for review and recommendation. The Committee makes annual reports and recommendations regarding these referred topics to the Select Board and Town Meeting on matters pertaining to Town Charter and Town Bylaws. The Committee will perform periodic broad review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature~~

~~be considered, after conducting a public hearing thereon during a Select Board meeting.~~

The Committee is a public Town resource for research and recommendations on best practice in Town Government. The Committee makes annual reports to the Select Board and Town Meeting relating to Town Charter and Town Bylaw amendments that are legislative in nature.

The Select Board, or Town Meeting if a topic is listed on a duly posted warrant, may refer topics to the Committee for review and recommendation.

In addition, the Committee may perform review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature after conducting a public hearing thereon during a Select Board meeting.

~~35-44 Quorum~~

~~A quorum of the Town Government Study Committee shall consist of no fewer than three members.~~

A motion was made and carried Yes: 165 No: 137 to amend Article 8 as follows:

MOTION: I, Clinton Dalton of Labor in Vain Road, move that the pending motion be amended in its entirety by substituting the following:

Section 35-42 Establishment and Membership.

The Town Government Study Committee (TGSC) shall consist of five members, each with three-year terms to be appointed as follows: the Select Board shall appoint two TGSC members; the Town Moderator shall appoint two TGSC members; and the Finance Committee shall appoint one TGSC member. Whenever a vacancy occurs on the TGSC, either by resignation, disability, or otherwise, the same shall be filled by the original appointing authority.

Section 35-43 Responsibilities: Topics of Study.

Only the Select Board by a majority vote or any Town Meeting by a simple majority vote, provided the topic is listed on its duly posted warrant, may task the TGSC with a topic for study. Only if so tasked by either the Select Board or Town Meeting, the TGSC may make recommendations, including amendments to the Town Charter, the General Bylaws, or the Protective Zoning Bylaws, or filing home rule petitions with the Legislature and may, after conducting a public hearing, thereon in accordance with G.L. c. 30A, report such recommendations, if any, to either the Select Board or Town Meeting, as the case may be, as soon as practicable.

Section 35-44 Quorum.

A quorum of the Town Government Study Committee shall consist of no fewer than three duly appointed members as provided in Section 35-42.

To be effective after the May 2024 Annual Town Meeting.

**Quantum of Vote: Simple Majority
Amended Motion
Select Board Recommend: 5-0
Finance Committee Recommend: 8-1
School Committee Recommend: NR**

ACTION: Yes: 156 No: 129. Article 8 carries as amended by majority vote.

ARTICLE 9 – Adoption of the Specialized Stretch Building Code

Submitted by: *Climate Resiliency Committee*

To see if the Town will vote to enact Chapter 190 of the Town of Ipswich General Bylaws, entitled “Specialized Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Quantum of Vote: Simple Majority
Select Board Recommend: 3-2
Finance Committee Recommend: 6-3
School Committee Recommend: 4-3

MOTION: I move to vote to accept the Specialized Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024.

A motion was made and carried by voice vote to move the question.

A motion was made and failed to carry (Yes: 135 No: 145) to refer Article 9 to a committee appointed by the Town Moderator to study and report on the merits of the proposal at the next annual meeting.

A motion was made and failed to carry by 2/3rd vote (Yes: 196 No: 106) to take no action on Article 9.

A motion was made and carried (Yes: 230 No: 51) to move the question.

ACTION: Yes: 123 No: 148. Article 9 fails to carry by the necessary majority.

ARTICLE 10 - Drive-through Facilities

Submitted by: *Planning Board*

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:

- 1) Amend Section III. Definitions, by adding a new definition, “Drive-through Facility,” in the correct alphabetical order, to read as follows:

“DRIVE-THROUGH FACILITY: A commercial facility which provides a service directly to a person who drives a motor vehicle onto the premises and to a window or mechanical device through or by which the person receives service without exiting the vehicle.”

- 2) Amend Section V. Use Regulations, Table of Use Regulations, by adding a new row under “Accessory Use,” adding the use “Drive-Through Facility,” and allowing it as shown below:

TABLE OF USE REGULATIONS (cont’d)										
ACCESSORY USE	DISTRICT									
	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
<i>Drive-Through Facility</i>	--	--	---	---	<i>SPB</i>	<i>SPB</i>	<i>SPB</i>	<i>SPB</i>	<i>SPB</i>	<i>SPB</i>

Or to take any other action relative thereto.

This article requires a 2/3 majority vote.

Quantum of Vote: 2/3rd Majority

Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: NR
Planning Board: 5-0

MOTION: I move that the Protective Zoning Bylaw of the Town of Ipswich be amended as set forth in Article 10 of the Warrant for this Special Town Meeting.

ACTION: Yes: 187 No: 27. Article 10 carries by the necessary 2/3rd vote.

ARTICLE 11 - Miscellaneous Change to Nonconforming Height Restrictions

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 "II. APPLICABILITY, B.3" by deleting paragraph "e." in its entirety

~~e. Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.~~

Quantum of Vote: 2/3rd Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: NR
Planning Board: 5-0

MOTION: I move that the Protective Zoning Bylaw of the Town of Ipswich be amended as set forth in Article 11 of the Warrant for this Special Town Meeting.

ACTION: Yes: 171 No: 27. Article 11 carries by the necessary 2/3rd vote.

ARTICLE 12 - Miscellaneous Change to Fence Height Regulations

Submitted by: *Planning Board*

To see if the Town will vote to:

(1) Amend "VI. DIMENSIONAL AND DENSITY REGULATIONS, B. Footnotes to Table of Dimensional and Density Regulation, Footnote 17" as follows: (~~strike through~~ = language to be deleted; ***bold italics*** = new language)

"17. The following shall be exempt from the provisions of this Section: mailboxes, yard light-posts, flagpoles and landscaping features. Fences or walls are also exempt from the setbacks established in this Section, subject to the following requirements:

... c. ~~A building permit shall be obtained for all f~~***Fences over six (6) seven (7) feet in height shall only be allowed upon the issuance of a building permit and a special permit from the Board of Appeals, the latter only upon a finding that the proposed fence height is appropriate and necessary for the nature of the property's use, and is not creating a public nuisance as described in Section 21 of Chapter 49 of the Massachusetts General Laws.***"; or to take any other action relative thereto.

Quantum of Vote: 2/3rd Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 8-1
School Committee Recommend: NR
Planning Board: 5-0

MOTION: I move that the Protective Zoning Bylaw of the Town of Ipswich be amended as set forth in Article 12 of the Warrant for this Special Town Meeting.

ACTION: Yes: 186 No: 16. Article 12 carries by the necessary 2/3rd vote.

ARTICLE 13 – Authorize Conservation Commission to Enter into Lease of Farm Fields at 275 Linebrook Road

Submitted by: *Planning Department*

To see if the Town will authorize the Conservation Commission to lease approximately ten (10) acres of the 77.56-acre parcel known as 275 Linebrook Road, Assessors' Map 28C, Lot 54 for agricultural use for the purpose of growing row crops, upon such terms and conditions as such Conservation Commission deems advisable in its discretion, for a period of up to ten (10) years, subject to the requirements of MGL Chapter 30B Sec. 16; or to take any other action relative thereto.

Quantum of Vote: Simple Majority
Select Board Recommend: 5-0
Finance Committee Recommend: 9-0
School Committee Recommend: NR

MOTION: I move that the Conservation Commission be authorized to lease approximately ten (10) acres of the 77.56-acre parcel known as 275 Linebrook Road, Assessors' Map 28C, Lot 54 for agricultural use for the purpose of growing row crops, upon such terms and conditions as such Conservation Commission deems advisable in its discretion, for a period of up to ten (10) years, subject to the requirements of Massachusetts General Laws Chapter 30B, Section 16.

ACTION: Yes: 197 No: 4. Article 13 carries by the necessary majority.

ARTICLE 14 – Amending Town Charter to Give Select Board Exclusive Authority to Appoint Members of Planning Board (Citizen Petition)

Submitted by: *Daniel Kelly, et al*

To see if the town will vote to amend Sections 3 and 13 of the Town Charter.

Pursuant to the Home Rule Amendment to the Massachusetts Constitution (Amendment Article 89) and the Home Rule Procedures Act (M.G.L C. 43B), pursuant to either Section 10 of C. 43B or by Special Act of the State Legislature, the following amendments are made to the Sections 3 and 13 of the Town Charter. Additive language is in capital letters and in bold.

SECTION 3 Appointive Powers of the Select Board.

[Amended 1-3-2020 by Acts of 2019, c. 152]

The select board shall appoint and may remove election officers, registrars of voters (except the Town Clerk), Trust Fund Commissioners, Town Accountant, Zoning Board of Appeals, an Electric Light Manager, **THE PLANNING BOARD**, and the Town Manager. The Treasurer and Collector shall be appointed by the select board as provided in chapter two hundred and fifty-one of the acts of nineteen hundred and sixty-three, which was accepted by the town of Ipswich in March nineteen hundred and sixty-four and which shall not be affected by this act in any way. The Town Accountant and the Treasurer and Collector shall, in the performance of their duties, be subject to the general supervision and the direction of the Town Manager. (As amended by order under General Laws Chapter 43B, Section 10, adopted by vote of Town Meeting April 6, 1998; approved by the voters on April 13, 1998; approved by the Attorney General on May 7, 1998; effective June 4, 1998)

SECTION 13 Boards and Offices to be Appointed by the Town Manager.

[Amended by order under MGL c. 43B, § 10, adopted by vote of Town Meeting 4-6-1998; approved by the voters on 4-13-1998; approved by the Attorney General on 5-7-1998; effective 6-4-1998; 1-3-2020 by Acts of 2019, c. 152]

The following boards or offices in existence at the time of acceptance of this act shall continue in force and effect: **[DELETE PLANNING BOARD]** Board of Assessors, Town Counsel and emergency management and civil defense director. Members of said boards or offices holding office at the time of acceptance of this act shall serve out their appointed terms, and future appointments shall be made by the Town Manager. If for any reason a vacancy occurs in any of these boards or offices, the vacancy shall be filled for the unexpired term by appointment by the Town Manager. **THE TERMS OF MEMBERS OF THE PLANNING BOARD APPOINTED BY THE TOWN MANAGER AND SERVING AS OF NOVEMBER 1, 2023 SHALL EXPIRE NO LATER THAN JULY 31, 2024. ANY VACANCIES ON THE PLANNING BOARD THAT OCCUR PRIOR TO JULY 31, 2024 SHALL BE APPOINTED BY THE SELECT BOARD.**

The director of the Ipswich public library shall be appointed by the town manager with the approval of the board of library trustees. The town manager may remove the director of the Ipswich public library, with the approval of the board of library trustees, for just cause, following a hearing.

**Quantum of Vote: Simple Majority
Select Board Recommend: 4-1
Finance Committee Recommend: 5-4
School Committee Recommend: NR**

MOTION: To indefinitely postpone Article 14.

ACTION: Yes: 138 No: 77. Article 14 is voted to be indefinitely postponed.

Town Meeting was adjourned at 10:52 pm by voice vote.

A TRUE COPY ATTEST:

AMY S. AKELL, MMC/CMMC
Town Clerk