

IPSWICH SELECT BOARD
Meeting of Monday, March 2, 2020
Ipswich Town Hall | 25 Green Street

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, March 2, 2020 at 7:00 PM in Meeting Room A.

Board Members present: William Whitmore, Chair; Linda Alexson, Vice Chair; Kerry Mackin; Nishan Mootafian

Also present: Anthony Marino, Town Manager; Eileen Page, Recording Secretary

Not present: Dr. Tammy Jones

Abbreviations used: CARE, Capital Asset Replacement; FY21, Fiscal Year 2021; RMDs, Registered Marijuana Dispensaries; TIF, Tax Increment Financing; APDC, Architectural Preservation District Commission; IRWA, Ipswich River Watershed Association; NOAA, National Oceanic and Atmospheric Administration

With a quorum present, Mr. Whitmore called the meeting to order at 7:04 PM.

Welcome/Announcements

RECYCLING

Effective this week, JRM Hauling & Recycling will no longer be picking up contaminated recycling bins. If a bin is left behind, a note will be attached explaining why. More information is available on the Public Works website.

ANNUAL TOWN MEETING WARRANT

A draft of the Annual Town Meeting warrant is available on the Town website.

LEASH LAWS

The Select Board asks dog-owners to be conscious of Town leash laws. Retractable leashes are illegal in Ipswich. Leashes may not exceed 6', and dogs must be leashed at all times when on Town property.

COVID-19 (CORONAVIRUS)

As of March 2, there is one confirmed case of coronavirus in Massachusetts. The risk remains low to Massachusetts residents. Symptoms include a fever, cough, shortness of breath, and pneumonia. No vaccines are available, but residents can mitigate their risk of infection by washing their hands often with soap and water, using alcohol-based hand sanitizer, avoiding touching the face, covering coughs and sneezes, staying home when sick, and cleaning high-touch surfaces. The Board of Health does not currently recommend wearing masks in public, but masks may be helpful when in medical settings. Residents can consult the Centers for Disease Control, Massachusetts Department of Public Health, or Town websites for more information.

SUPER TUESDAY

Voting for the Presidential Primary will be held tomorrow, Tuesday, March 3, 2020 from 7:00 AM until 8:00 PM at the Ipswich Y.

Citizen Queries

KelleyJane Kloub (Mitchell Road) noted that residents in Newton recently petitioned that the construction of an 800-unit residential and retail building be put to a ballot vote, even after receiving Planning Board approval. Ms. Kloub asked if this process is a part of their bylaws, or if any Town would be able to do this. Mr. Marino responded that he would have to research the matter and get back to Ms. Kloub with an answer.

Boards and Committees

- a. Susan Stendahl – New Appointment – Cultural Committee
- b. Rue Sherwood – Reappointment – Design Review Board
- c. Jennifer Hughes – New Appointment – Eight Towns and the Great Marsh Coalition

Ms. Stendhal was in attendance, and stated that she has been interested in the Ipswich Cultural Committee for a number of years, and is now semi-retired and has the time to devote to the Committee. She holds a degree in Fine Arts, and her first career was as a graphic designer in Ipswich. She has since become a non-profit fundraising professional, and has written and reviewed grants to the Massachusetts Cultural Committee.

Vote: Ms. Mackin moved to appoint Susan Stendahl to the Cultural Committee, Rue Sherwood to the Design Review Board, and Jennifer Hughes to Eight Towns and the Great Salt Marsh Coalition. Ms. Alexson seconded. The motion carried unanimously.

Approval of Minutes

- a. February 2, 2020

Vote: Ms. Alexson moved to approve the February 2 minutes, and Ms. Mackin seconded. The motion carried unanimously.

Consent Agenda

- I. One Day Wine and Malt Application
 - a. Monarch and Rose Foods, Inc. for a Music night on 3/13 and a Wine Tasting on 3/19 at 1 N. Main Street

Vote: Ms. Alexson moved to approve the Consent Agenda, and Ms. Mackin seconded. The motion carried unanimously.

PUBLIC HEARING: Water & Wastewater Rate Hearing (2 of 2)

“Residents of the Town of Ipswich, please note that the Select Board, as Water and Sewer Commissioners, will hold public hearings on Monday, February 3, 2020 at 7:20 PM and Monday, March 2, 2020 at 7:15 PM, in Meeting Room A of Town Hall, to consider and act on the increase and/or modification of the current water and sewer rates effective for billings on and after May 1, 2020.” – Board of Water & Sewer Commissioners, William D. Whitmore, Chair

Vote: Mr. Mootafian moved to open the Public Hearing, and Ms. Mackin seconded. The motion carried unanimously.

WATER RATE INCREASE

The Water Department is proposing a 13% rate increase. The proposed rate increase would change the water rate from \$9.96/100ft³ to \$11.25/100ft³. Under the change, a typical household of four will pay an additional \$9.93 per month. Ms. Halmen noted that this number has decreased from her previous presentation, which contained a formula error.

WATER RESIDENTIAL SEASONAL RATE ADJUSTMENT

Annually, the Water Commissioners have voted to increase the residential water rate to 1.5 times the base rate from May 1 to September 30 in an effort to incentivize water conservation in the summer months. The proposed rate increase would change the residential seasonal rate from \$5.85/100ft³ to \$16.88/100ft³.

COMMERCIAL CUSTOMERS

Ms. Halmen noted that only 5% of commercial customers have non-business-related watering needs. She stated that raising the seasonal rate for commercial customers would be a tremendous burden to customers who have non-water essential businesses.

ANALOG METER CHARGE

The proposed charge would institute fees to customers who wish to remain on analog water meters. The fees would include a one-time initial charge of \$105, and a recurring monthly charge of \$45 to accommodate and fund the extra field and administrative work associated with reading analog meters. It was noted that there is currently only one customer in Town who wishes to remain on an analog meter.

WASTEWATER RATE INCREASE

The Wastewater Department is proposing a 12% rate increase. The proposed rate increase would change the water rate from \$9.69/100ft³ to \$10.85/100ft³. A typical household of four would pay about \$9.00 more each month.

PUBLIC HEARING: 2020 Annual Town Meeting Warrant

“Residents of the Town of Ipswich, please note the Select Board will hold a public hearing on Monday, March 2, 2020 at 7:35 PM in Meeting Room A of Town Hall relative to the warrant for the Annual Town Meeting to be held on Tuesday, May 12, 2020.” -William D. Whitmore, Select Board Chair

Vote: Ms. Mackin moved to open the Public Hearing, and Ms. Alexson seconded. The motion carried unanimously.

PUBLIC HEARING: Water and Wastewater Rates Hearing (2 OF 2) (Continued)

Ms. Alexson noted that the FY21 budget is largely supported by rate increases, and that in the FY20 budget there was a significant salary increase, and asked if there are any increases in the budget this year for salaries and overtime. Ms. Halmen responded that there is an increase for short-term bond anticipation notes, in an effort to avoid long-term borrowing. Ms. Alexson asked how much of the budget is devoted to conservation efforts, and Ms. Halmen responded that about \$15,000 is earmarked for conservation. Ms. Alexson asked what conservation programs are available to Ipswich residents. Ms. Halmen stated that years ago, Ipswich offered a toilet rebate program, but the affiliate company no longer provides verifications and inspections, and as such the program has been dropped due to an inability to provide the associated administrative work in-house. Ms. Halmen has recently begun working with Greenscapes to identify new conservation programs and incentives. Ms. Alexson expressed her frustration that the Town is not mandating conservation efforts on new developments. Ms. Mackin stated that the Water Department would like to impose a requirement on new developments that would require developers to offset the water demand of the new development through payments. Ms. Alexson asked when the Net Zero report will be ready, and Ms. Halmen responded that the report is complete, and the department will be meeting this week to develop a presentation and implementation plan on Friday. She hopes to have it ready for the Board by the end of the month.

There were no public comments.

Vote: Mr. Mootafian moved to close the Public Hearing, and Ms. Alexson seconded. The motion carried unanimously.

Vote: Ms. Mackin moved to Amend Division IV, Sewer User Charges and Industrial Cost Recovery, Article I, Sewer User Charges as follows: Section 1, Subsection A, by deleting the last sentence thereof and by substituting in lieu thereof the following sentence: “Effective May 1, 2020, each sewer user in the Town of Ipswich will be charged for the use of sewer at the rate of \$10.85 per one hundred cubic feet of water as measured at each sewer user’s water meter.” Section 1, Subsection B, by deleting the last sentence thereof and by substituting in lieu thereof the following sentence: “Effective May 1, 2020, septage accepted for disposal at the Wastewater Treatment Plant from in town sources will be charged at the rate of \$0.070 per gallon; septage accepted for disposal at the Wastewater Treatment Plant from out of town sources will be charged at a rate of \$0.085 per gallon.” Mr. Mootafian seconded. The motion carried unanimously.

Vote: Ms. Mackin moved to amend Article VIII of the Water Division Regulations of the Town of Ipswich to change the water rates as follows:

	<i>Section 5: Normal User Charges</i>	<i>From</i>	<i>To</i>
<i>a.</i>	<i>Residential Rate From</i>		
	<i>May 1, 2020 to September 30, 2020</i>	<i>\$5.85/100 cu. ft.</i>	<i>\$16.88/100 cu. ft.</i>
	<i>All Other User Charges</i>		
	<i>Year Round (Base Rate)</i>		
	<i>Effective May 1, 2020</i>	<i>\$9.96/100 cu. ft.</i>	<i>\$11.25/100 cu. ft.</i>

Mr. Mootafian seconded. The motion carried 3-1.

Vote: Mr. Mootafian moved to amend Article VI of the Water Division Regulations of the Town of Ipswich to add the following:

<i>Analog Meter Chargers:</i>	
<i>One-time Initial Charge</i>	<i>\$105</i>
<i>Recurring Monthly Charge</i>	<i>\$45</i>

Ms. Alexson seconded. The motion carried unanimously.

PUBLIC HEARING: 2020 Annual Town Meeting Warrant (Continued)

ARTICLE 12: Water Department Main Replacement

Submitted by: Select Board as Water Commissioners

ARTICLE 13: Wastewater Department Main Replacement

Submitted by: Select Board as Water Commissioners

ARTICLE 10: Single-Use Straw, Stirrer, and Hotstopper Ban

Submitted by: Select Board

Margot Kelly (116 Town Farm Road) presented the article before the Board. She noted that the Town has previously voted to ban plastic bags and Styrofoam. The proposed bylaw would provide reusable or compostable options for customers, and provide a disability exemption. Ms. Kelly also noted that establishments would not be required to provide any kind of straw, and retail sales would be exempt from the bylaw. Ms. Kelly offered World Centric as a possible vendor for establishments, citing that a case of 5,000 compostable straws costs about \$150. 21 of 23 businesses surveyed have stated that they would support the bylaw, as well as the Waste Reduction Committee, Board of Health, and School Committee. If approved, the ban would take effect six months after receiving approval from the Attorney General.

Ms. Alexson asked if six months will be a reasonable expectation for establishments to transition. Ms. Kelly stated that she believes it will be, as it is the same timeframe used for the plastic bag and Styrofoam ban. She also noted that Rockport successfully transitioned within six months.

ARTICLE 11: Citizen's Petition - Home Rule Petition for Lowering the Voting Age in Local Elections

Submitted by: Lori Lafrance (5 Sand Pebble Drive)

Ellie O'Donnell (20 Edge Street) presented the article before the Board. The proposed bylaw would lower the voting age for local elections and local political participation from 18 to 16. Under the bylaw, 16 and 17-year-olds would be allowed to vote in Town Meetings and elections, participate in town caucuses, and sign petitions authorized by Town bylaws. Ms. O'Donnell stated that by lowering the voting age, the Town will encourage voting in a younger demographic, see better voter turnout, and would be a real-world application of state-mandated civic education.

Ms. Mackin stated that she believes this is a reasonable proposal.

Craig Saline (13 Plum Sound) asked Ms. O'Donnell to research other Towns that have implemented a lower voting age, and provide exact statistics about voter turnout for Ipswich High School class officer elections.

Mr. Whitmore noted for viewers that even if the proposal passed at Town Meeting, it would still need to be reviewed and voted on in a legislative session at the State House.

KelleyJane Kloub (Mitchell Road) stated that she is opposed to the proposal because young people have the rest of their lives to be involved in politics, and should focus on "being kids."

Dr. Leah Balzer submitted a letter that was read aloud by Ms. Kloub. In her letter, Dr. Balzer stated that she is a psychoanalyst specializing in children and families. She opposes the proposal, stating that there are other ways underage citizens can participate in local affairs, such as volunteering, reading, and discussing ideas. She stated that lowering the voting age forces children to take on an unnecessary burden, and that she believes it is more important for children to explore concepts.

Mr. Whitmore stated that he is in favor of the proposal. He stated that in 2018, there were 11,000 registered voters in Ipswich, and 1,400 showed up to Town Meeting, which was a record turnout. At that statistic, about 1 in 10 Ipswich voters are attending Town Meeting. Regarding Dr. Balzer's concerns about voting being a burden, Mr. Whitmore noted that allowing 16 and 17-year-olds to vote does not mean that they have to, and that most adults don't show up to Town Meeting, but students are asking to be involved. He believes the residents should be willing to give the proposal some thought.

ARTICLE 16: Adult Use Marijuana

Submitted by: Planning Board

Ethan Parsons (Director of Planning and Development) presented the Article before the Board. The proposed article responds to an article approved at 2019 Special Town Meeting that established time, place and manner regulations for adult-use marijuana establishments. He noted that the article did not allow the retail sale of marijuana in Ipswich. Article 16 outlines regulations for the physical requirements, location, reporting requirements, and issuance, transfer and discontinuance of use for adult-use marijuana establishments.

Ms. Alexson asked how much additional water would be used if the existing business expanded. Mr. Parsons responded that the business currently uses a recirculation system, preventing the need for additional water. Police Chief Paul Nikas was in attendance and added that the expansion of business refers only to the owner's growing options, not the physical facilities.

ARTICLE 17: Registered Marijuana Dispensaries (RMDs)

Submitted by: Planning Board

Article 17 would tighten up provisions for RMDs, adding five requirements that address square footage and drive-through services, which are not permitted in Ipswich.

ARTICLE 18: Clarification Amendment

Submitted by: Planning Board

Article 18 addresses a loophole that Mr. Parsons recently discovered. He stated that to date, the loophole has not been taken advantage of.

ARTICLE 20: New England Biolabs - Tax Increment Financing (TIF) Agreement

Submitted by: Select Board

Brian Tinger (Corporate Controller, New England Biolabs) appeared before the Board to present the article. He stated that New England Biolabs is seeking to expand their facility by 95,000 square feet, which will provide more work space, install underground parking, and expand energy efficiency. He noted that the approval of a TIF would not change the current annual property tax of \$680,000, but rather, the TIF allows for the gradual increase in property tax over a 10-year period. In return, New England Biolabs has committed to the creation of 100 new full-time jobs, in addition to the retention of 350 full-time employees, 27 part-time employees, and 20-30 student and fellowship positions.

Mr. Whitmore asked what the timeframe for building would be. Mr. Tinger responded that New England Biolabs expects construction to be completed sometime between 2 and 2.5 years from now, as the company is still going through the Planning Board process. The TIF would become effective once a certificate of occupancy is issued.

ARTICLE 19: Open Space Bond Purchase - Kamon Farm, Pineswamp Road

Submitted by: Open Space Committee

Hannah Wilbur (Open Space Manager) and Chris Lapointe (Director of Land Conservation, Greenbelt) appeared before the Board to present the article. Ms. Wilbur stated that the Town has partnered with Greenbelt to protect 93 acres of property on Pineswamp Road. The property filters and protects drinking water flowing to the reservoir, and contains wetlands, Kimball Brook, hay fields that have been hayed for the last 120 years, flood storage, and opportunity for recreational walking trails. Under the agreement, Greenbelt would own the property, while the Town held a conservation restriction preventing development, and monitor the property. The property has been appraised at \$1.3 million, and is under agreement with Greenbelt for \$1.15 million. Ms. Wilbur has applied for a \$300,000 grant to assist in funding. \$450,000 would be paid out of the Open Space Bond fund. If the property is purchased, taxpayers would pay an additional \$6.25 per year per household, which would decrease yearly as the interest and principal are paid down.

Ms. Alexson asked if the grant has been approved yet. Ms. Wilbur responded that she expects to hear this month. Mr. Marino noted that there is language in the article that prevents the purchase from going forward without the \$300,000 grant, regardless of a Town Meeting vote. Ms. Alexson asked how many purchases have been paid off under the Open Space bond, and how many are still being paid for. Ms. Wilbur will provide the statistics this week. Ms. Alexson asked if Greenbelt will still be purchasing the property if the grant is denied. Mr. Lapointe stated that at this time, Greenbelt does not have a replacement source if the grant does not come through.

Gordon Harris (17 Mill Road) asked why the Town would own a conservation restriction if Greenbelt owned the property. Mr. Lapointe responded that each funder requires a property interest, and the Town's interest is drinking water flow.

John Walker (15 County Street) asked what funds are available in the Open Space Bond knowing there may be properties up for sale in the near future. Ms. Wilbur responded that there is \$4 million currently in the fund, and over \$20 million has been spent on Open Space, \$11 million of which has been from the Open Space fund.

ARTICLE 21: Amendment to Chapter 25 of the General Bylaws (Town Meeting)

Submitted by: Town Moderator

Mr. Marino presented the Article 21 to the Board. The article was drafted by an ad hoc committee, and sets a timeline for the opening and closing of the Annual Town Meeting warrant. The timeline allows for more flexibility in submitting articles. The article will also change outdated and antiquated posting requirements of the warrant.

Ms. Alexson expressed disappointment that the Town Moderator was not in attendance, particularly to address the issue of keypad voting, and whether it will be used at Annual Town Meeting. She stated that she has asked several times and received no concrete answer. Mr. Marino responded that he does not believe the Town Moderator plans on using the keypads for Annual Town Meeting, but may consider it for Special Town Meeting if a Public Safety Building vote is on the warrant.

Gary Champion (3 Palomino Way) asked to confirm that under this article, for example, the School Committee could submit an article for an override at either an Annual or Special Town Meeting. Mr. Marino confirmed the clarification.

ARTICLE 22: Government Study Committee - Waterways Committee Article

Submitted By: Government Study Committee

Craig Saline (Chair, Government Study Committee) appeared before the Board to present the article. The article seeks to provide clarity and accountability, defining the appointing body for the Waterways Advisory Committee as the Select Board. It also clarifies the role of the Harbormaster, and the appointing body for the Harbormaster as the Town Manager.

ARTICLE 23: Amend Chapter 138 - Demolition Review

Submitted by: Historical Commission

Gordon Harris (Acting Chair, Historical Commission; Town Historian) appeared before the Board to present the article. The article proposes setting a date of 1915 and prior to determine the historical significance of a home in regards to demolition. A date of 1915 has been chosen to encapsulate houses that were built in the 19th century, but

may be unknowingly designated as 20th century homes by the Town's Patriot Properties software. Additionally, the article would extend the period of demolition delay from 12 to 18 months. Mr. Harris noted that the Massachusetts Historical Commission has recommended that municipalities change their demolition day period to either 18 or 24 months. Under the new guidelines, the Planning Department and Historical Commission Chair would work together to determine whether a house should be put under the restrictions of a demolition delay, and once it has been designated as such, would work with homeowners to find a solution to save or possibly move the house.

Ms. Alexson asked if there have been any instances where 12 months of delay was insufficient. Mr. Harris responded that during the development of the Kozeneski property, developers were aware of the 12-month rule and approached the Town a year before construction was slated to begin so as to expedite the process. Eventually, the developers offered the home for free to anyone who would take it off the property, and a citizen came forward and reconstructed the house at another site. Mr. Harris stated that the house was not necessarily saved, but did have a positive outcome.

John Walker (15 County Street) expressed concerns that the article does not take the APDC into consideration, and asked if Town Counsel had reviewed the article to look for overlap. He also expressed concerns that setting a concrete year of 1915 for historical significance would disregard other homes that are architecturally significant, but don't necessarily meet the timeline requirement. Mr. Harris responded that the concerns are shared by many members of the Historical Commission, but the resources to inspect all pre and post war homes are not available at this time.

ARTICLE 26: Funding for Peatfield Landing Non-Motorized Seasonal River Dock

Submitted by Chief Paul Nikas, Harbormaster

Chief Nikas and Beth O'Connor (Open Space Steward) appeared before the Board to present the article. The proposal seeks \$5,000 from the Waterways Improvement Fund to partially fund a non-motorized boating launch. The landing would not be permanent; it would be seasonal. Funding would be contingent upon receiving grants for the remainder of the project cost. Chief Nikas reported that a need for a launch was identified as boaters have been observed dragging canoes and kayaks over undergrowth. Installation of the launch will help mitigate damage.

Ms. Alexson asked how much money is being sought in grants. Ms. O'Connor responded that she has submitted a grant proposal for \$2,000 from the Essex Heritage Partnership, and will be submitting for other local grants over the next few weeks. The total project cost is estimated to be \$8,300. Ms. Alexson asked if parking will be a concern. Chief Nikas responded that he does not foresee parking being an issue, as there are already five or six spots designated in that area that open at dawn and close at dusk. Ms. Alexson asked if donations might be collected to fund the site if grants are not awarded. Ms. O'Connor responded that she has been working closely with IRWA as a resource for local grants, and feels confident that the project will be fully funded.

Ms. Mackin asked if removal of the Ipswich Mills Dam would impact the site. Ms. O'Connor responded that preliminary studies have indicated that there would be low impact.

ARTICLE 24: Matching Grand Funds for Ipswich Mills Dam Removal

Submitted by: Select Board

The article would earmark funds from Free Cash for grant matching if a NOAA grant is awarded to fund a mitigation investigation at EBSCO to see how the property would be impacted by the removal of the Ipswich Mills Dam. The earmarked funds will not be spent unless the grant is awarded. The outcome of the grant application is expected sometime this summer.

ARTICLE 25: Amend Chapter 109 - Animals

Submitted by: Select Board

The article seeks to reduce dog license registration fees for residents age 70 and older.

ARTICLE 1: Consent Calendar

Submitted by: Select Board

ARTICLE 2: FINANCE COMMITTEE ELECTION

Submitted by: Select Board

Janice Clements-Skelton's (Finance Committee, Chair) term is coming to an end. To date, Mr. Marino is unsure if she would like to remain on the Committee. Her reappointment will be decided at Town Meeting.

ARTICLE 3: FY 2021 Municipal Budget

Submitted by: Select Board

ARTICLE 4: FY 2021 School Budget

Submitted by: School Committee

Mr. Whitmore noted that the School Committee met last Thursday to discuss their budget, and will be presenting it to the Finance Committee on March 10 at 7:30 PM, and will potentially continue the presentation on March 12.

ARTICLE 5: FY 2021 Whittier Regional High School Budget

Submitted by: Whittier Regional Vocational Technical High School Representative

The exact monetary numbers will be provided by Whittier prior to Town Meeting.

ARTICLE 6: FY2021 Essex County Technical Institute Budget

Submitted by: Select Board

The exact monetary numbers will be provided by Essex Tech prior to Town Meeting.

ARTICLE 7: Transfer FY20 Appropriated Budget Funds to Education Stabilization Fund

Submitted by: School Committee

ARTICLE 8: Transfer of FY20 Budget Funds to Special Education Reserve Fund

Submitted by: School Committee

ARTICLE 9: Annual Capital Plan

Submitted by: Select Board and School Committee

The Town anticipates receiving Green Communities grant money in June.

ARTICLE 14: Stabilization Funding

Submitted by: Select Board

ARTICLE 15: Other Post-Employment Benefits Funding

Submitted by: Select Board

Vote: Mr. Mootafian moved to close the Public Hearing, and Ms. Mackin seconded. The motion carried unanimously.

Town Manager Report

The Board will be voting on the 2020 Annual Town Meeting warrant on March 16. George Hall (Town Counsel) will be reviewing the warrant again, and questions raised at tonight's meeting will be researched.

New Business

None.

Old Business

None.

Miscellaneous and Correspondence

Mr. Whitmore reported that he has responded to all emails sent to the Select Board email address.

Vote: Ms. Alexson moved to adjourn, and Ms. Mackin seconded. The motion carried unanimously.

The Select Board adjourned at 10:14 PM.

Respectfully submitted by Eileen G. Page
03.03.2020