

IPSWICH SELECT BOARD
Meeting of Monday, March 16, 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 16, 2020 at 6:30 PM in Meeting Room A.

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

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

Abbreviations used: ADA, Americans with Disabilities Act; DPW, Department of Public Works; MassDEP, Massachusetts Department of Environmental Protection; NOAA, National Oceanic and Atmospheric Administration; FEMA, Federal Emergency Management Agency; MEMA, Massachusetts Emergency Management Agency; CZM, Massachusetts Office of Coastal Zone Management

With a quorum present, Mr. Whitmore called the meeting to order at 6:30 PM.

Executive Session

To consider the purchase, exchange, taking, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body as it relates to 85 North Ridge tax and title.

Vote: Ms. Alexson moved to enter into Executive Session, and Dr. Jones seconded. The motion carried unanimously via roll call.

The Select Board returned from Executive Session at 7:00 PM.

Welcome/Announcements

The Select Board meeting was closed to the public as a precaution due to COVID-19. Residents were able to call into the meeting with questions and comments via conference call at (605) 313-5111.

In response to COVID-19, Governor Charlie Baker has ordered all public and private schools closed for the next three weeks, limited public gatherings to no more than 25 people, and limited restaurants to take-out service only. Ipswich Town Hall will be closed to the public until March 30, but staff will be in the offices providing services via phone. For updates, residents are encouraged to visit ipswichma.gov and follow @townofipswich on Facebook, Instagram and Twitter.

Citizen Queries

None.

Approval of Commercial Shellfish Licenses

Vote: Mr. Mootafian moved to approve the commercial shellfish licenses, and Dr. Jones seconded. The motion carried 4-0-1, with Ms. Alexson abstaining.

Approval of Minutes

- a. February 24, 2020
- b. March 2, 2020

Vote: Ms. Alexson moved to approve the February 24, 2020 minutes, and Dr. Jones seconded. The motion carried unanimously.

Vote: Ms. Alexson moved to approve the March 2, 2020 minutes, and Mr. Mootafian seconded. The motion carried 4-0-1, with Dr. Jones abstaining.

Town Manager Report

Warrant hearings scheduled for next week have been postponed. They will be rescheduled at a later date.

Residents can receive updates on COVID-19 by visiting ipswichma.gov and clicking the banner at the top of the page. Mr. Marino stated that there is no need to panic, but the Town intends on taking precautions. Although the Council on Aging will remain closed to the public, services will be available to seniors including van transportation to medical appointments, Meals on Wheels deliveries, and care package deliveries to provide household necessities.

Town Moderator Tom Murphy addressed the Board via conference call to discuss postponing Annual Town Meeting due to public safety concerns. A formal announcement will be made after Mr. Murphy discusses the matter with the Tri-Boards on April 4.

PUBLIC HEARING: Alteration of Premises Application for On-Premises Annual All Alcohol Liquor License Holder, the 1640 Hart House, 51 Linebrook Road

“Residents of the Town of Ipswich, please note the Select Board will conduct a public hearing in Meeting Room A in Town Hall on Monday, March 16, 2020, at 7:15 PM to hear testimony on the application for an Alteration of Premises for the 1640 Hart House at 51 Linebrook Road.” – William D. Whitmore, Select Board Chair

Mr. Mootafian recused himself as an abutter of the 1640 Hart House.

Vote: Ms. Alexson moved to open the Public Hearing, and Dr. Jones seconded. The motion carried 4-0-1, with Mr. Mootafian abstaining.

Kimberly Lesko (Owner, 1640 Hart House) addressed the Board via conference call. She is seeking to install an outdoor deck that would expand current function space and allow an alcohol license to extend to the deck area.

Ms. Mackin asked if the matter had been presented to the Historical Commission. Ms. Lesko responded that as the 1640 Hart House is not a historically registered property, it is not bound by Ipswich Historical Commission regulations.

Dr. Jones asked if the property is ADA-compliant. Ms. Lesko responded that the expansion includes a plan to install ADA-compliant wheelchair ramps.

Ms. Alexson asked if entertainment would be provided on the deck, and asked Ms. Lesko to clarify hours of operation. Ms. Lesko responded that entertainment would be function-dependent, and noted that she maintains a 12:30 AM serving limit, versus the 1:30 AM limit legally allowed, in an effort to be a good neighbor. She noted that safety lighting is required, but decorative lighting would be turned off early. Ms. Alexson asked if smoking would be allowed, and Ms. Lesko responded that smoking is never allowed on the property.

There were no public comments.

Vote: Dr. Jones moved to close the Public Hearing, and Ms. Alexson seconded. The motion carried 4-0-1, with Mr. Mootafian abstaining.

Vote: Ms. Alexson moved to approve the Alteration of Premises application, and Dr. Jones seconded. The motion carried 4-0-1, with Mr. Mootafian abstaining.

Argilla Road and Jeffreys Neck Reconstruction Proposals

Mr. Whitmore stated that this would be one of many upcoming presentations on Argilla Road and Jeffreys Neck Road flood mitigation projects.

ARGILLA ROAD

Frank Ventimiglia (Director of Operations) stated that the project began in 2017 when the Trustees identified Argilla Road flooding as one of the biggest threats to their properties. It is believed that if a mitigation plan is not enacted, parts of the road will be almost completely submerged by 2027. Construction would begin approximately 150'

southwest of the entrance to the Crane Estate, and follow the road for approximately 2,100' to the entrance of Crane Beach. Construction would raise the road about 2.5' to accommodate a 100-year flood plan. The project is currently in Phase 2, which finalizes the design and grant application process. Phase 3 will finalize permits in 2022 and 2023, and Phase 4 will begin construction around 2023. A culvert analysis has also been conducted, and a 10'x8' culvert is proposed.

Ms. Mackin asked if the Conservation Commission has weighed in on the project. Mr. Ventimiglia responded that the Commission has yet to see this particular presentation, but has been involved in discussions. Ms. Mackin asked if the DPW has considered that the project will encroach on the saltmarsh. Mr. Ventimiglia responded that they have, and have also been consulting with the Mass DEP and NOAA. Ms. Mackin stated that she would like to see the edge of the shoulder marked clearly for bicycles, and reduced speeds implemented in the area.

Ms. Alexson asked where the remaining 25% of funds not covered by CZM grants will come from. Mr. Ventimiglia responded that the Trustees paid the \$40,000 match on Phase 1, and that the Town will pay about \$17,000 if the grant is awarded. Mr. Ventimiglia stated that he has not heard that the Trustees will be making any additional fund contributions at this time.

Mr. Mootafian asked when construction might be able to start. Mr. Ventimiglia stated that pending grant approval, construction will likely begin in 2023 or 2024.

JEFFREYS NECK ROAD

Kevin McHugh (Senior Project Manager, Coneco Engineers & Scientists) stated that Jeffreys Neck Road averaged eight closures between 2000 and 2013 (13-year period), and eight closures between 2013 and 2020 (7-year period). When the project began in 2013, the 100-year flood projection was 9', and has since increased to 13'. Coneco and the Town have also partnered with FEMA, MEMA, CZM, MassDEP, the Army Corps and Ipswich Conservation Commission. Construction is scheduled to begin in the fall of 2021, pending grant approval.

Mr. McHugh noted that storm walls and construction of a bridge or dam structure were also considered, but are not recommended due to cost, permitting and drainage issues. If the road elevation plan is followed, construction is estimated to cost \$1.3 million with a \$1.5 million benefit.

Reconstruction of the road includes the removal of 8' dirt shoulders. The road would be paved to a width of 26', with 10.5' travel lanes, and a 2.5' bicycle access lane. It was noted that if the Town chose to implement 10' travel lanes, 3' bicycle lanes could be accommodated. Mr. McHugh reported that Coneco and FEMA are recommending guard rail installation for safety, as residents have reported vehicles driving off the road.

Dr. Jones stated that she would like to see concrete data regarding accidents in the area. Ms. Mackin stated that as a Little Neck resident, she has witnessed vehicles driving off the road. Mr. Ventimiglia stated that data needs to be based on recorded incidents, and that a proposal regarding the exact type of guard rail installation would be announced at a later date.

Mr. McHugh noted that road elevation will not be a permanent fix to rising sea levels, but will provide the Town with an approximately 25-year window while they look at long-term solutions.

Robert Ryan (63 Skytop Road) addressed the Board via conference call and stated that he believes Jeffreys Neck Road is one of the most dangerous roads in town.

Ms. Mackin asked who Mr. Ventimiglia and Mr. McHugh have been meeting with at the state level; Mr. Ventimiglia stated that he would email the sign-in sheet to the Board.

Mr. Marino reported that he received an email from a resident asking that a "Share the Road" sign be installed. The resident would also like to see guard rails eliminated. Mr. Marino also reported that Jeffreys Neck Road is Town-owned, and speed limits are therefor able to be set by the Town.

Sign and Vote on Recommendation of Articles for Annual Town Meeting 2020

ARTICLE 1: Consent Calendar

Vote: Ms. Alexson moved to support Article 1, and Mr. Mootafian seconded. The motion carried unanimously.

ARTICLE 2: Finance Committee Election

Vote: Mr. Mootafian moved to Recommend at Town Meeting, and Dr. Jones seconded. The motion carried unanimously.

ARTICLE 3: FY 2021 Municipal Budget

Vote: Mr. Mootafian moved to support Article 3, and Ms. Mackin seconded. The motion carried unanimously.

ARTICLE 4: FY 2021 School Budget

Vote: Mr. Mootafian moved to support Article 4, and Ms. Mackin seconded. The motion carried unanimously.

ARTICLE 5: FY 2021 Whittier Regional High School Budget

Ms. Alexson moved to support Article 5, and Ms. Mackin seconded. The motion carried unanimously.

ARTICLE 6: FY 2021 Essex County Technical Institute Budget

Vote: Dr. Jones moved to support Article 6, and Ms. Alexson seconded. The motion carried unanimously.

ARTICLE 7: Transfer of FY20 Appropriated Budget Funds to Educational Stabilization Fund

Vote: Ms. Mackin moved to support Article 7, with no second. The motion failed.

Vote: Ms. Alexson moved to Recommend at Town Meeting, pending the disclosure of exact dollar amounts, and Mr. Mootafian seconded. The motion carried unanimously.

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

Vote: Ms. Alexson moved to Recommend at Town Meeting, pending the disclosure of exact dollar amounts, and Mr. Mootafian seconded. The motion carried unanimously.

ARTICLE 9: Annual Capital Plan

Vote: Ms. Mackin moved to support Article 9, and Dr. Jones seconded. The motion carried unanimously.

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

Vote: Ms. Mackin moved to support Article 10, and Mr. Mootafian seconded. The motion carried unanimously.

ARTICLE 11: Citizens Petition – Home Rule Petition for Lowering the Voting Age in Local Elections

Mr. Whitmore stated that he supports the article, as 16 and 17-year-olds would be voting on issues that would affect them in just a few years.

Ms. Mackin stated that she supports the article, and was impressed by the presentations made by students before the Select Board.

Ms. Alexson stated that she is opposed to the article, noting that 18 is the age when adult decisions are made and is the age of legal responsibility, such as for medical decisions and contracts . She stated that if the age group does not have any financial responsibility to the Town, they should not be making financial decisions for taxpayers. She stated that inviting 16 and 17-year-olds to Town Meeting is not the correct way to solve the problem of low attendance at town meetings and elections, and it is the Select Board's responsibility to brainstorm more creative solutions to increase participation.

Mr. Mootafian stated that he is opposed to the article. He noted that many decisions made at Town Meeting will not affect the age group in a few years, as they are likely to leave for college, and those that do return to Ipswich are not guaranteed to be paying taxes to the Town, citing his own young adult children as an example.

Mr. Marino stated he received an email from Janice Clements-Skelton (Finance Committee, Chair) stating her opposition to the article, noting that 16 and 17-year-olds do not pay taxes, do not work full time, and are still legally dependents of their parents.

Vote: Ms. Mackin moved to support the article, and Mr. Whitmore seconded. The motion carried 3-2.

ARTICLE 12: Water Main Replacement

Vote: Ms. Mackin moved to support the article, and Dr. Jones seconded. The motion carried unanimously.

ARTICLE 13: Rescinding Funds from 2019 ATM Warrant – Article 10

The Town is unable to utilize the amount of the borrowing in excess of the \$2,987,460 committed under Article 10 of the 2019 Annual Town Meeting because no ballot vote was conducted to approve the incurring of obligations in excess of 0.1% of the Town's total equalized valuation, as required under § 25-1 of the Town Bylaws. The Town has been advised by bond counsel to rescind the excess borrowing under last year's vote and seek funding for the remainder of the work through new Town Meeting authorizations.

Vote: Ms. Alexson moved to support the article, and Ms. Mackin seconded. The motion carried unanimously.

ARTICLE 14: Wastewater Infrastructure Repair/Replacement

Vote: Ms. Mackin moved to support the article, and Mr. Mootafian seconded. The motion carried unanimously.

ARTICLE 15: Stabilization Funding

Vote: Mr. Mootafian moved to support the article, and Ms. Alexson seconded. The motion carried unanimously.

ARTICLE 16: Other Post-Employment Benefits Funding

Vote: Mr. Mootafian moved to support the article, and Ms. Alexson seconded. The motion carried unanimously.

ARTICLE 17: Planning – Adult Use Marijuana

Vote: Ms. Alexson moved to support the article, and Mr. Mootafian seconded. The motion carried unanimously.

ARTICLE 18: Planning – Registered Marijuana Dispensaries (RMDs)

Vote: Mr. Mootafian moved to support the article, and Dr. Jones seconded. The motion carried unanimously.

ARTICLE 19: Planning – Clarification Amendment

Vote: Ms. Mackin moved to support the article, and Dr. Jones seconded. The motion carried unanimously.

ARTICLE 20: Open Space Bond Purchase – Kamon Farm, Pineswamp Road

Vote: Ms. Mackin moved to support the article, with no second. The motion failed.

Vote: Mr. Mootafian moved to Recommend at Town Meeting, and Ms. Alexson seconded. The motion carried unanimously.

ARTICLE 21: New England Biolabs – Tax Increment Financing (TIF) Agreement

Mr. Mootafian recused himself as a precaution, as he has clients who work for New England Biolabs. He noted that he has reached out to the State Ethics Commission regarding the matter, but has yet to hear back.

Vote: Ms. Alexson moved to support the article, and Ms. Mackin seconded. The motion carried 4-0-1, with Mr. Mootafian abstaining.

ARTICLE 22: Amend Chapter 25 – Town Meetings

Vote: Ms. Alexson moved to support the article, and Ms. Mackin seconded. The motion carried 3-2.

ARTICLE 23: Government Study Committee – Waterways Committee Article

Vote: Dr. Jones moved to support the article, and Ms. Mackin seconded. The motion carried unanimously.

ARTICLE 24: Amend Chapter 138 – Demolition Review

Ms. Alexon stated that she is opposed to the article as it is written, and wishes that the two issues had been split into separate articles. While she appreciates a revision made regarding the defining years of a historically significant building, she does not see any merit in increasing a demolition delay from 12 to 18 months, and believes it only places a hardship on property owners.

Mr. Mootafian agreed with Ms. Alexson's reasoning, and stated that he is also opposed to the article.

Ms. Mackin stated that she supports the article, and believes the current 12-month delay is a trivial number.

Vote: Ms. Mackin moved to support the article, and Mr. Whitmore seconded. The motion carried 3-2.

ARTICLE 25: Matching Grant Funds for Ipswich Mills Dam Removal

Vote: Ms. Mackin moved to support the article, and Dr. Jones seconded. The motion carried 4-0-1, with Mr. Mootafian abstaining.

ARTICLE 26: Amend Chapter 109 – Animals

Vote: Mr. Mootafian moved to support the article, and Ms. Alexson seconded. The motion carried unanimously.

ARTICLE 27: Funding for Peatfield Landing Non-Motorized Seasonal River Dock

Vote: Ms. Mackin moved to support the article, and Dr. Jones seconded. The motion carried unanimously.

New Business

Ms. Alexson asked where funding will come from for repaving Central Street and Market Street following nighttime gas work being conducted by National Grid. Mr. Marino responded that National Grid has given the Town \$150,000 to use towards repaving.

Old Business

The next two meetings are scheduled for April 6 and April 21.

Vote: Mr. Mootafian moved to adjourn, and Dr. Jones seconded. The motion carried unanimously.

The Select Board adjourned at 9:44 PM.

*Respectfully submitted by Eileen G. Page
03.17.2020*