

TOWN OF IPSWICH  
Select Board Meeting as Electric Light Commissioners and Water and Sewer Commissioners  
Monday, March 20, 2023 at 6:45 PM  
Ipswich Town Hall, Meeting Room A  
25 Green St. Ipswich, MA

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, a written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, March 6, 2023, 7:00 PM at Town Hall, 25 Green Street.

Select Board Members present: William Whitmore, Chair, Sarah Player, Vice Chair, Linda Alexson, Kerry Mackin

Also present: Stephen Crane, Town Manager, Mary Gallivan, Assistant Town Manager/HR Director

With a quorum present, the Chair called the meeting to order.

**1. 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 related to electric light department battery license.

- a. Approval of executive session minutes- February 6, 2023

Motion for Executive Session (M.G.L. c. 30A, sec. 21(a))

Kerry Mackin moved to convene in executive session pursuant to Massachusetts General Laws chapter 30A section 21(a) for the following purposes:

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 electric light department battery license.

Sarah Player seconded. Motion passed unanimously by roll call vote. The Board will return to Open Session at 7:00 PM.

## **2. Pledge of Allegiance**

## **3. Welcome/ Announcements – W. Whitmore**

- a. The Veteran’s Board will meet on Wednesday night at 6:30 in the Veteran’s office downstairs.
- b. Sarah announced the 3A task force is having their first public forum on Wednesday at 6:30 in Room A. Linda asked if it will be on zoom, Sarah said it won’t but it will be recorded by ICAM.
- c. William said they have a tri-board meeting tomorrow night. The first Select Board meeting in April will be the 10th and not on the 3<sup>rd</sup>. Linda asked if we will be voting the warrant then, William said yes.
- d. The Affordable Housing Trust/Ipswich Housing Partnership combined monthly meeting will be Thursday, March 23, at 7:30 AM.
- e. Arbor Day- April 28, 2023- William read the Arbor Day announcement.

## **4. Citizens Queries – W. Whitmore**

- none

## Boards and Committees – W. Whitmore

a. Dave Irvine, Communication Officers Union Representative, Public Safety Facility Committee

- Motion to appoint Dave Irvine as the Communication Officers Union Representative for the Public Safety Facility Committee made by Linda, seconded by Sarah.

→ *Motion passed unanimously, 4-0*

b. Binni Hackett, Reappointment Request Affordable Housing Trust Fund Board

- Linda said she doesn't understand how Binni can be on both boards since one of them advises the other, and wondered if it is a conflict of interest. Sarah said state law structures both boards, and some members are required to serve on both. One makes housing policy for the town. Sarah will get Linda the statute.
- Motion to appoint Binni Hackett to the Affordable Housing Trust Fund Board made by Sarah, seconded by Kerry.

→ *Motion passed unanimously, 4-0*

## 6. Discuss/Vote Statement of Interest (SOI) from School Committee – K. Eliot

Kate Eliot, Chair of School Committee, asked for a vote of approval for the Superintendent to authorize the statements of interest for the elementary school projects to the MSBA. The voting language has been circulated to the Select Board. This will require two votes. William read the statement of interest form for Winthrop School as follows:

Resolved: Having convened in an open meeting on March 20, 2023, prior to the SOI submission closing date, the Select Board of Ipswich, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 2023 for the Winthrop Elementary School located at 65 Central Street, Ipswich MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Priority 2, Elimination of Severe Overcrowding (Elimination of Severe Overcrowding including inadequate classroom sizes and gym space, and open spaces for delivery of special education and ELL services), and Priority 7, Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements (Current limitations include barriers to a safe, comfortable, and appropriate learning environment, insufficient gross motor and aerobic activity, limited healthy, nutritious school meals, and inadequate delivery of services to students requiring special education services and ELL services.); and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Ipswich to filing an application for funding with the Massachusetts School Building Authority.

- Motion to support the SOI for the Winthrop Elementary School made by Sarah, seconded by Linda.

→ *Motion passed unanimously, 4-0*

William read the statement of interest form for Doyon School as follows:

Resolved: Having convened in an open meeting on March 20, 2023, prior to the SOI submission closing date, the Select Board of Ipswich, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April, 2023 for the Paul F. Doyon Memorial School located at 216 Linebrook Road, Ipswich MA, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future Priority 2, Elimination of Severe Overcrowding (including lack of addition learning spaces beyond

the general classroom setting, and open spaces for delivery of special education and ELL services), and Priority 7, Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements (Current limitations include barriers to a safe, comfortable, and appropriate learning environment, subpar conditions for integrated preschool, and inadequate delivery of services to students requiring special education services and ELL services) ; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Ipswich to filing an application for funding with the Massachusetts School Building Authority.

- Motion to support the SOI for the Doyon Elementary School made by Linda, seconded by Kerry.

→ *Motion passed unanimously, 4-0*

## **7. Special Permit Application for Irrigation Well from GCTH Ipswich LLC, 251 Topsfield Rd. – V. Halmen**

Vicki Halmen, Water and Wastewater Director, and Emily Sadoway, Water and Wastewater Engineer, discussed the Turner Hill irrigation well request. Turner Hill has filed a special permit application with the Planning Board to install a new irrigation well on their property. The location of the well is within water supply protection districts zone 2A and C in the project area located at 251 Topsfield Rd. As such, any drilling greater than 15 ft in those zones requires a special permit due to the potential impacts to the water supply. The bylaw requires the Planning Board to transmit the application to the Water Commissioners, the Board of Health, and the Conservation Commissioners for comment prior to their approving of the permit. William clarified that as commissioners, they are giving comments but they are not responsible for approving this. Both the Board of Health and the Conservation Commission gave their approval and supplied their applications. Vicki said they have done the review of the application and Emily went over their findings. The proposed irrigation well causes them to have grave concerns. There is not enough data provided to show the impacts to the Ipswich public water supplies based on the current application. Emily put together a memo to the Planning Board recommending that this request be denied until they can provide missing data, including soil testing for current and proposed wells, the irrigation water use data for current usage, the flow rate for the proposed ground water well, and the designs and flow rates of existing wells. It is also missing the locations of all of the existing wells on site and the reason for their need for additional water wells and groundwater monitoring data. Emily also went through the water supply protection bylaw and cited the sections which the Planning Board could use to deny this request. We don't have enough data to understand the impact to our water supply. We also need more information from the golf course about what chemicals are used and how golf carts are powered to see how that could possibly impact the water supply. Vicki said this was all reviewed last week with the Water Subcommittee. Additionally, Vicki drafted some language that the commissioners may wish to send. Sarah asked if there would be a timeline for the reapplication. Vicki said yes, they may not have to reapply but just submit the missing data.

Linda said she is concerned why they are even considering another irrigation well with current water restrictions. Vicki said there are sections of the bylaw that exempt businesses from water restrictions because it is essential to their business. Linda asked if there are other wells in the water protection zone, and said that concerns her as well. Vicki said they don't have a current map of the other wells. William asked if they contacted the water department yet and asked why there is so much missing from their application. He said he would have assumed they would have hired an engineering firm to get all of this information and submit this as a completed form. Vicki said they don't have clear guidance but it would have been reasonable for them to reach out to the department and ask what is needed. Stephen said if the board agrees, they could vote to authorize William to sign the letter to the Planning Board. Linda asked Vicki if she would come back to the Select Board as this progresses, Vicki said she will.

- Sarah made a motion to authorize the chair of the Select Board draft a letter to the Planning Board detailing the concerns with the proposed request for an irrigation well at 251 Topsfield Rd., Turner Hill. Motion seconded by Linda.

→ *Motion passed unanimously, 4-0*

## **8. New Business – W. Whitmore**

- Representative Kristin Kassner said she wanted to touch base with the Select Boards of the new 2nd Essex district. Rep. Kassner thanked the town for sending their long-term and short-term priorities, and also thanked the town and the town clerks for their help with the election. Kristin gave some updates in terms of what the House is doing. They are looking at the supplemental budget, which includes free school lunches, \$400M for MassWorks grants, \$100M for the Clean Water Trust, an extension of the remote and hybrid meetings until 2025, and a continuation of some food security and SNAP benefits. Chapter 90 and allocation will be voted on at the end of the week. There is a lot of energy surrounding water right now and we should be excited about the upcoming opportunities. Rep. Kassner submitted a bill regarding changing the safe yield definition and looking at stream flow, and also discussed the green crab initiative and the school budget increases. William asked when Rep. Kassner will be at County Street bridge tomorrow, it will be at 10:00 for the MA DOT discussion.

### **9. Sewer Extension Request- Highland Avenue – V. Halmen**

Vicki said back in December the Wastewater Subcommittee met to hear a request for a sewer extension on Highland Ave. There is a large lot that was getting split and the way to serve the properties and facilitate the frontage to each property was to do an extension. The subcommittee voted unanimously to approve the request. Both properties already have sewer available to them, this is just creating a path. William asked who pays for this, Vicki said the applicant pays for it, but the Select Board has to approve it because it becomes part of the town's infrastructure. The town will oversee this to make sure it is done in a way that is acceptable. Linda asked if it goes to town meeting, Vicki said it does not need town meeting approval if it is under 500 ft.

- Kerry made a motion to approve the sewer extension request for the property located on Highland Ave, seconded by Sarah.

→ *Motion passed unanimously, 4-0*

- Motion to clarify the following conditions that were stipulated: the technical design to be reviewed and approved by the Wastewater Department; the applicant and the contractor should comply with all relevant rules, regulations and policies; the applicant shall obtain any necessary permits prior to construction; the extension should be constructed within three years from the date of approval; and the sewer extension should be formally conveyed to and accepted by the Commissioners, and it should be funded by the applicant. Motion to add those stipulations to the previous motion made by Linda, seconded by Kerry.

→ *Motion passed unanimously, 4-0*

### **10. Electric Light Department Battery License – J. Blair**

Jon Blair, Electric Light Manager, explained the lithium ion battery storage program at the utility scale, which would be roughly the size of a shipping container and would be installed at the base of Wind 1. The purpose would be to reduce peak demand, which is how much energy the town draws at a given moment. This would reduce costs to the customers and the department. The department has already been using these techniques to lower peak reduction, but this would be using cleaner energy. Jon said he thinks this is the first step in a number of adaptations that will take place over the next years. This will be managed through Delorean Power Systems. They will bear the full upfront costs and 20 years of maintenance. When this is decommissioned, they will also be responsible for decommissioning the site. The town is allowing them to operate in their service territory. There will be no cost to the rate payers or community, and just by allowing them to operate in our service territory, the ELD will see an additional \$500k per year. Jon said they also went to MMWEC to help the vet the multitude of proposals. MMWEC standardized the forms and the agreement and they then did in-depth interviews and site tours with the three finalists. They are not proposing they move forward with Delorean alone, there are about 12 other municipal light plants in the state that are doing the same. Jon is asking the Board to vote in concept to move forward with this project and empower the general manager of the Light Department to endorse each of the subsequent subordinate agreements.

Linda asked about the \$500k per year to the Light Department, Jon said it is not revenue coming in but it is \$500k in avoided costs. Linda asked what impact that will have on the ratepayers. Jon said they have a policy that was

established by the Board of Light Commissioners in 2018 where any peak reduction savings is prescribed to go to a handful of very specific sources. It can be used for the eventual decommissioning of the Ipswich power plant or Wind 1, it can be used for carbon-free energy strategies such as buying a battery or wind turbine outright, and it can also be used to further other peak reduction assets. In compliance with that, the net impact on the ratepayers will be nil, it will not be passed directly to them.

Kerry asked about the wind turbine that isn't working. Jon said it caught on fire in 2018 and the electronics inside were burned and is not repairable. It has been deemed a total loss from the insurance company and they are waiting for a means to resolve what to do with it. Wind 1 has been working fantastically though. Linda asked what the difference is between getting involved with Delorean and the experience the town had with the non-functioning windmill. Jon said that's a great question and on face value it's a similar situation. They are bringing in a private company and allowing them to establish their infrastructure on our land, with the understanding that they will be responsible for maintaining and operating it, and decommissioning it in 20 years. One of the biggest issues with Wind 2 was that the decommissioning bond was insufficient and it was never received. That comes down to due diligence of management. The risk is still there for this to end in the same way as Wind 2, the difference is we have the knowledge and the experience to mitigate that risk this time whereas last time we were ignorant to it because of a lack of experience and depth in that realm. William said a big difference is also that this is only the size of a shipping container. Linda asked if we will make sure before any of the work starts that the bond is sufficient and is paid to the town. Linda also asked if they are going to ensure that the fire department and emergency personnel are properly trained before it is up and running. Jon said yes that is a requirement of the interconnect agreement. The fire department will be trained and briefed. Linda said that these votes give John a lot of authority and she would like him to come back to the Select Board to update if there are any material changes as we move forward. Jon said he is also happy to come back with a presentation at some point to discuss projections and site plans. Stephen said part of the problem with Wind 2 was that the company declared bankruptcy, this time around we have put more protections in place.

- Motion made by Kerry to authorize the participation in MMWEC's Behind the Meter BESS program, approval agreements, and authorizing Jon Blair as the ELD Manager to participate and negotiate in the further agreements and documentation as necessary, consistent in a manner that's listed in a vote described in the meeting packet for tonight's March 20<sup>th</sup> meeting. Seconded by Linda.

→ *Motion passed unanimously, 4-0*

## **11. ARPA Request for Public Safety Building – W. Whitmore**

Stephen said the public safety building is turning out to be much costlier than originally expected because of inflation and supply chain issues. Due to increases, it was recommended that the fourth bay be removed so they could stay within budget. The subcommittee decided that it would be best to keep the fourth bay, and is requesting ARPA funds to fund the additional \$2M needed for the fourth bay. It is also to ensure that no further cuts are needed. Linda asked if those funds could be used for other places in town. If we weren't talking about the public safety building, what would we use the ARPA funds for instead? Stephen said there is no limit to the amount of water/wastewater and electric infrastructure that we could do. But Stephen said he doesn't think there is anything as pressing as getting this project completed, especially because it is fully funded and the ball is already rolling. Linda asked if the \$2M is enough to ensure the fourth bay will remain, Stephen said the fourth bay is about \$1M and the additional \$1M will be for continued inflation and to make sure they don't have to make any more cuts. The \$2M will not be enough to get them back to where they were originally with the design. Linda asked if we will also talk about the balance of the ARPA funds. Stephen said that will be a second phase of the conversation. Sarah said the town has been waiting for a public safety building for a long time and if these funds get us a little closer to completing the project, then she supports it.

- Motion made by Sarah to commit the remaining ARPA funds to be used for the Ipswich Public Safety Building needs as necessary. Seconded by Kerry.

→ *Motion passed unanimously, 4-0*

## **12. Discuss/Vote Local Option 5% COLA Increase for FY2023 for Eligible Members in the Essex Regional Retirement System – W. Whitmore**

Stephen said the Essex County Retirement System Board voted to go from a 3% COLA for retirees to a 5% COLA. For it to go into effect, two-thirds of the 19 seats, so 13 seats overall, have to vote it in. Stephen said their recommendation is to not vote for this, and Stephen circulated information on the reason for this. Kevin Merz, Town Treasurer, sits on the board and was the lone no vote. He offered to be here but Stephen said he thought his information spoke for itself. There is a lot of cost associated with doing this, and they already went from \$14k to \$16k in benefits to improve the impact of the cost of living adjustment. This would be a \$6M add, which is a big impact for the system but a small amount for the retirees.

- Sarah moved to accept the 5% COLA on the PERAC memo as presented in the packet this evening. Seconded by Kerry.

→ *Motion failed, 1-3. Sarah, Linda, and William opposed.*

## **13. Discuss/ Vote Adoption of Updated Payment and Purchase Order Policy – S. Crane**

Stephen said there is a policy in the packet regarding purchase orders and payment procedures. There was a comment in the audit management letter, in some of the sampling the auditors did they found there were some examples of items being purchased and invoiced before the purchase order was issued. To fix this issue, they updated the policy for town departments to make sure the steps were clearer and tightened up, and made sure it is clear that the town accountant can reject a request if certain conditions are not met. The Select Board needs to vote on this for ELD as Light Commissioners. Under state statute, the town accountant or the finance director is involved in the accounting practices of the Light Department. This is consistent with what that statute says. Linda asked, why the threshold of \$2,000? Stephen said that threshold has been there for a while so they didn't modify the amounts. If the threshold was lower, it would bog down the accounting system.

- Motion to approve the updated payment and purchase order policy, made by Sarah, seconded by Kerry.

→ *Motion passed unanimously, 4-0.*

## **14. Approval of Commercial Shellfish Licenses**

Linda asked that they vote the two lists separately because she will abstain from the over-70 list. William asked Linda to give a background on this. Linda explained that there is a cap on the commercial shellfish permits of 125 and those do not include student permits or the over-70 category, which are commercial permits for those who have reached the age of 70 or older. The Shellfish Subcommittee held a lottery at its February meeting for people who do not have a permit, and if there are openings under the cap of 125 then they will be eligible to get a permit. There were 10 or 11 lottery applicants, and they will all get a permit if this board approves this. There will still be 2 permits left. Every year the Select Board approves the commercial shellfish permits, these will become effective April 1<sup>st</sup>.

- Sarah made a motion to approve the commercial license as posted in the agenda. Seconded by Kerry.

→ *Motion passed unanimously, 4-0.*

- Sarah made a motion to approve the over-70 commercial license as posted on the agenda. Seconded by William.

→ *Motion passed 3-0, Linda abstained.*

## **15. Consent Agenda – W. Whitmore**

- a. One Day Wine and Malt License Application(s) –

- i. Karen Morad for a Well-being Event for Women at Gathr, 42 Market Street on April 7, 2023.
- ii. James Dorau for Ipswich Ale Brewery for the Ipswich Ale Half Marathon at Crane Beach Resident Parking Lot on April 29, 2023.
- iii. Bea Tiberii of Monarch and Rose Foods for the Hamilton Wenham Mother’s Club event at 1 North Main Street on April 13, 2023.
- b. One Day All Alcohol License Application(s) –
  - i. Elenor Harbeck for Mother’s Day Celebration at Appleton Farms, 219 County Rd. on May 14, 2023 and an Easter Celebration at Appleton Farms, 219 County Rd. on April 8, 2023.
- c. Application for a Total Street Blocking Application(s) –
  - i. Meredith Stendahl for a Neighborhood Party on Congress Street on June 10, 2023.
- Motion to approve the consent agenda made by Linda, seconded by Kerry.

→ *Motion passed unanimously, 4-0.*

**16. Town Manager Report – S. Crane**

Stephen put together a small list of legislative priorities for Rep. Kassner. He noted that they were placeholders because the goal setting session had not happened yet. Stephen said he will send the Select Board the list he sent but it can be changed if needed.

Going back to the printed report, the deadline for taking out and returning nomination papers is March 28<sup>th</sup>, the deadline for registering dogs is March 31<sup>st</sup> otherwise late fees will incur on April 1<sup>st</sup>. In the report, there is an advisory from the Attorney General regarding the MBTA 3A compliance. There had been some discussion that failing to comply would mean towns would be ineligible for certain state funding. There was some discussion locally about whether or not we would want to comply and if the grants are worth it, but the advisory now says we are mandated to comply. Stephen said the 3A task force is doing a good job with forging ahead and creating a 3A plan. William said for some people this is an unpopular idea, so it’s important for people to know this is just something we have to do. Sarah said they have some interactive activities planned for Wednesday night to help people understand the zoning language and clarify some concerns. Linda said at Bean Counting that there was no provision in that law to require affordable housing, but she now believes there may be, but it is troubling that it seems not all of the units can be affordable. Sarah said they allow up to a certain percentage. Linda said she finds it troubling that the state sets this law down without any outlook on how towns are going to manage their water supply and other infrastructure issues. Stephen said it says they have to have the map, but it doesn’t mean you necessarily have to build the units. This law is a bit of a “one size fits none”. Sarah said they have some ability to tailor their zoning within the mandate. The groups plan is to put forward at least two options that the town can pick from. They are looking for the input from the community as they comply with this challenge.

Stephen said the partnerships with mutual aid partners on training have been really beneficial. Being able to train with mutual aid partners helps with responses. There is also an update about the water tank, they do not expect there to be a disruption but the old tank and the new tank will be offline for a period of time while they disconnect the old tank and connect the new tank. There will be notifications sent out just in case. The town is also partnering with MA DPH to get a sharps container for needles and this is thanks to Colleen Fermon.

The library has been doing the research on the Jenny Slew site. The library did exhaustive research on the town green, they found the requested site has not been previously named for someone else. There will be a public hearing.

**17. Select Board Member Sub Committee Update – W. Whitmore**

Linda said the Shellfish Subcommittee will be writing to Senator Tarr and Rep. Kassner to request FY24 assistance for green crab trapping again. The Public Safety Property Reuse Working Group will be going on a site visit to Bialek Park with the town manager to look at the area they are considering for the community garden. They will then put together a formal recommendation to the Select Board about relocating the gardens.

Sarah said they had an ELD subcommittee meeting and they spent some more time talking about the budget. There was also a Water Subcommittee meeting and they discussed the project that was presented here tonight. The 3A Task Force has met a few times in preparation for this week's meeting. Kerry said the Climate Resiliency Committee is meeting tomorrow night.

**18. New Business – W. Whitmore**

Linda said awhile back the new owner of where Ithaki used to be had come to the Select Board for a license and had recently been told they may have since changed the name of the restaurant. Linda asked if they need to update anything with the Select Board if the name has changed.

**19. Old Business – W. Whitmore**

- none

**20. Miscellaneous and Correspondence – Sarah Player**

- None
- Motion to adjourn made by Kerry, seconded by Linda.

→ *Motion passed unanimously, 4-0*

Respectfully Submitted By  
Alyson von der Esch  
3-23-23