

**IPSWICH SELECT BOARD**  
**Meeting of Monday, March 22, 2021**

The Select Board participated in this meeting remotely utilizing Zoom in accordance with the Governor's March 12, 2020 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

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

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

Not present: Kerry Mackin

With a quorum present, Ms. Alexson called the meeting to order at 7:02 PM.

**Welcome/Announcements**

The Board expressed their thanks to Conley's Drug Store, town staff and volunteers for another successful vaccination clinic for residents 65+.

An ambulance contract has been finalized for a \$0 bid following a joint RFP with the Town of Rowley.

The Zoning Board of Appeals (ZBA) will meet on Thursday, March 25 at 7 PM to discuss the Essex Pastures development.

The Finance Committee will meet on Tuesday, March 23 and Thursday, March 25 at 7:30 PM for warrant hearings.

The next Select Board meeting will be held on April 5.

**Citizen Queries**

Chris Florio (44 Fellows Road) stated that the ZBA has not yet addressed concerns raised by the Select Board regarding the Essex Pastures development, and asked that the Board reiterate their concerns to the ZBA ahead of their Thursday meeting.

**Public Safety Facility Committee Update**

Bob Weatherall (33 Labor in Vain Road) provided the Board with an update on the Public Safety Facility Committee. The Committee is currently working with HKT Architects to compile a report to present at Town Meeting. The report is expected to be finalized and come before the Select Board, Finance Committee, and School Committee by next week. While the Committee will make a presentation at the Annual Town Meeting, they don't plan to request funding for design and construction until the Fall Town Meeting. In the meantime, community outreach will continue to educate residents about the project. The Committee's next meeting will be held on March 30.

Ms. Alexson reminded the Board of concerns expressed at the last town meeting about the future of the existing public safety buildings should this project be approved in the fall. This is beyond the scope of the current committee and she would like the Board to consider creating a building re-use task force at an upcoming meeting.

**COVID Amendment Request to Weekday Entertainment License for Outdoor Entertainment, True North Ale Company, 16 County Road**

Gary Rogers (Owner, True North Ale) appeared before the Board to petition for an outdoor entertainment license, similar to the one granted for summer 2020. He stated that his revenue analysis shows that with music on Friday and Saturday evenings, 20% more income is made than the same days without music. He stated that the music always ends by 8 PM, and employs local musicians, provides revenue for food trucks, and increases staff tips.

Dr. Jones stated that she has attended some of the music nights at True North with the goal of evaluating the music volume and has found that she was able to continue a conversation while enjoying the music at a reasonable level.

She noted that Ipswich has not lost a single restaurant throughout the pandemic, largely due to community support of local businesses.

Chris O'Donnell (9 Tilton Street, Newburyport) stated that he has played at True North Ale, and that he felt it was very COVID-safe, noting that patrons were never within 12' of him.

Jacki Kronenberg (6 Essex Road) stated that she is an abutter to True North, and that this is the fourth time she has spoken in opposition to an outdoor entertainment license. She stated that while the music at True North is softer on the ground, the sound travels upwards and shakes her walls. She alleged that residents on Heartbreak Road have also had their walls shake as a result of the music. She suggested that True North move their music inside, as the state currently allows for indoor gatherings of up to 100 people.

Chris Florio (44 Fellows Road) stated that he has played at True North and felt that Mr. Rogers was very strict about ensuring the music was kept at reasonable levels. He feels that the volume allowed is no louder than someone playing a guitar in their backyard. He added that although COVID regulations currently allow for indoor gatherings, he does not personally feel safe doing so until vaccinations are more widespread.

David Ondek (30 Wilson Pond Lane, Rowley) stated that he has performed at True North, and feels they have been extremely conscious of COVID and sound concerns.

Via email, Keri MacRae asked the Select Board to respect neighbors while balancing the COVID needs of businesses.

Via email, Jason Wertz stated that he supports the permit.

Ms. Alexon asked what the entertainment schedule has been in the past. Mr. Rogers responded that True North hosts outdoor acoustic music on Friday and Saturday, from early-mid afternoon until 8 PM, with one Thursday evening on July 3. He added that COVID restrictions, while allowing for a 100 person indoor gathering, do not yet allow for indoor singers. He stated that the patio still fills up on colder days, as patrons do not want to be indoors. True North will continue to be mindful of keeping music levels down.

Ms. Alexson stated that the Board asked the Chief of Police how many noise complaints had been received for True North, and Chief Nikas reported that only one had been called into the police. Upon arrival, officers determined that the sound level was not unreasonable. Ms. Alexson stated that abutters should direct complaints to the police so that a public record is able to be kept.

- *Vote: Dr. Jones moved to approve the application. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

#### **Review and Sign Local Action Unit (LAU) Letter for Affordable Units at 218-220 High Street**

- *Vote: Mr. Whitmore moved to approve and sign the letter. Mr. Mootafian seconded. The motion carried unanimously via roll call.*

#### **Shellfish Funding for Green Crab Trapping**

Police Chief Paul Nikas appeared before the Board to make an annual request for funding the Green Crab Trapping program. Green crabs are an invasive species that damage clam flats and marshland. Chief Nikas asked the Board to appropriate \$12,000 from the Shellfish Enhancement Fund, the current balance of which is \$37,566.

- *Vote: Dr. Jones moved to approve the request. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

#### **Approval of Commercial Shellfish Licenses**

Attorney Meredith Fine (2 North Main Street) appeared before the Board representing Adiel Merlos and Jose Morales, both Linebrook Road residents. Messrs. Merlos and Morales have had commercial shellfish permits for years, but received a letter from the Town Clerk questioning their citizenship upon applying to renew their licenses.

Ms. Alexson responded that the Board would look into the issue and get back to Ms. Fine. Ms. Fine asked that in the interim, she be put in touch with Town Counsel to resolve any concerns the Town may have about Messrs. Merlos' and Morales' applications. Mr. Marino stated that he would coordinate a discussion.

Mr. Whitmore noted that after tonight's list was approved, only six slots would be left for licenses. He asked that two spots be held until the issue could be resolved. Chief Nikas stated that he would prioritize setting aside two permits until the issue could be resolved.

- *Vote: Dr. Jones moved to approve the commercial shellfish licenses. Mr. Mootafian seconded. The motion carried 4-0, with Ms. Alexson abstaining, as her husband has a commercial permit.*

### **Vote on Water Rates**

- *Vote: Mr. Whitmore moved to reconsider a vote previously taken, which approved increasing the water and sewer rates by 13% and 10%, respectively. Dr. Jones seconded. The motion carried unanimously via roll call.*
- *Vote: Mr. Whitmore moved to increase the water base rate from \$11.25 to \$12.38 per 100ft<sup>3</sup> effective May 1. Dr. Jones seconded. The motion carried unanimously via roll call.*
- *Vote: Mr. Whitmore moved to increase the water residential summer rate from \$5.95 to \$18.57 per 100ft<sup>3</sup> from May 1 to September 30, 2021. Dr. Jones seconded. The motion carried 3-1 via roll call, with Ms. Alexson opposed, stating that she will oppose the residential summer rate until the summer rate applies to all customers, aside from water-dependent businesses.*
- *Vote: Mr. Whitmore moved to increase the wastewater rate from \$10.85 to \$11.39 per 100ft<sup>3</sup> effective May 1. Dr. Jones seconded. The motion carried unanimously via roll call.*

### **Agawam Village Review and Sign PILOT Agreement**

Charlie Allen (Ipswich Housing Authority Board, Chair) stated that the Ipswich Housing Authority intends to refinance Agawam Village. The development is made up of 94 units, 80 of which are elderly housing, and 14 of which are family units. The development is over 40 years old, and only emergency repairs have been made. The Housing Authority intends to replace all systems, roofs, windows, flooring, kitchens, and appliances, conducting a full rehabilitation. The loan will be provided through the Department of Housing and Urban Development.

- *Vote: Mr. Whitmore moved to approve the agreement and authorize the Select Board Chair to sign it on the behalf of the Town. Dr. Jones seconded. The motion carried unanimously via roll call.*

### **Sign and Vote on Recommendation of Articles for Annual Town Meeting 2021**

#### **ARTICLE 20: Home Rule Petition – Agawam Village**

*Submitted by: Select Board*

- *Vote: Mr. Whitmore moved to support the article. Mr. Mootafian seconded. The motion carried unanimously via roll call.*

#### **ARTICLE 12: Topsfield Road – Mill and Overlay (Repave)**

*Submitted by: DPW Director*

Ms. Alexson asked what the anticipated cost to the taxpayer is. Mr. Marino responded that he is unsure, but that the Finance Committee will include it in their budget book.

Mr. Whitmore stated that the Cycle Safe Task Force met today, and are excited about this proposal.

- *Vote: Mr. Whitmore moved to support the article. Dr. Jones seconded. The motion carried unanimously via roll call.*

ARTICLE 13: Water Infrastructure Upgrade (Treatment Plant and Browns Well)

*Submitted by: Select Board as Water Commissioners*

- *Vote: Dr. Jones moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 14: Water Infrastructure Upgrades (Town Hill Water Tank)

*Submitted by: Select Board as Water Commissioners*

- *Vote: Mr. Whitmore moved to support the article. Dr. Jones seconded. The motion carried unanimously via roll call.*

ARTICLE 15: Wastewater Infrastructure Upgrade & Design Work

*Submitted by: Select Board as Wastewater Commissioners*

- *Vote: Dr. Jones moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

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

*Submitted by: Police Chief/Harbormaster*

Dr. Jones stated that the Government Study Committee worked closely with the Police Chief and Waterways Advisory Committee to write the article, and the Government Study Committee voted to support it 3-1.

Ms. Alexson expressed doubt about putting the amendments into the bylaw, as it makes them difficult to update as needed. She noted that the Shellfish Advisory Committee constantly updates regulations, and having to bring them before Town Meeting would be a lengthy process. Chief Nikas responded that the difference between waterways and shellfish is that shellfish regulations are commercial enterprises, while boating is a recreational enterprise, and that while State law defines that shellfish regulations must be made by the Select Board, no such rule exists for Harbormasters. Ms. Alexson stated that she has concerns about one employee making and enforcing regulations as a principle, and stressed that her concern was in no way a reflection of the Chief or his officers.

- *Vote: Dr. Jones moved to support the article. Mr. Mootafian seconded. The motion carried 3-1 via roll call, with Ms. Alexson opposed.*

Dr. Jones noted that the Board was not currently in a public hearing, and as such, any comments from the public would be heard at the discretion of the Chair.

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

*Submitted by: Police Chief/Harbormaster*

- *Vote: Dr. Jones moved to support the article. Mr. Mootafian seconded. The motion carried unanimously via roll call.*

ARTICLE 25: Citizen Petition – Amend General Bylaws – Chapter 118 – Section 188-9 Appointment and Charge

*Submitted by: Gary Champion (3 Palomino Way)*

- *Vote: Mr. Mootafian moved to not recommend the article. Dr. Jones seconded. The motion carried unanimously via roll call.*

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

*Submitted by: Michael S. Dougherty (10 Appleton Park)*

Dr. Jones expressed concerns about the pragmatics of the article, particularly that the process may become cumbersome at Town Meeting if every year 3-5 people are running. Mr. Whitmore agreed.

Mr. Mootafian stated that he supports the article.

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried 3-1 via roll call. Dr. Jones opposed.*

ARTICLE 27: Citizen Petition – Amend General Bylaws – Chapter 25 (Town Meeting Quorum Requirements)  
*Submitted by: Ed Marsh (23 Woods Lane)*

- *Vote: Mr. Whitmore moved to not support the article. Mr. Mootafian seconded. The motion carried unanimously via roll call. The Select Board does not support the article.*

ARTICLE 28: Citizen Petition – Amend General Bylaws – Chapter 25-4 (Adding New OPEB Funding Requirement Section)  
*Submitted by: Ed Marsh (23 Woods Lane)*

- *Vote: Dr. Jones moved to not support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call. The Select Board does not support the article.*

ARTICLE 29: Citizen Petition – Amend General Bylaws – Chapter 35 (Adding New Documentation of Meetings Section)  
*Submitted by: Ed Marsh (23 Woods Lane)*

Dr. Jones stated that the article as written violates a number of Open Meeting Laws and procedures.

- *Vote: Dr. Jones moved to not support the article. Mr. Mootafian seconded. The motion carried unanimously. The Select Board does not support the article.*

ARTICLE 30: Citizen Petition – Amend General Bylaws – Chapter 25-4 (Adding a new section prohibiting warrant articles presuming anthropomorphic climate change)  
*Submitted by: Ed Marsh (23 Woods Lane)*

- *Vote: Mr. Mootafian moved not to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call. The Select Board does not support the article.*

ARTICLE 31: Citizen Petition – Affirmation of Bill of Rights  
*Submitted by: Ed Marsh (23 Woods Lane)*

Mr. Mootafian asked what the goal of the petition is. Dr. Jones responded that the citizen who brought forth the petition was not able to explain the goal.

Mr. Whitmore stated that the article seems to be seeking to bring a national political debate to a local level, or serve as a “gotcha” moment, looking for the Board to vote “against” the Bill of Rights. He does not feel that it is a discussion worth having at Town Meeting.

- *Vote: Mr. Whitmore moved to oppose the article. Dr. Jones seconded. The motion carried unanimously. The Select Board does not support the article.*

ARTICLE 16: Planning – Inclusionary Housing Amendments  
*Submitted by: Planning Board*

Ethan Parsons (Director of Planning & Development) reported that the Planning Board has yet to take a vote on the article.

- *Vote: Mr. Mootafian moved to Recommend at Town Meeting (RATM). Dr. Jones seconded. The motion carried unanimously via roll call.*

ARTICLE 17: Great Estate Preservation Development (GEPD) Amendments

*Submitted by: Planning Board*

- *Vote: Mr. Mootafian moved to RATM, or sooner. Dr. Jones seconded. The motion carried unanimously via roll call.*

ARTICLE 18: Water Demand Minimization Amendments

*Submitted by: Planning Board*

- *Vote: Mr. Mootafian moved to RATM, or sooner. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 19: Energy Efficiency Amendments

*Submitted by: Planning Board*

- *Vote: Mr. Mootafian moved to RATM, or sooner. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 1: Consent Calendar

*Requested by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 2: Finance Committee Election

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 3: FY 2022 Municipal Budget

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 4: FY 2022 School Budget

*Submitted by: School Committee*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 5: FY 2022 Whittier Regional High School Budget

*Submitted by: Whittier RVTHS Representative*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 6: FY 2022 Essex County Technical Institute Budget

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 7: Transfer of FY21 Appropriated Budget Funds to Education Stabilization Fund

*Submitted by: School Committee*

- *Vote: Mr. Mootafian moved to RATM pending receipt of exact numbers form the School Committee. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

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

*Submitted by: School Committee*

- *Vote: Mr. Mootafian moved to RATM. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 9: Stabilization Funding

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 10: Other Post-Employment Benefits Funding

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

ARTICLE 11: Annual Capital Plan

*Submitted by: School Board and School Committee*

- *Vote: Mr. Mootafian moved to support the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

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

*Submitted by: Select Board*

Mr. Mootafian stated that the police department is already receiving calls asked officers to enforce the proposed bylaw. He asked about the nature of the calls coming through; Chief Nikas responded that all calls received so far have been legitimate and reasonable, and are mostly about landscapers starting work too early as they take advantage of warmer weather.

- *Vote: Mr. Whitmore moved to support the article. Dr. Jones seconded. The motion carried unanimously via roll call.*

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

*Submitted by: Select Board*

- *Vote: Mr. Mootafian moved to recommend the article. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

**Town Manager Report**

COVID-19

Two vaccinations clinics have been held with about 640 vaccines distributed between Our Lady of Hope and the senior center.

Outdoor seating will be set up downtown, with an anticipated opening date of April 1.

DOG PARK

Ms. Alexson asked about the status of the dog park. Mr. Marino responded that right now the Town is looking to use the soccer fields at Town Hall, but parking is a concern. He and ACO Megan Sousa are currently looking at other land parcels in town to see if there might be a similar location with better parking.

**Consent Agenda**

- I. Renewal – Weekday Entertainment – Ipswich Bay Yacht Club
- II. Renewal – Common Victualler – Ipswich Bay Yacht Club

➤ *Vote: Mr. Mootafian moved to approve the consent agenda. Mr. Whitmore seconded. The motion carried 3-0 via roll call, with Dr. Jones momentarily absent.*

**New Business**

**CYCLE SAFE TASK FORCE**

Mr. Whitmore reported that the Cycle Safe Task Force met last week, and is requesting some time on an agenda after Town Meeting to discuss proposals and ideas with the Select Board.

**ANNUAL TOWN MEETING**

Annual Town Meeting will be held on Saturday, May 15 at 9 AM at the High School. A large tent has been rented, with space for 497 chairs with 6’ distancing. Chairs will also be set up outside the tent in case of overflow. Parking lot voting will not be available.

**STATE 911 FEASIBILITY STUDY**

Mr. Marino has reviewed the application form for a feasibility study with the Chief Nikas and Fire Chief Andy Theriault. The application is due by March 26.

**Old Business**

None.

**Miscellaneous and Correspondence**

None.

➤ *Vote: Mr. Mootafian moved to adjourn. Dr. Jones seconded. The motion carried unanimously via roll call.*

The Select Board adjourned at 9:47 PM.

*Respectfully submitted by Eileen G. Page  
03.28.21*