

TOWN OF IPSWICH
Hybrid Select Board Meeting – Bi-Board with town Government Study Committee
April 10, 2023 at 6:45PM
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, April 10th, 2023 at Town Hall, 25 Green Street. Select Board members present: William Whitmore (Chair) (Zoom), Sarah Player (Vice Chair), Linda Alexson, Kerry Mackin

Government Study Committee Members Present: Emilie Smith, Clinton Dalton, Gary Champion

Also Present: Stephen Crane (Town Manager), Sarah Johnson (Finance Director), Mary Gallivan (Assistant Town Manager)

1. 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 relative to Hammatt Street lot.

a. Executive Session Minutes – March 20, 2023

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

Sarah Player calls the meeting to order, asks for a motion to convene in executive session. Linda 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 the purchase of Hammatt Street lot.

Kerry seconded. Motion passed unanimously by roll call vote. The Board will return to open session at 07:00 PM.

2. Pledge of Allegiance

3. Welcome/Announcements – S. Player

- The Shellfish Subcommittee will meet tomorrow at 7pm in room C.
- The Veterans Board will meet on April 19th at 6:30pm in the Veteran’s Office.
- The ELD Subcommittee will meet on the 12th at 7pm in the Utilities Office.

4. Citizen Queries – S. Player

- Bonnie Berkowitz from Senator Tarr’s office reminded the Select Board of the budget request so the Senator can consider any requests before the budget meeting in May. Linda said they will be sending a request for green crab trapping funds.

5. Boards and Committees – S. Player

a. Daniel Kelly – New Appointment Ipswich Cultural Council

Daniel Kelly said he has been a lawyer and has worked with grants throughout his career. He also has always enjoyed participating in the arts and with theater. He feels this would be a good fit for him to help the town.

- Motion to appoint Daniel Kelly to the Ipswich Cultural Council with a term expiration date of June 30, 2026

made by Linda, seconded by Kerry.

→ *Motion passed unanimously by roll call, 4-0*

6. PUBLIC HEARING: Alteration of Premises Application for Section 12 On-Premise All Alcohol Liquor License Holder Medusa Corp. d/b/a Zabaglione Restaurant at 1 Market Street – S. Player

- Motion to open the Public Hearing made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Peter Ross representing Madousa Corp requested to expand the premises as defined by the liquor license to include the sidewalk, and also asked for the use of the sidewalk because it belongs to the town of Ipswich. Two photos were provided, one with tables and one without. Linda said she read through the packet and the Police Chief had concerns about the numbers of tables and chairs in relation to the square footage. Peter said they submitted an amended drawing showing no tables per the request of Leah. The sidewalk has to be open at least four feet, ideally, they would like to have 5 small tables which is what they had last year. Linda said according to the ABCC, the tables must be in a direct line of sight from the restaurant and someone needs to be outdoors staffing the tables at all times. Michael Elpidoforos, owner of Zabaglione, said last year they had three meetings with the Town Manager and they are meeting all of the requirements. He also said the owner of Heart & Soul, his neighbor, had tables around the corner out of sight and served alcohol, and he did not think it was fair that they are not being held to the same requirements. Linda asked if they are asking to increase the occupancy to 69 and said they cannot increase the total number of people just because of the outdoor space. If there is inclement weather, they cannot have 69 inside. They can still only have 49 people. Stephen said they have to offset an inside seat for an outside seat, and cannot have more than 49 people even with the outdoor seating. Stephen said they need to see a plan to scale of the tables and the sidewalk and asked if they could supply that. Sarah said they could accept the application with the modification of going back to 49 patrons. Stephen suggested they have that discussion and then come back at a later date with the updated drawing.

- Motion to continue the hearing to the meeting on May 15th made by Linda, seconded by Kerry.

→ *Motion passed unanimously by roll call, 4-0*

7. Applications for Change of Officers and Change of Manager for Seasonal On Premise All Alcohol Liquor Licensee Ipswich Bay Yacht Club, 124 North Ridge Road – S. Player

Jeff Cann is the new Rear Commodore. Every few years they have a change in directors and he will now be the new manager for the seasonal liquor license. Sarah said this is routine and it is in the packet. The applicant has no outstanding debt to the town and all of the application and insurance requirements are complete.

- Motion to approve the change of officers for the Seasonal On-Premise Liquor License made by William seconded by Linda.

→ *Motion passed unanimously by roll call, 4-0*

8. Town Government Study Committee Warrant Article Discussion – S. Player

Emilie Smith, 5 Birch Lane, Clinton Dolton, 55 Labor in Vain Road, and Gary Champion, 3 Palamino Way, all representatives from the Government Study Committee, reviewed the warrant article. William said the Select Board was confused about why this was submitted through multiple warrant articles and wanted to try to figure out what can be done to make this simpler. A discussion ensued between Gary and the Town Manager about how the warrant articles were submitted. Gary felt pushback that the GSC would not be welcome to read a report at Town Meeting, Stephen said it was a misunderstanding and there was no pushback. Gary also noted that the Select Board has not assigned a topic to the GSC in three years. Emilie said the committee has discussed and prepared a report. Emilie also noted that she finds the tension

between the GSC and Select Board uncomfortable and she hopes they can work collaboratively to find topics for research. William suggested the Select Board assign a topic to the GSC to review the scope of the GSC and make suggestions, and asked Gary if that would work instead of the Citizen's Petition.

- Motion to charge the GSC with reviewing the current GSC bylaw, and the GSC can make recommendations and possible amendments to the bylaw for Town Meeting moved by Sarah seconded by Kerry.
- William said his intent with this is that the Select Board is giving the GSC what they are looking for with the Citizens Petition so that the need for the Citizens Petition can be removed. Gary said that would be his recommendation to the Citizen's Petitioners.
- Stephen said Gary could move to take no action at Town Meeting.

→ *Motion passed unanimously by roll call, 4-0*

- Linda suggested for future Town Meetings to hear reports from committees as their own articles rather than under the Consent Calendar. Gary said he would like that to be something GSC can look into. Sarah said they will take that under advisement.

9. Sign Warrant, Vote on Recommendations for Articles for ATM 2023 – S. Player

Article 24: New Construction Moratorium

Torii Bottomley, 60 Central Street, said she would not like to speak on the article because she wrote a summary. Sarah read the article and summary. Linda said last year she proposed a two-year building moratorium but during those two years the Town would have done a study on water supply, schools, and infrastructure to develop a master plan which the town does not have. Linda also asked in that proposal to exempt projects that came forward that offered 25% affordable housing that would go on the affordable housing inventory. Linda said she is concerned about this article because there is no progress that would be made during that year and no exemptions for affordable housing. While she understands why this is being brought forward, she wishes there was more in there to specify what would happen during that year and specify the outcome at the end of the year. Torii said this is more of an emotional petition in response to the many conversations she has with members of town. William said he appreciates the idea and passion behind this but this doesn't help anything, it just stops building for a year. Stephen said this would interfere with the Public Safety Building. Stephen also said the way this is written it could not be binding. Torii asked Stephen if he would email her about that.

- Motion to not support article 24 made by Linda, seconded by William

→ *Motion passed unanimously by roll call, 4-0*

Article 1: Consent agenda

- Motion to approve Article 1 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 2: Municipal Operating Budget

- Motion to recommend Article 2 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 3: Finance Committee Election

- Motion to RATM Article 3 made by Linda seconded by William

→ *Motion passed unanimously by roll call, 4-0*

Article 4: FY24 Municipal Budget

- Motion to recommend Article 4 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 5: FY24 School Budget

Linda said she does not support the hiring of two elementary school vice principals because we do not know where we are going with the elementary schools. Sarah said if we were to combine schools, then leadership would have to decide what staffing would look like. But for now, for the next 5-10 years we have two schools.

- Motion to recommend Article 5 made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 6: Whittier Regional School Budget

- Motion to recommend Article 6 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 7: Essex County Technical Institute Budget

- Motion to recommend Article 7 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 8: Transfer of FY23 Appropriated Budget Funds to Educational Stabilization Fund

Sarah asked if we have an amount, Sarah said they usually put it in the motion, she believes its \$2.5M.

- Motion to recommend Article 8 made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 9: Stabilization Funding

- Motion to recommend Article 6 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 10: OPEB

- Motion to recommend Article 10 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 11: Annual Capital Plan

- Motion to recommend Article 6 made by William, seconded by Linda
- Stephen said they added a summary and something that came up in the tri-board was the discussion of purchasing more vehicles. Chief Nikas said they need a new detective vehicle and they have drug forfeiture funds they can use which are not appropriated at Town Meeting. Stephen put it in there just to let the town know. Linda asked if those funds can be used for regular police cruisers, Stephen said there are specific guidelines for what the funds can be used for but he isn't sure and can find out. The current vehicle will be auctioned off and that money will go into the General Fund.

→ *Motion passed unanimously by roll call, 4-0*

Article 12: The Empower Act

- Motion to recommend Article 12 made by William, seconded by Kerry
- William said this would have to be a state law for it to be put into effect. He supports this because it gives people the opportunity to participate in town government. There are a lot of youth of this age that are working in town, paying taxes, and participating in the economy. They also drive cars and pay excise tax.
- Linda said she opposes this because 16 and 17-year-olds do not pay property taxes and they may not understand what they are committing everyone else to.
- William said that people who are renters do not pay property taxes and they are also able to come to Town Meeting and vote.

→ *Motion passed by roll call, 3-1. Linda opposed.*

Article 13: Resolution in Support of Changing the State Flag & Seal of Massachusetts

- Motion to recommend Article 13 made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 14: Ipswich River Ecological Restoration Permitting

Stephen said it is about \$600k and they are receiving grant funds for a portion of that. Kerry said this dam has been ranked one of the most ecologically damaging dams in the northeast. William said this is a decision to support the Select Board to move forward with this initiative, it is not a decision to move forward with the removal.

- Motion to recommend Article 14 made by Kerry, seconded by William

→ *Motion passed by roll call, 3-1, Linda opposed.*

Article 15: Grant of Easements for 69 South Main Street

Stephen said they received correspondence from the attorney. The home has not been turned over too many times, which is why this is now coming up. There are some legal things that need to be sorted out, which is why the article just authorizes the Select Board to enter into easements.

- Motion to recommend Article 15 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 16: Acquisition of Hammatt Street Parcel

Stephen said this site has been deemed low risk and would be used for parking. Linda said she is concerned with the phrase “a greater or lesser amount” and would like to remove the word “greater” so it is capped at \$100k or a lesser sum. Stephen said he doesn’t think it could be lesser and having it this way gives us some flexibility between now and the time the vote takes place. The motion will say the specific amount and if we don’t have the specific amount by then, Stephen will recommend to the Board that they take no action on this.

- Motion to recommend Article 16 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 17: Authorize Select Board as Water Commissioners to Enter into Lease of Farm Field at 16 Mile Lane

- Motion to recommend Article 17 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 18: Middle/High School Roofs

- Motion to recommend Article 18 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 19: Doyon and Winthrop School Roofs

Linda asked why the middle and high school roofs are also in the summary. Stephen said that was pointed out to him and he has made that change. Linda also asked if we are going to put this as an override, Stephen said both articles are a debt exclusion. Sarah Johnson explained why they decided to have it funded through a debt exclusion. The reserve funds would be reduced to a level that is not prudent and we would jeopardize our credit rating. The financial advisors did not recommend it either because it would cost more in the long run since AA communities pay more in interest than AAA communities. Linda asked what the term of the loan would be. Sarah Johnson said the elementary school roofs useful life was quoted at 5-7 year so we would be paying this back over 5 years.

- Motion to recommend Article 19 made by Linda, seconded by William

→ *Motion passed unanimously by roll call, 4-0*

Article 20: Water Department Infrastructure Improvements

- Motion to recommend Article 20 made by William, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

Article 21: Waste Water Department Infrastructure Improvements

This is a debt exclusion. The language has been reviewed by Bond Counsel and the article will look a little different but the content will remain unchanged. Linda clarified that this is based on a grant that if we don’t get, will not go through.

- Motion to recommend Article 21 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 22: Authorize Select Board as Electric Commissioners to Borrow \$5 Million From USDA ELD

Linda asked if this will require staff hours and eventually a new staff position. Jon Blair, ELD Manager, said if this program is very successful, it will take more staffing but it is a good program and would mean it was beneficial. Jon went over the program and how the borrowing would work. The customers would be able to use this program to borrow money interest-free to from the ELD.

- Motion to recommend Article 22 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

Article 25: Amendments to the Noise Control Bylaw

- Motion to recommend Article 15 made by William, seconded by Kerry
- Stephen said he is concerned about the holiday portion of this. Not all companies observe federal holidays, and some pay holiday pay.
- Linda said some people can only do landscaping after work and it's still light out.
- Stephen said he will ask Counsel for his opinion on this as a part of the warrant so perhaps it is best to hold off.
- Linda said this also excludes Sundays and if there is a rainy week and Sunday is the only day to catch up, we could run into a problem.
- Motion to RATM Article 25 made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

- Motion to sign the warrant made by Kerry, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

10. Set Annual Town Election Warrant & Ballot Questions – S. Player

Stephen said the ballot can be approved by the Select Board at the next meeting. Some of the language will change because Bond Counsel is making some changes. The Board decided to take no action on this and vote on it at the next meeting. Linda asked if anything had been changed in regards to the question about the schools. She echoed concerns that this may skew information and jeopardize the project. Sarah said their response was that they hoped they would get feedback from a greater number of citizens.

11. Memorial Bench Request, Pavilion Beach – S. Player

Sarah provided a request from Jeff Putur, Superintendent of Cemetery and Parks. The applicant would be paying full price for a bench and a plaque installed at Pavilion Beach. There are two other benches in the location and there is a potential for 5 benches.

- Motion to approve the bench made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

12. 2023 Annual Seasonal Liquor License Renewals – S. Player

- a. Ipswich Bay Yacht Club, 124 North Ridge Rd.
- b. The Trustees of Reservations dba Castle Hill on the The Crane Estate, 290 Argilla Rd.
- c. New England Country Club Management Inc. dba Ipswich Country Club, 67 Edge St.
- d. Clam Box of Ipswich Inc. 246 High St.

- Motion to approve the annual seasonal liquor license renewals moved by Kerry, seconded by Linda

→ *Motion passed unanimously by roll call, 4-0*

13. Select Board Authorization for Green Crab Trapping Program Funds Request – S. Player

Linda said she has written a letter to the State Senator and State Representative to request funding for the green crab trapping efforts which protect both the shellfish and the Great Marsh. This letter is similar to prior years. Linda asked if she could sign this on behalf of the Select Board.

- Motion to authorize Linda to sign this letter on the behalf of the Select Board made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

14. Provisional Commercial Clamming Permit Applications – S. Player

- a. Scott LaPreste, Arrowhead Trail
- b. Jessie Jaksland, Linebrook Road

Linda said there are 125 commercial clamming permits total, 123 have been approved and if these are approved tonight that will fill the cap for this year.

- Motion to approve commercial clamming permits for Scott LaPresete and Jessie Jaksland made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

15. Consent Agenda – S. Player

Linda expressed concern about the partial sidewalk blocking location. Mary said there is language in the application that states they will block the sidewalk at the crosswalk and must not redirect people into roads.

- a. Partial Sidewalk Blocking Application(s) –
 - i. Adelpia Construction seeks partial sidewalk blocking for the purposes roofing and siding at 126 High Street from April 11, 2023 until May 30, 2023.
- b. One Day All Alcohol Liquor License(s)-
 - i. Joe Karr of the Trustees of Reservations for Hike for Beer events at Appleton Farms on April 14, 29, May 12 and 25, 2023.
- c. One Day Wine and Malt License Application(s)-
 - i. Alexis Harwood of Helen’s Bottle Shop for Fundraiser at Sandpiper Baker 29 N Main Street on April 23, 2023.

- Motion to approve the consent agenda made by William, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

16. Approval of Minutes – S. Player

- a. March 6, 2023
- b. March 16, 2023
- c. March 18, 2023 Bean Counting d. March 20, 2023

- Motion to approve the minutes of March 6, March 16, March 18, and March 20 made by Linda, seconded by Kerry

→ *Motion passed unanimously by roll call, 4-0*

17. Town Manager Report – S. Crane

Stephen said he included the draft intermunicipal agreement in the report and it will be on the schedule for the next meeting. The other towns have already voted, it is a 3-year agreement. Stephen said he thinks it makes a lot of sense. We are helping our neighbors but it is a benefit to us as well. There are changes in fees to the Board of Health. Lastly the water department was able to do the switch so the water feeds the new tank. It was not done properly in the past and they were able to do this switch without any water main breaks.

18. Select Board Sub Committee Updates – S. Player

Linda said the Veterans District Board met on March 22 and they discussed office staffing and the budget. They are considering increasing the part time administrative assistant from 19 hours to 24, which would also bump this person into benefits. They have also discussed increasing her pay to reflect the average for this position. They voted to support the FY24 budget so there is room in there should they decide to go through with the increase in hours and/or the increase in pay. This would increase Ipswich's annual assessment by approximately \$7,400 per year. It would not add to our benefits cost, just to the assessment that we pay. The West Newbury representative also proposed a letter that would come from the board to Senator Tarr and Representative Kasner supporting a bill that would increase the disabled veterans property tax exemption.

Sarah said the 3A task force had their first public forum and 40-50 people came. They also had a coffee at Gath'r and 12-15 people came. They had their first lecture for the lecture series on April 5th. There has been a lot of interest and a lot of good questions.

19. New Business* – S. Player

20. Old Business – S. Player

Linda asked if they are going to consider the Pavilion Beach parking restrictions, Sarah said they are going to discuss this at an upcoming meeting on April 18th.

21. Miscellaneous and Correspondence – W. Whitmore

- Motion to adjourn the Select Board made by Linda, seconded by Sarah.

→ *Motion passed unanimously by roll call, 4-0*

Respectfully Submitted By
Alyson von der Esch
4-17-23