

IPSWICH SELECT BOARD
Meeting of Monday, June 17, 2019
Ipswich Town Hall | 25 Green Street

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, written noticed posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, June 17, 2019 at 7:00pm 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: ACO, Animal Control Officer; IRWA, Ipswich River Watershed Association

Public Information: Agenda

Executive Session

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. 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.

Vote: Dr. Jones moved to go into Executive Session, and Ms. Mackin seconded. The motion carried unanimously via roll call. Mr. Mootafian was not present.

The Select Board went into Executive Session at 6:32pm.

The Select Board returned from Executive Session at 7:01pm.

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

Welcome/Announcements

Mr. Whitmore announced the following upcoming events:

- Tuesday, June 18: Last day of school
- Friday, June 21: Farmers Market at the Hall-Haskell House, 4:00pm to 7:00pm
- Friday, June 21: Riverwalk Opening Ceremony at the mural, 6:30pm
- Saturday, June 22: *Goodnight, Captain White* at the Ipswich Museum
- Sunday, June 23: Good in the Hood Block Party, presented by Ipswich Ale
- Wednesday, June 26: Pam Carakatsane (Town Clerk) Retirement Party in Meeting Room A, 2:00pm to 4:00pm

Citizen Queries

KelleyJane Kloub (Mitchell Road) asked the Board to consider not allowing Clam Box customers to park along Mile Lane, as turns become difficult when cars overflow onto the street. Ms. Kloub stated that she took a poll on her Facebook page, and received "overwhelming support" to hold Special Town Meeting on a Saturday. She stated that the Facebook page has about 2,000 followers.

Board and Committee Appointments/Reappointments

- a. Sandra Corning – New Appointment – Shellfish Advisory Subcommittee

Ms. Corning stated that she has been a resident of Ipswich her entire life, and recently became a commercial clammer. She seeks appointment to the Subcommittee in the hopes of being able to contribute to the shellfishing community.

Ms. Alexson stated that there has been a vacancy on the Subcommittee for a long time, and appreciates Ms. Corning's interest.

Vote: Ms. Alexson moved to appoint Ms. Corning to the Shellfish Advisory Subcommittee, and both Mr. Mootafian and Dr. Jones seconded. The motion carried unanimously.

b. Debra Ramos – Reappointment – Waste Reduction Advisory Committee

Vote: Mr. Mootafian moved to reappoint Ms. Ramos to the Waste Reduction Advisory Committee, and Ms. Alexson seconded. The motion carried unanimously.

Select Board Vote Pony Express – Name, Management Plan, and Agricultural License

MANAGEMENT PLAN

Jeffrey Putur (Superintendent of Cemetery and Parks) appeared before the Board to present the revised Management Plan. The Plan is a 14-page document outlining the rules and regulations of the property, put together by Mr. Putur, Beth O'Connor (Open Space Administrator) and the Pony Express Task Force. The Plan will be reviewed every 5 years at a minimum, or as issues arise.

Dr. Jones expressed her appreciation for the details, and said that Mr. Putur and Ms. O'Connor have "covered every possible contingency."

Ms. Alexson asked if there were plans to fence the irrigation pond on the property. Mr. Putur stated that there are not, and rather, the department will let the grass grow to 3-4 feet around the pond, deterring people from entering. Ms. Alexson asked how deep the pond is; Mr. Putur responded that it is 25' deep with very steep sides. Ms. Alexson expressed her concern for the safety of children on the property and asked for a guarantee that the pond will be fenced.

Ms. Mackin agreed with Ms. Alexson, noting an incident two years ago in which a resident became stuck in Weatherall Pond after jumping in to save her dog.

Vote: Dr. Jones moved to approve the Town of Ipswich, Massachusetts Land Management Plan for the property at 24 Candlewood Road, and Ms. Mackin seconded. The motion carried unanimously.

AGRICULTURAL LICENSE

Mr. Putur stated that the agricultural license for the farmer who hays the fields has been proposed for a 3-year term. There is no monetary exchange, and the Town will receive about 12 bales of hay each year free of charge.

Vote: Ms. Alexson moved to approve the agricultural license, and Mr. Mootafian seconded. The motion carried unanimously.

NAME

Mr. Putur stated that a survey to name the property at 24 Candlewood Road was reopened on June 11, and received 387 responses. Each response was verified to have come from one single resident. 44% of voters chose Pony Express Fields, 34% of voters chose Candlewood Fields, and 22% chose Castleneck River Fields.

Vote: Ms. Mackin moved to name the property Pony Express Fields, and Ms. Alexson seconded. The motion carried unanimously.

Approval of Minutes

a. May 20, 2019

Vote: Ms. Alexson moved to approve the minutes for May 20, 2019, and Mr. Mootafian seconded. The motion carried 3-0, with two abstaining.

Consent Agenda

- a. One Day Liquor License Applications
 - i. Wine & Malt for Mill River Winery Thursday Night Concerts at the Castle on 7/11, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22, 8/29
 - ii. Wine & Malt for Notch Brewing for Pop-Up Biergarten Fundraiser and Social Events at Castle Hill on 6/23, 8/11 and at Appleton Farms on 6/28, 6/29, 6/30, 10/4, 10/5, 10/6
- b. Over 70 Shellfish License Permits
 - i. William Carey, 15 Quay Road
- c. Memorial Bench Requests
 - i. Carolyn E. Davidson requests bench at Pavilion Beach
- d. Partial Street Blocking Applications
 - i. Ipswich Ale Brewer for Good in the Hood Parade on Sunday, 6/23

Ms. Mackin raised concerns about memorial benches at Pavilion Beach being washed away in storms. Mr. Putur responded that the benches are not permanently mounted, and are removed during the fall and winter, and returned in the spring. The resident requesting the bench is aware of this.

Vote: Dr. Jones moved to approve the Consent Agenda, and Mr. Mootafian seconded. The motion carried unanimously.

Public Hearing: Dangerous Dog Hearing

Ms. Alexson recused herself, as she serves on the Shellfish Advisory Subcommittee with Katie Vitale's mother, Brenda Turner.

Mr. Mootafian recused himself, as he also serves on the Shellfish Advisory Subcommittee with Brenda Turner, and currently serves on the Ipswich YMCA Board with Jay Vitale.

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

Megan Boissonneau (Animal Control Officer) and Chief Paul Nikas appeared before the Board and presented the facts of the case. On January 28, 2019, a victim was walking north on the southbound sidewalk of Route 1A, when he was knocked down by Lucic, a 7-year-old dog. The victim was transported to the hospital via ambulance. The owners, Katie and Jay Vitale (239 High Street) were issued citations for unleashed and unlicensed dogs. Lucic was placed on a 10-day quarantine in their home in response to bite marks on the victim. The victim was interviewed by ACO Boissonneau and another officer. On April 24, 2019 around 9:00pm, a second victim was walking eastbound on East Street. Lucic was leashed, but jumped on the victim and knocked her to the ground, and inflicted lacerations to her face. The victim was transported via ambulance to the hospital. Lucic was placed on a second 10-day quarantine, with the exception of leash walks on the property of 293 High Street, and trips to the veterinarian as needed with prior notice given to ACO Boissonneau. The Vitales informed ACO Boissonneau that they would be voluntarily euthanizing Lucic upon completion of his quarantine, but later changed their minds. On May 29, 2019, ACO Boissonneau filed for a Dangerous Dog Hearing with the Select Board.

ACO Boissonneau's professional opinion was that Lucic be deemed a dangerous dog, and be humanely restrained for his lifetime. This will include being muzzled when leaving the property, remaining on a 3-foot leash during walks, and the Vitales providing proof of insurance no less than \$100,000 in the event that Lucic were to have another incident. The Vitales would also be required to install a 6-foot fence around their property, and not leave Lucic outside unsupervised. Gates within the fence must be locked securely such that Lucic may not accidentally open them. ACO Boissonneau noted that the Vitales have been diligently following the terms of Lucic's quarantine restrictions.

Mrs. Vitale stated that the only change in Lucic's life recently has been the adoption of a new puppy. She stated that Lucic has always been around children with no incidents. She stated that in the January 28 incident, the victim was standing across the street staring at their house, and as they loaded the car to move their son back to college, their smaller dog got loose and ran across the street. Lucic chased after the dog. In the April 24 incident, Mrs. Vitale was walking Lucic and when turning a corner, didn't see the victim before Lucic jumped on her. Mrs. Vitale stated that she insisted on calling 911, as the victim was an elderly woman.

Mr. Whitmore shared parts of an email he received from Ian Pepper, the victim of the January 28 incident. In his email, Mr. Pepper stated that he believes Lucic will jump a fence and attack other people. He stated that he was walking past 238 High Street when two large pit bulls ran across the street, bit his left wrist, and knocked him over. Mrs. Vitale approached him and asked if he was alright, and Mr. Pepper called 911. He was prescribed antibiotics and cautioned about rabies.

Virginia Pepper (mother of Ian Pepper) stated that she saw surveillance footage of a “huge black beast flying through the air” and knocking Mr. Pepper to the ground. She believes that Lucic will go after a child, or be hit by a car and cause a traffic accident.

Chief Nikas asked the Board to remember that if the Vitales were to not follow restrictions placed on Lucic, the Town could seize the dog and hold him until the Vitales comply. He does not believe there needs to be any worry, however, that they would not comply.

Brenda Turner (8 Vermette Court) spoke in support of Lucic. She said that she has never known him to bite, only jump and lick. She stated that he is a friendly dog, and never let loose. She does not believe that Lucic bit Mr. Pepper.

Steve Turner (8 Vermette Court) stated that Lucic has never been aggressive towards anybody, and does not retaliate against dogs that may come after him. He asked if anybody who was medically qualified to do so evaluated Mr. Pepper to see if he was bit. ACO Boissonneau stated that the hospital conducted a bite report, which is done by either a doctor or nurse practitioner.

Scott Levasseur (37 Topsfield Road) stated that he was a contractor for the Vitales for three months, and he and his crew came and went from the house on a daily basis without incident from Lucic. He stated that he brought his own puppy into the house, and Lucic played with him.

Mrs. Vitale presented a letter from her veterinarian stating that he has seen Lucic since he was a puppy, and would not put the dog down because he had never been aggressive. Mrs. Vitale also stated that she does not believe Mr. Pepper was truly injured, as he did not receive any compensation from their insurance.

Ms. Mackin asked what kind of other restraints may be appropriate if a fence is not sufficient for Lucic. Chief Nikas stated that it is illegal to tether a dog to a single point, but that when Lucic is in the fenced yard, he must be supervised. Ms. Mackin asked if a report was received from the hospital where Mr. Pepper was treated. ACO Boissonneau said that there was a confirmed bite on Mr. Pepper’s left arm.

Mr. Whitmore asked what kind of leashes the Vitales use on their dogs. Mr. Vitale responded that they use 4-foot leashes and zap collars.

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

Vote: Ms. Mackin moved to deem Lucic a dangerous dog and impose the requirements recommended by ACO Megan Boissonneau. Dr. Jones seconded. The motion carried unanimously.

Ms. Alexson and Mr. Mootafian rejoined the meeting.

License Agreement for 300 High Street

Hannah Wilbur (Open Space Manager) spoke to the Board about a 2-acre property on the west side of Town, situated in Zone A and B of the drinking watershed. The property is within 400 feet of the upper bank of the reservoir, and was seized by the Town in 2008 for non-payment of taxes. Ms. Wilbur and the Conservation Commission have proposed a 1-year lease agreement with the current abutter so that he may continue to use the pasture for his horses. After market evaluation, a yearly lease of \$300 was agreed upon to be paid to the Town.

Ms. Mackin expressed several concerns surrounding the safety of allowing horses to graze so closely to reservoir. She has spoken with the Department of Environmental Protection and noted that there is currently no allowance for

manure within Zone A areas. She believes that monitoring proper management of the property would cost the Town more than \$300 annually.

Ms. Wilbur stated that she does not believe the abutter will be able to keep his horses without access to 300 High Street, and that he acquired the horses upon an agreement made with the former landowner that he could use the property for horse grazing in exchange for its management.

Mr. Whitmore asked if selling the land had been considered, and whether or not it was suitable for building. Ms. Wilbur said that it has been discussed with the Land Acquisition Committee, but is unsure if the land is buildable given its proximity to a Zone A area.

Wayne Castonguay (47 Clark Road, Open Space Committee) informed the Board that this property has been discussed by the Committee for over a year, and the proposed lease is meant to buy time until a more long-term plan for the property can be made. He stated that it is not an ideal solution, but allows the Town to have more regulation over the property than was previously there.

Vote: Ms. Mackin moved to not approve the license, and Ms. Alexson seconded. The motion failed 1-4.

Ms. Alexson stated that she would like to see the rental amount increased.

Vote: Ms. Alexson moved to raise the rental agreement to \$1,000 per year, and Ms. Mackin seconded. The motion carried 3-2.

Select Board Vote Public Information Kiosk Installation Corner of Elm and County Streets

Wayne Castonguay (Ipswich River Watershed Director) and Tony Gianelli (Waterways Advisory Committee) appeared before the Board to request that they be allowed to install an informational kiosk for boaters in a grassy median on the corner of Elm and County Streets. Several kiosks have been placed along the Ipswich River from Wilmington through Ipswich. The kiosk would be placed on Town property and owned by the Town, but maintained by the Waterways Advisory Committee.

Dr. Jones asked how boaters find the kiosks. Mr. Castonguay stated that IRWA is utilizing the app Avenza. Mr. Castonguay stated that the landing in question is moderately used, and a good alternative for boaters when there is high traffic at the Town Wharf during high tide. He hopes that the kiosk installations will increase use of the landing.

Vote: Ms. Alexson moved to allow the installation of a paddling and informational kiosk on Town property at the request of IRWA, and Mr. Mootafian seconded. The motion carried unanimously.

Review of Select Board Meeting Schedule for 2019-2020

Mr. Marino provided a draft schedule to the Board: July 1, 2019; July 15, 2019; August 5, 2019; August 19, 2019; September 3, 2019 (Tuesday); September 16, 2019; October 7, 2019; October 21, 2019; November 4, 2019; November 18, 2019; December 2, 2019; December 16, 2019; January 6, 2020; January 21, 2020 (Tuesday, Triboard); January 27, 2020 (budget business only); February 3, 2020 (budget business only); February 18, 2020; March 2, 2020; March 16, 2020; April 6, 2020; April 21, 2020 (Tuesday); May 4, 2020; May 12, 2020 (Annual Town Meeting); May 18, 2020; June 1, 2020; June 15, 2020.

Mr. Whitmore shared that he has received a Triboard meeting proposal for August 13, 2019 from the Finance Committee. Mr. Mootafian asked if Triboard meetings are typically held in the summer; Mr. Marino stated that in 2018, a Triboard meeting was held in late May or early June.

The Board discussed whether it would be more efficient to hold two long budget meetings instead of several shorter meetings.

Vote Special Town Meeting 2019 Date

Mr. Marino stated that the Performing Arts Center is currently available on Tuesday, October 26 and Saturday, November 9 at 9:00am. He reached out to several municipalities in the area, and stated that only Hamilton and

Nahant hold Saturday Town Meetings. Both reported similar attendance to Ipswich's current Tuesday night attendance. Hamilton provides free childcare for parents attending the meeting.

Ms. Mackin researched records with the Town Clerk, and found that a Saturday meeting was held on October 17, 1992, and it was not as well attended as the other two Town Meetings held that year. She stated that she would be interested in trying a Saturday meeting again.

Ms. Alexson stated that she spoke to a Hamilton Selectman, who stated that their meeting attendance is typically issue-driven. She asked the Board to try a Saturday meeting in order to better accommodate seniors and night workers who may not otherwise be able to attend. Ms. Alexson also asked about the use of electronic voting at Special Town Meeting. Mr. Marino stated that he will look in the budget to see if it will be possible to rent or buy keypads. Mr. Mootafian stated that if electronic voting is used, it should be used on every question.

Vote: Ms. Alexson moved to hold Fall Town Meeting on a Saturday, and Ms. Mackin seconded. The motion failed 2-3.

Vote: Mr. Mootafian moved to hold Fall Town Meeting on October 29, 2019, and Dr. Jones seconded. The motion carried unanimously.

Town Manager Report

ONGOING INTERVIEWS

Mr. Marino has a few finalists for the positions of Senior Planner and Conservation Agent. They will move into final interviews next week.

GENERATOR INSTALLATION

The Town will install generators at the Town Hall and Police Station. The generators are expected to be fully installed by the end of July.

Old Business

TREASURER/COLLECTOR

Mr. Marino reminded the Board that on June 30, 2019, Kevin Merz's (Treasurer/Collector) appointment will expire. Mr. Marino recommends a three-year reappointment. A work agreement will be finalized and voted on July 1.

Vote: Dr. Jones moved to approve a work agreement for Kevin Merz, Town Treasurer/Collector, from July 1, 2019 to June 30, 2022. Mr. Mootafian seconded. The motion carried unanimously.

SELECT BOARD COMMITTEE APPOINTMENTS

The Board will discuss appointments to Committees and Subcommittees at a July meeting.

HOUSING DEVELOPMENT

Ms. Alexson asked that the Board draft a letter to the Zoning Board of Appeals and Planning Board regarding the imposition of water restrictions for the Linebrook Road and 40B developments. She also noted that Saugus recently implemented a two-year multifamily development moratorium so as to study the impact of new development on Fire, Police, Schools, water, sewer, public safety and other infrastructure. She would like to discuss implementing such as a restriction in Ipswich on an upcoming agenda.

CROSSWALK LIGHTS

The solar-powered crosswalk lights have been installed at the crosswalks in front of the Middle and High Schools on High Street. Low-hanging branches that partially block the lights have been removed.

New Business

WATER

Ms. Mackin asked that the Board, as Water Commissioners, be aware of thresholds identified by the U.S. Geological Survey and how they will compare to current water withdrawals. She would like to discuss them at an upcoming meeting.

HOT AIR BALLOON EVENT

Ms. Alexson asked when the Trustees of Reservation are expected back to seek a permit for their hot air balloon event in July. Mr. Marino and Mr. Whitmore both agreed that they should be back before the Board very soon. Ms. Alexson also asked where the 7.5% revenue the Town takes in from the Trustees is derived from; Mr. Mootafian stated this revenue comes from Crane Beach fares only.

Miscellaneous and Correspondence

a. Approved Banners

Vote: Mr. Mootafian moved to approve the Banner List, and Ms. Alexson seconded. The motion carried unanimously.

b. Employee Changes

NEW HIRES

- Mary Ashley, Permanent Intermittent Police Officer
- Marsha Bornstein, Council on Aging Receptionist
- Heather Brisson, Part-Time Animal Control Officer
- Joe Gutierrez, Library Technician
- Warren Jepson, Custodian
- Kyle Malm, Permanent Intermittent Police Officer
- Andrea Pappalimberis, Town Clerk Administrative Assistant
- Katie Smith, Utilities Customer Service Clerk

RETIREMENTS

- Glenn Gibbs, Director of Planning and Development
- Elaine Ricci, Library Technician

CURRENT VACANCIES

- Apprentice Line Worker, Electric Department
- Conservation Agent, Conservation Commission
- Equipment Operator/Assistant Mechanic, Public Works
- First Class Line Worker, Electric Department
- Police Officer
- Senior Planner, Planning Department
- Temporary summer help, various departments

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

The Select Board adjourned at 9:23pm.

*Respectfully submitted by Eileen G. Page
06.21.19*