

IPSWICH SELECT BOARD
Meeting of Monday, February 24, 2020
Ipswich Town Hall | 25 Green Street

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, February 26, 2020 at 7:00 PM in Meeting Room A.

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

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

Abbreviations used: FY21, Fiscal Year 2021; IRWA, Ipswich River Watershed Association; DMF, Department of Marine Fisheries; TIF, Tax Increment Financing; APDC, Architectural Preservation District Commission; ZBA, Zoning Board of Appeals

With a quorum present, Mr. Whitmore called the meeting to order at 7:01 PM.

Welcome/Announcements

Early Voting will be available in Town Hall until Friday, February 28, 2020.

National Grid will be conducting gas line replacement throughout Market Street and Central Street. The work will take place at night, and begin next week.

The Finance Committee will meet on Tuesday, February 25 and Thursday, February 27 to continue the FY21 budget hearings.

Citizen Queries

Ms. Alexson noted resident comments sent to the Select Board's email addresses regarding the inability to hear the meetings on TV. She reminded the Board to speak into the microphones. Mr. Marino noted that he has drafted a memo that will be sent to all Boards and Committees reminding them to speak into the microphones.

Discuss/Update on Ipswich Mills Dam

Wayne Castonguay (Ipswich River Watershed Association) informed the Board that Ipswich has been formally invited to apply for a NOAA grant that would help fund a feasibility and mitigation study. The application process is expected to be particularly competitive, as it is believed that this may be the last time the grant is offered for the foreseeable future. Mr. Castonguay reported that IRWA would be willing to draft the proposal on behalf of the Town, but the process needs to begin as soon as possible, as the deadline for application is in April. Mr. Castonguay noted that a significant part of the proposal will require EBSCO to divulge specifics about what kind of work and investigation they will and will not allow on their property.

Ms. Alexson asked what sort of timeline the Town should expect from NOAA. Mr. Castonguay responded that he would anticipate having a response to the grant by July. Ms. Alexson asked if the Town is under any obligation to accept the grant if it is awarded, and Mr. Castonguay responded that they are not. Ms. Alexson asked if the final decision regarding whether or not to remove the dam would be up to a Town Meeting or Select Board. Mr. Marino responded that it is unclear at the moment, but there would have to be some sort of vote at Town Meeting to appropriate funds for dam removal.

Mr. Whitmore noted for viewers that this grant is simply the next step in an ongoing feasibility study. If awarded, the grant would allow the Town to conduct surveys and develop a mitigation plan and determine mitigation costs, and begin exploring the permitting process.

Mr. Mootafian added that it may also be a few years before the Board could even discuss voting on whether or not to remove the dam. Mr. Castonguay disagreed, and stated that he believes the Board could be discussing the issue within a year. Mr. Mootafian asked if IRWA would be conducting public forums and meetings focusing on the pros and cons of dam removal. Mr. Castonguay stated that there is currently an outreach plan in place, and a video on the subject is in the works. Mr. Whitmore stated that he believes it is the responsibility of the Select Board to hold public discussions, and noted that the discussion has been on the agenda for several meetings to date. Mr. Marino added that he has been considering March 30, 2020 as a possible date for a public forum on the matter.

Dr. Jones expressed her gratitude for the Town being able to draw on the expertise of IRWA.

Ms. Mackin reiterated that the grant money will not always be available, and the Town should take advantage of the grant.

Review Letter to Division of Marine Fisheries

Ms. Alexson informed the Board that the Shellfish Advisory Committee has recently been discussing a loophole that has could potentially allow recreational fishermen to illegally sell their harvest. Under current DMF regulations, commercial shellfish permit holders must have a transaction card that allows them to sell their harvest, but the card is also available to recreational permit holders. Over the past ten years, the Town has seen a spike in non-resident recreational permit sales. A letter has been drafted to the DMF expressing the Committee's concern for the loophole and asking for their advice.

Mr. Whitmore suggested that the Massachusetts Environmental Police also be CC'd on the letter. Ms. Alexson agreed.

Vote: Ms. Alexson moved that the Select Board Chair sign and send the letter to the Massachusetts Division of Marine Fisheries explaining the concern of illegal shellfish sales by recreational permit holders. Ms. Mackin seconded. The motion carried unanimously.

Discuss/Vote ELD Manager's Contract

Mr. Marino reported that the Select Board has discussed the proposed contract for Jon Blair (Electric Light Manager) in numerous Executive Sessions. The proposed contract would run for three years, effective April 2020. It is largely the same as Mr. Blair's previous contract, with a new salary negotiation. Mr. Blair will be paid a salary of \$150,000 retroactive to July 1, 2019. On July 1, 2020, his salary will be \$153,000. On July 1, 2021, his salary will be \$156,825. On July 1, 2022, his salary will be \$161,530. It was noted that these salaries are in line with surrounding municipal power plants, and the Commonwealth as a whole.

Ms. Mackin asked if there are any budgetary concerns about issuing retroactive payment. Mr. Marino responded that there are not, and funds are available in the budget.

Dr. Jones asked if the sick leave policy outlined in the contract is standard for all employees. Mr. Marino responded that it is.

Vote: Mr. Mootafian moved to endorse the ELD Manager's contract and for the chair of the Select Board to sign the contract. Dr. Jones seconded. The motion carried unanimously.

Select Board Refer Zoning Articles to Planning Board

The agenda item was disregarded, as no citizens petitions were brought forward regarding the Zoning Board.

Discuss Draft Annual Town Meeting 2020 Warrant

ARTICLE 1: CONSENT CALENDAR

ARTICLE 2: FINANCE COMMITTEE ELECTION

ARTICLE 3: FY 2021 MUNICIPAL BUDGET

ARTICLE 4: FY 2021 SCHOOL BUDGET

ARTICLE 5: FY 2021 WHITTIER REGIONAL HIGH SCHOOL BUDGET

ARTICLE 6: FY 2021 ESSEX COUNTY TECHNICAL INSTITUTE BUDGET

ARTICLE 7: TRANSFER OF FY20 APPROPRIATED BUDGET FUNDS TO EDUCATIONAL STABILIZATION FUND

ARTICLE 8: TRANSFER FY20 BUDGET FUNDS TO SPECIAL EDUCATION RESERVE FUND

ARTICLE 9: ANNUAL CAPITAL PLAN

ARTICLE 10: WATER MAIN REPLACEMENT

ARTICLE 11: WASTEWATER INFRASTRUCTURE REPAIR/REPLACEMENT

ARTICLE 12: STABILIZATION FUND

ARTICLE 13: OTHER POST-EMPLOYMENT BENEFITS FUNDING

Mr. Marino stated that the first thirteen articles are standard.

ARTICLE 14: PLANNING - ADULT USE MARIJUANA

ARTICLE 15: PLANNING - REGISTERED MARIJUANA DISPENSARIES (RMD'S)

ARTICLE 16: PLANNING - CLARIFICATION AMENDMENT

Submitted by Keith Anderson

Articles 14, 15 and 16 all focus on the adult use of marijuana, and will be referred to the Planning Board.

ARTICLE 17: PLASTIC STRAW BAN BYLAW

Submitted by Lori LaFrance

Article 17 proposes the banning of single use straws, stirrers, and stoppers.

ARTICLE 18: OPEN SPACE BOND PURCHASE, KAMON FARM, PINESWAMP ROAD

Submitted by Open Space Chair

ARTICLE 19: NEW ENGLAND BIOLABS - TAX INCREMENT FINANCING (TIF) AGREEMENT

Submitted by William Whitmore, Select Board Chair

Mr. Marino noted that the percentage of the TIF has declined. He will have the article ready for discussion at an upcoming meeting.

ARTICLE 20: SECTION 25 BYLAW AMENDMENT - TOWN MEETING

Submitted by Jim Engel

An ad hoc committee has been discussing the bylaw, and will be finalizing their proposals at a meeting tomorrow night.

ARTICLE 21: GOVERNMENT STUDY COMMITTEE - WATERWAYS COMMITTEE ARTICLE

Submitted by Craig Saline

The article would establish the Select Board as the appointing authority for the Waterways Committee.

ARTICLE 22: AMEND CHAPTER 138 - DEMOLITION REVIEW

Submitted by John Fiske

Article 22 would change the waiting period for historical property demolition from 12 to 18 months, and would set a designated construction year for properties to be considered historic, as opposed to a rolling timeline.

ARTICLE 23: REGARDING FUNDS FOR THE IPSWICH MILLS DAM

Article 23 would allocate \$25,000 in funds from Free Cash to be used towards grant-matching for a feasibility study on the removal of the Ipswich Mills Dam.

ARTICLE 24: CITIZEN PETITION REGARDING LOWERING LOCAL ELECTION VOTING AGE

Article 24 would lower the voting age for local elections in Ipswich from 18 to 16. The signatures on the article have been verified. Mr. Marino noted that a petition of this nature has been approved at the local level in other towns, but

must be signed off on by state legislature and the governor to take effect. According to Town Counsel, it does not appear that the Commonwealth is interested in taking up the issue.

PROPOSAL: REGARDING SENIOR CITIZEN DISCOUNTS ON DOG LICENSES

Submitted by Linda Alexson

Ms. Alexson noted that fees for dog licenses are set by Town Meeting. She noted that residents over 70 receive a steep discount for recreational and commercial shellfishing licenses, and would like the same benefit to be extended to dog registration. She suggested a \$5 charge for spayed dogs, with one discount per household allowed to those 70 and older.

Vote: Mr. Mootafian moved to add the proposal to the warrant, allowing one reduced fee dog license per household for senior citizen dog owners. Dr. Jones seconded. The motion carried unanimously.

PROPOSAL: REGARDING ARCHITECTURAL PRESERVATION DISTRICT COMMISSION

Submitted by Linda Alexson

Ms. Alexson noted that under current regulations, any citizen aggrieved by an APDC decision must appeal with the court system. She has been asked by multiple residents to consider an appeals process that begins at the Town level.

Ms. Mackin suggested that the Historical Commission might be an appropriate board to handle appeals. Ms. Alexson stated that she believes there needs to be a more neutral third party to hear appeals.

Mr. Whitmore suggested forming a committee that would convene as necessary, made up of members from the Planning Board, Zoning Board of Appeals, and Historical Commission.

Mr. Marino stated that he will begin to look into the legality of forming such a committee.

PROPOSAL: REGARDING AFFORDABLE HOUSING

Ms. Alexson proposed that the Board consider revising zoning bylaws in an effort to eliminate payment in lieu provisions for multifamily developments greater than a to-be-determined number of units. She stated that she believes it is a travesty that the Symes development on Linebrook Road was allowed to pay into a fund rather than build affordable units.

Mr. Marino suggested looking into the proposal for a Special Town Meeting in the fall after consulting with the Planning Board.

Dr. Jones supported researching the proposal to identify definitive pros and cons of the payment in lieu.

Mr. Mootafian stated that he is opposed to eliminating the payment in lieu option, noting that the funds are often used to help keep people in their homes. He stated that the \$500,000 payment from Symes will be used for current and future home owners, and could be used to purchase affordable units in the future.

Mr. Whitmore noted that the Planning Board has historically been supportive of the payment in lieu, and would like to find a proposal that both boards could agree upon. He stated that he does not want to propose an article at Town Meeting to which the Planning Board is in complete opposition.

PROPOSAL: OPEN SPACE BALLOT VOTE REQUIREMENT FOR PURCHASES OVER \$500,000

Ms. Alexson stated that most people who voted for the original and amended Open Space bonds some years ago either no longer live in Ipswich, or did not have enough information about the bonds at the time. She would like residents to have the opportunity to vote at the polls on purchases that will impact their tax dollars.

Ms. Mackin stated that a ballot vote could cost the Town the opportunity to purchase land, as purchases are often time-sensitive. Ms. Alexson stated that a special election following a Town Meeting vote could be organized within seven days.

Mr. Whitmore noted that a similar citizen petition was brought forward in 2017, but didn't gain much traction, and he questioned why this time might be different. He stated that he believes that if residents are strongly opposed to a purchase, they should be attending Town Meeting to vote against it. Ms. Alexson rebutted that many residents cannot make it to Town Meeting, and should have the opportunity to vote on decisions that impact their taxes.

Dr. Jones stated she would like to see more effort put into making sure more residents can attend Town Meeting, versus taking a vote away from the meeting.

Mr. Mootafian stated that he supports Ms. Alexson's proposal.

PROPOSAL: REGARDING A TEMPORARY BUILDING MORATORIUM ON MULTI RESIDENTIAL DWELLING PROJECTS

Ms. Alexson stressed the importance of water conservation in town. She noted that there is no monetary incentive for commercial customers to conserve water, and that during the drought of 2016, the town came so close to running out of water that the Water Department asked residents to stop flushing their toilets after each use. Saugus has placed a moratorium on dwellings with three or more units, and Ms. Alexson believes that this would be a good time to pause construction and evaluate how water resources can be best utilized in Ipswich.

Mr. Marino stated that if the Board decides to proceed with the proposal, it should be prepared for Special Town Meeting, as funds will need to be allocated for a study to prevent any lawsuits that may arise from a moratorium.

Ms. Mackin noted that the Water Department is considering a water bank and Water Use Mitigation Programs that would require developers to fund the offset of the projected demand of a new development coming online.

Dr. Jones stated that she would be like to investigate all unintended consequences of a moratorium, but does support looking at how growth is impacting the community.

Mr. Mootafian stated that he does not support a building moratorium. He noted that unlike Ipswich, Saugus is facing thousand-unit developments.

Mr. Whitmore stated that he does not support a building moratorium, as he believes the Town is already taking measures to address water use issues. He noted that the Net Zero water plan is anticipated to be presented this spring, and the Town is also working on Community Development and Housing plans. He would like to see all possibilities explored before a stop to construction is considered.

Ms. Mackin stated that one of the reasons Ipswich struggles with water today is because in the 1980s, a valve was left open for a ten-year period that spilled between 200,000 and 250,000 gallons of water per day. She also noted that of all communities utilizing the Ipswich River, Ipswich actually receives the smallest allocation of water.

Consent Agenda

- I. One Day Liquor License Application
 - a. Wine & Malt - Ipswich Ale Brewery for ½ Marathon Event on 4/25/2020.

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

Approval of Minutes

- a. January 27, 2020
- b. January 28, 2020

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

Town Manager Report

WHITTIER MOTEL

The Whittier Motel was approved by the ZBA to become affordable units. The appeals deadline is March 4, 2020. The Select Board will need to approve a Local Action Unit Application. The units will be eligible for the Town's Affordable Housing Inventory.

ANNUAL TOWN MEETING WARRANT ARTICLE 20

The ad hoc committee will meet on Tuesday, February 25 at 5:30 PM in the Town Manager's Conference Room.

GREEN COMMUNITIES

Ipswich has been formally accepted into Green Communities. Mr. Marino and Chris Rais (Facilities Director) have been working on the first grant application.

Ms. Alexson noted that the Board received an email from Jim Engel expressing concern about Ipswich's inability to participate in Green Communities governance should the trust fund start to deplete. Mr. Marino stated that he has forwarded Mr. Engel's email to Representative Brad Hill, who will be looking into it.

New Business

Dr. Jones will not be able to attend the March 2 meeting.

Old Business

Ms. Alexson asked for an update on the parking regulations approved at an October Select Board meeting for Topsfield Road and Brownville Avenue. Mr. Marino reported that sign installation had been delayed due to weather, but will be put up shortly.

Ms. Alexson asked for an update on the trail location at the Symes development on Linebrook Road. Mr. Marino responded that a resolution has not yet been met, but he will follow up with Ethan Parsons (Director of Planning and Development.)

In the wake of resident concerns that Town hiring practices are inconsistent with population growth, Mr. Mootafian presented statistics that he has researched. It was reported that in 2010, the population of Ipswich was 13,176 residents, with 133 Town employees. In 2018, the population of Ipswich was 14,092 residents, with 139 Town employees. The population growth was 6.9%, and the staff growth of six employees equates to a 3.5% increase.

Ms. Mackin raised concerns about bicycle and pedestrian safety if Jeffrey's Neck Road is raised, which would require the road to be narrowed. She stated that Frank Ventimiglia (Director of Operations) has reported that the project will cost between \$30 and 40 million. Ms. Mackin believes that in the long run, raising the road by a few feet will provide little mitigation against rising sea levels due to climate change. She would like to see other options considered. Mr. Whitmore stated that Rick Clarke (Director of Public Works) and Mr. Ventimiglia have held public meetings regarding the issue, and will now be reviewing the feedback received to determine the best course of action going forward.

Miscellaneous and Correspondence

None.

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

The Select Board adjourned at 8:36 PM.

Respectfully submitted by Eileen G. Page

02.27.2020