

IPSWICH SELECT BOARD
Meeting of Monday, March 8, 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; Kerry Mackin; Nishan Mootafian; William Whitmore

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

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

Welcome/Announcements

Town Hall is now open for walk-in service during regular hours: Monday 8 AM to 7 PM; Tuesday through Thursday 8 AM to 4 PM; Friday 8 AM to 12 PM.

The Select Board normally meets biweekly, but will be holding an additional meeting on March 15, and then meet again as scheduled on March 22.

The Shellfish Advisory Committee will meet on Tuesday, March 9 at 7:00 PM via Zoom.

Citizen Queries

None.

Vote Sale of 99 Central Street, Unit 1, and Authorize Town Manager to Sign Closing Documents

At a previous meeting, the Select Board voted to exercise their right of first refusal on the affordable unit for sale. A company has been contracted to run the lottery and sell the unit.

- *Vote: Ms. Mackin moved to approve the acquisition of the Property by the Trustees of the Town of Ipswich Affordable Housing Trust Fund ("The Trustees") pursuant to MGL c. 44 sec. 55C, pursuant to the Purchase and Sale Agreement between the Seller and the Trustees, to approve the Assignment of Right of First Refusal substantially in the form presented at the Select Board's March 8, 2021 meeting, with final changes to be made by the Town Manager in consultation with Town Counsel, and to authorize the Town Manager to execute the Assignment of Right of First Refusal, and to authorize the Town Manager to do all things reasonably necessary, in the judgment of the Town Manager, to effectuate the acquisition of the Property by the Trustees. Dr. Jones seconded. The motion carried unanimously via roll call.*

Old Business

WATER & WASTEWATER RATE INCREASES

Ms. Alexson expressed concerns regarding the previous Public Hearings and subsequent vote to increase water rates by 13%, and wastewater rates by 10%. The vote carried 3-2, and was made in contrast to the Water and Wastewater Subcommittees' recommendations to increase rates by 10% and 5%, respectively. Ms. Alexson noted that the increase comes at a time when many ratepayers are struggling due to the pandemic, and there is not yet a plan for the revenue generated by extra rate increases rates beyond depositing the funds into surplus. She stated that the decision undermines public confidence and breeds mistrust, and that she would like to see the issue discussed further on an upcoming agenda.

Ms. Mackin stated that members of the Water and Wastewater Subcommittees were opposed to the approved increases, and expressed concern that the higher rates will result in Town Meeting opposition to department warrant articles for other projects. She suggested the Town revisit the implementation of an ascending block rate structure.

Mr. Whitmore disagreed with Ms. Alexson, saying that countless hours have been spent discussing the need for water infrastructure improvements. He added that the Water and Wastewater Subcommittees should not be making recommendations based on concern over infrastructure projects.

Dr. Jones stated that while she voted in favor of the increases, she believes the issue should be discussed further if there is such disagreement over the process and vote.

- *Vote: Dr. Jones moved to continue the discussion at a later date. Ms. Mackin seconded. The motion carried unanimously via roll call.*

PUBLIC HEARING: Annual Town Meeting Warrant

- *Vote: Mr. Whitmore moved to open the Public Hearing. Ms. Mackin seconded. The motion carried unanimously via roll call.*

ARTICLE 25: Amend General Bylaws – Chapter 220 – Add Section 220-14 – Prohibition of Automatic Sprinkler Systems Connected to Town Water Supply

Submitted by: Select Board

Mr. Whitmore stated that following conversation with Mr. Marino, he feels the article is premature.

- *Vote: Mr. Whitmore moved to remove Article 25 from the Annual Town Meeting warrant. Ms. Mackin seconded. The motion carried unanimously via roll call.*

ARTICLE 29: Citizen Petition – Amend General Bylaws – Chapter 35 – Article IV, Section 35-14

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

Michael Dougherty (10 Appleton Park) presented his citizen petition to the Board. Mr. Dougherty stated that the article seeks to clarify language from 1936 regarding the organization and membership of the Finance Committee, and to transition the appointment of Committee members to be conducted by Town Meeting vote. Currently, three members of the Committee are appointed by the Select Board, three members are appointed by the Town Moderator, and three members are voted by Town Meeting. Mr. Dougherty argued that as the Finance Committee serves the residents directly, its members should be appointed accordingly. Mr. Dougherty stated that while there is no one particular problem that this article seeks to solve, it will promote transparency and citizen participation. Mr. Dougherty surveyed other communities and found that their protocols vary: Wilmington's committee is comprised of votes by the Select Board Chair, Finance Committee Chair, and Town Moderator; Rowley members are appointed by the Town Moderator; West Newbury members are appointed by the Select Board; Lakeville members are elected by ballot vote.

Mr. Whitmore asked about the process if more than one person was seeking appointment, and asked if debates would happen at Town Meeting. Mr. Dougherty responded that the process would be the same as it currently stands when a seat is open and reappointment is challenged: each candidate makes their case at Town Meeting, followed by a legislative vote. He added that a mass exodus of members is unlikely, as the average Finance Committee member stays on the Committee for about 10½ years.

Craig Saline (13 Plum Sound) noted a section of the article in which the Finance Committee may appoint a temporary member to finish a term if an existing member is determined to not be a good fit.

Helen Weatherall (44 Fellows Road) stated that she took an informal survey and determined that none of the residents she spoke to knew that the Town Moderator had appointing authority for the Finance Committee.

ARTICLE 30: Citizen Petition – Amend General Bylaws – Chapter 25 (Town Meeting Quorum Requirements)

Submitted by: Ed Marsh (23 Woods Lane)

Ed Marsh (23 Woods Lane) presented his citizen petition to the Board. Mr. Marsh stated that the article seeks to amend the minimum quorum for Town Meeting from 200 residents to 10% of registered voters. He stated that a when a quorum of 200 votes to approve an article, less than 1% of the population enacts change that significantly effects the entire Town.

Mr. Whitmore stated that he appreciates the idea, but has concerns as the Town struggles to reach a quorum of 200 as is. He noted that the 10% threshold proposed has only been met once or twice during his time on the Select Board, and if the quorum is not met, a meeting cannot be held. Mr. Marsh responded that if a meeting could not be held for lack of a quorum, there would be consequences as business failed to be conducted, which would send a message about the importance of participating in Town Meeting.

Dr. Jones cited a liability for necessary business to remain stagnant if a quorum wasn't met, and asked if the purpose of the article was to send a message to residents about the importance of attending Town Meeting. Mr. Marsh responded that the purpose of the article was to encourage residents to participate in expensive and impactful decisions.

Gary Champion (3 Palomino Way) asked if Mr. Marsh would consider amending the article to call for a quorum of 400. Mr. Marsh responded that he would not, as even if the currently quorum is doubled, it only represents 2% of the town.

Jim Engel (363 Linebrook Road) noted that Mr. Marsh stated 200 is too small a quorum to make decisions, but that two of his four proposed articles relate to major financial decisions. He asked if Mr. Marsh would consider pulling the other articles, and resubmitting them for Special Town Meeting if the quorum article were to pass. Mr. Marsh responded that he would not, unless all items were pulled from the warrant and the quorum vote was held alone.

ARTICLE 31: Citizen Petition – Amend General Bylaws – Chapter 25-4 (Adding New OPEB Funding Requirement Section)

Submitted by: Ed Marsh (23 Woods Lane)

Ed Marsh (23 Woods Lane) presented his citizen petition to the Board. Mr. Marsh stated that the article seeks to more aggressively fund Other Post-Employment Benefits (OPEB) for Town retirees.

Dr. Jones stated that she believes the Finance Committee has strongly prioritized OPEB funding over the years.

Gary Champion (3 Palomino Way) stated that OPEB is a burden on taxpayers, and the concept as a whole need to be assessed to determine whether or not it is sustainable in the long term. He suggested reconsidering what benefits are offered and the length of these benefits as a means of reducing debt.

ARTICLE 32: Citizen Petition – Amend General Bylaws – Chapter 35 (Adding New Documentation of Meetings Section)

Submitted by: Ed Marsh (23 Woods Lane)

Ed Marsh (23 Woods Lane) presented his citizen petition to the Board. Mr. Marsh stated that the article seeks to require both a video recording and transcript of every meeting to be posted to the Town website, and easily accessible.

Ms. Alexson stated that article seeks to create a system that is already in place, as ICAM records pretty much every municipal board and committee meeting and airs them on local cable, as well as making it available on their website on demand. She does not think that what is being requested here is required by the Open Meeting Law.

Dr. Jones noted that minutes cannot be posted without the approval of a Board or Committee, so there may be a delay in their posting based on when the group meets.

Mr. Whitmore added that many Committee meetings are not aired on ICAM, particularly those that only meet monthly, such as the Shade Tree Beautification Committee. He stated that the feasibility of recording every meeting would be a struggle.

Craig Saline (13 Plum Sound) stated that Open Meeting Laws state that drafts of meeting minutes must be made available to the public for inspection prior to approval.

Peter Manchester (67 Fairways) stated that minutes must be kept for a minimum of ten years.

ARTICLE 33: 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)

Ed Marsh (23 Woods Lane) presented his citizen petition to the Board. Mr. Marsh stated that the article seeks to make clear that the Town will not make presumptions about the legitimacy of climate change in its justification for projects.

Ms. Mackin stated that the use of “anthropomorphic” eludes to political disputes about whether or not climate change is strictly the result of human activities, and raises concerns about political versus scientific debate.

ARTICLE 34: Citizen Petition – Affirmation of Bill of Rights

Submitted by: Ed Marsh (23 Woods Lane)

Ed Marsh (23 Woods Lane) presented his citizen petition to the Board. Mr. Marsh stated that the article seeks to instruct public officials to publicly and irrevocable affirm a statement of Bill of Rights, based on the U.S. Constitution.

Dr. Jones asked about Mr. Marsh’s use of the term “Creator” in the statement. Mr. Marsh stated that it is used in the same context as it is in the founding documents of the country.

ARTICLE 26: Amend General Bylaws – Chapter 118 – Boats and Waterways

Submitted by: Police Chief/Harbormaster

Police Chief Paul Nikas presented the article to the Board. Chief Nikas stated that the article came about after the Select Board requested that the Harbormaster bylaws be reviewed to ensure accountability, transparency, and compliance with existing Massachusetts law. The article proposed seeks to outline the Harbormaster’s right to enforce laws as set forth in Massachusetts laws pertaining to waterways, and that any change to the Harbormaster regulations must be done in accordance with the Town’s general bylaws at a Select Board meeting.

Chris Murray (Waterways Advisory Board) stated that the Waterways Board unanimously voted to support the article as presented. He stated that in his time on the Board, only one citizen has raised issues with the organization of regulations and their administration.

Craig Saline (Government Study Committee) stated that the Government Studies Committee voted 2-2 on the article, and as such, they would not take an official position. He added that they had made five suggestions for the article, four of which were taken.

Gary Champion (3 Palomino Way) stated that there are no benefits to the Harbormaster having the authority outlined in the article, and that nothing presented in the article should be a bylaw. He alleged that Town Counsel misrepresented State laws to better fit an agenda. Chief Nikas disagreed, stated that the regulations outlined in the article must become bylaws so that they can be enforced at a local level and reviewed by the Attorney General to ensure legality. Mr. Champion argued that because only seven tickets were given in 2019, and as such, the Harbormaster should focus more on waterways and mooring regulations.

Wayne Castonguay (47 Clark Road) agreed that the majority of the items in the article should be regulations instead of bylaws.

Paul Conboy (4 Intervale Way) identified himself as an officer of the Ipswich Bay Yacht Club, and stated that the Club overwhelmingly supports the article as written. He added that Chief Nikas, as Harbormaster, is the best suited authority to write and enforce waterway rules and regulations.

Steve Clifford (11 Courier Park) identified himself as a member of the Ipswich Outboard Club, and stated that the Club supports the article as written.

Lt. Jon Hubbard (Emergency Management Director) clarified that the proposals were added as bylaws so that they are enforceable at a local level. Under this article, ticket appeals can be heard in a private hearing by a Clerk Magistrate, preventing any permanent record against the ticketed boater. Instituting the proposals as regulations prevents any enforcement of fines.

ARTICLE 16: Planning – Inclusionary Housing Amendments

Submitted by: Planning Board

Keith Anderson (Planning Board, Chair) presented the article to the Board. Mr. Anderson stated that the article seeks to increase the affordable unit requirement from 10% to 15%, with no option for opt-out. The article would also ensure that affordable units may not have any physical features distinguishing them from regularly-priced units.

Ms. Alexson asked when the proposed payment-in-lieu amounts would be available. Mr. Anderson responded that they would be available in the coming weeks.

ARTICLE 17: Great Estate Preservation Development (GEPD) Amendments

Submitted by: Planning Board

Ethan Parsons (Director of Planning & Development) presented the article to the Board. Mr. Parsons stated that the article seeks to allow the property at 55 Waldingfield Road to become eligible for preservation under the Great Estate Zoning Bylaw.

ARTICLE 18: Water Demand Minimization Amendments

Submitted by: Planning Board

Keith Anderson (Planning Board, Chair) presented the article to the Board. Mr. Anderson state that the article seeks to put applicants on notice that water minimization is a priority of the Town, and references Water Use Mitigation Plan (WUMP) regulations.

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

Submitted by: Director of Public Works

Rick Clarke (Director of Public Works) presented the article to the Board. Mr. Clarke stated that the article seeks \$1.5 million to mill and overlay Topsfield Road, and will also enhance bicycle and pedestrian lanes by about 4-5'. He noted that if the project is put off, the cost could rise to as much as \$2.5 million.

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

Submitted by: Select Board as Water Commissioners

Vicki Halmen (Water & Wastewater Director) presented the article to the Board. Ms. Halmen stated that the article seeks \$1.5 million to survey, design, permit, and construct improvements to the Town's water system.

Mr. Whitmore asked how much money is currently in the cash reserves. Ms. Halmen responded that there is currently just under \$1 million in the Water Surplus.

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

Submitted by: Select Board as Water Commissioners

Vicki Halmen (Water & Wastewater Director) presented the article to the Board. Ms. Halmen stated that the article seeks \$4 million to survey, design, permit, and construct improvements to the Town's water system.

Ms. Alexson asked if there are existing grants that could contribute to the project. Ms. Halmen responded that she is currently working to alter other projects to see if grants would be available to help offset costs elsewhere.

ARTICLE 15: Wastewater Infrastructure Upgrade & Design Work

Submitted by: Select Board as Wastewater Commissioners

Vicki Halmen (Water & Wastewater Director) presented the article to the Board. Ms. Halmen stated that the article seeks \$1.5 million to survey, design, permit, and construct improvements to the Town's wastewater system.

Ms. Alexson asked if the appropriation would only affect sewer customers. Ms. Halmen responded that it would.

ARTICLE 1: Consent Calendar

Requested by: Select Board

Mr. Marino presented the article to the Board. The article sets the annual salaries of all elected Town Officers; to transfer \$340,000 as a payment in lieu of taxes from the Electric Light Department; to hear reports from the Commuter Rail Committee, the Hall-Haskell Committee, and the Open Space & Recreation Committee; to establish expenditure limitations for specified revolving funds; to appropriate \$50,000 to the Crane Beach Maintenance Fund; to authorize payment of unpaid bills for prior years if necessary; to amend the Town's action taken under Article 3 of the June 27, 2020 Annual Town Meeting (FY21 Municipal Operating Budget); and to appropriate \$440,221 (+/-) from the State's Chapter 90 funds for highway improvements.

ARTICLE 2: Finance Committee Election

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to ask the Town Meeting to vote to appoint one member of the Finance Committee for a three-year term. The name of the nominee is forthcoming.

ARTICLE 3: FY22 Municipal Budget

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to approve the FY22 municipal budget of \$27,950,878.

ARTICLE 4: FY22 School Budget

Submitted by: School Committee

Mr. Marino presented the article to the Board. The article seeks to approve the FY22 school budget, with a total amount to be determined before Town Meeting.

ARTICLE 5: FY22 Whittier Regional High School Budget

Submitted by: Whittier RVTHS Representatives

Mr. Marino presented the article to the Board. The article seeks to appropriate \$590,000, or greater or lesser, to cover the Town's share of students attending Whittier Regional Vocational Technical High School.

ARTICLE 6: FY22 Essex County Technical Institute Budget

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to appropriate \$335,000, or greater or lesser, to cover the Town's share of students attending Essex County Technical Institute.

ARTICLE 7: Transfer of FY21 Appropriated Budget Funds to Educational Stabilization Funds

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to transfer unused funds from FY21 into the Educational Stabilization Fund.

ARTICLE 10: Other Post-Employment Benefits Funding

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to appropriate \$75,635 and to transfer \$304,265 from Free Cash to the OPEB Trust Fund. The current balance of the OPEB Trust Fund is \$6.6 million.

ARTICLE 11: Annual Capital Plan

Submitted by: Select Board and School Committee

Mr. Marino presented the article to the Board. The article seeks to transfer \$17,312 from Capital Stabilization, \$1,369,717 from Free Cash, \$40,000 from Overlay Surplus, \$40,000 from the Waterways Fund, \$51,084 from the Fire Pumper Set-Aside fund, and appropriate \$70,025 to fund the Capital Plan for FY22.

Ms. Mackin asked if there were any plans for electric trucks. Mr. Marino responded that regarding the DPW, there were not many options for electric dump trucks and heavy equipment, but when the technology becomes available it will be a priority.

ARTICLE 21: Home Rule Petition – Agawam Village

Submitted by: Select Board

Mr. Marino presented the article to the Board. The article seeks to petition for the authorization of the Select Board to approve the Ipswich Housing Authority to seek a new loan from the Federal Housing Administration to allow for a comprehensive renovation of Agawam Village.

ARTICLE 22: Amend General Bylaws – Chapter 35, Add New Article VII, Town Government Study Committee

Submitted by: Select Board

The article seeks to clearly define the Government Study Committee in the General Bylaws, similar to other committees and boards.

Craig Saline (13 Plum Sound) stated that the Government Study Committee voted 3-1 to promote that this article be referred to their Committee, as they believe it needs more work before going before Town Meeting. He reported that the Committee also voted 4-0 that the Select Board prioritize member recruitment.

Mr. Whitmore stated that he appreciated the Committee's desire for more time with the article, and asked that they bring it back to the Select Board in the summertime for discussion, and to ensure that no radical departures have been made from the article's original intent.

- *Vote: Mr. Whitmore moved to remove Article 22 and postpone it to Fall Town Meeting. Ms. Mackin seconded. The motion carried unanimously via roll call.*

ARTICLE 23: Amend General Bylaws – Add new Chapter 145 – Noise Control Bylaw

Submitted by: Select Board

The article seeks to establish "quiet hours" for both weekdays and weekends, and develop a fine system for enforcement.

Mr. Mootafian raised concerns that some of the article provisions seem to be up for interpretation as to what would be considered a disturbance.

Helen Weatherall (44 Fellows Road) stated that the article seems to imply that permits could be obtained to allow certain levels of noise.

ARTICLE 24: Amend General Bylaws – Chapter 25 Town Meeting – 25-9 Voting

Submitted by: Select Board

The article seeks to mandate that electronic voting be used for all contested articles.

Mr. Mootafian asked if the Town Moderator had decided whether or not electronic voting would be used for Annual Town Meeting. Mr. Marino responded that it had not yet been decided.

Dr. Jones reiterated her concerns about vote hacking due to the nature of electronic voting.

- *Vote: Ms. Makin moved to close the Public Hearing. Mr. Mootafian seconded. The motion carried unanimously via roll call.*

Town Manager Report

COVID-19 Vaccines

1,100 vaccinations were given out during the clinic on February 26. About 550 of those were first-round shots for residents age 65+, and the rest were second-round shots for residents 75+. A March 19 clinic will provide second-round shots for residents 65+, as well as for homebound seniors. The Lower Merrimack Valley will be opening a clinic soon, and 3,000 vaccines are expected to be available. Senator Bruce Tarr and Representative Brad Hill are also working to establish a vaccination site in Gloucester.

POLICE VEHICLE

The Town has completed the purchase of a Tesla for the police department. A press release will be circulated later this week detailing the full stock of the Town's electric fleet.

Approval of Minutes

- I. February 8, 2021
- II. February 22, 2021

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

New Business

Mr. Whitmore stated that the Board should begin thinking about how it will address water concerns this summer.

Miscellaneous and Correspondence

The next Select Board meeting will be held on March 15, with an Executive Session at 6:30 PM.

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

The Select Board adjourned at 10:44 PM.

*Respectfully submitted by Eileen G. Page
03.28.21*