

IPSWICH SELECT BOARD
Meeting of Monday, May 16, 2022

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, May 16, 2022, at 7:00 PM in Meeting Room A.

Board Members present: William Whitmore, Vice Chair; Linda Alexson; Sarah Player; Kerry Mackin

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

Not present: Dr. Tammy Jones, Chair

➤ *Vote: The Board voted to enter into Executive Session at 6:00 PM, and return at 7:00 PM.*

With a quorum present, Mr. Whitmore called the meeting to order at 7:00 PM.

Welcome/Announcements

Town elections will be held on May 17 from 7 AM to 8 PM at the YMCA. There are no contested elections.

Tonight marks Mr. Marino's final Select Board meeting. Mr. Whitmore noted that under Mr. Marino's leadership, the Town received \$4 million in Green Communities funding and established a long-term strategic plan. Ipswich also lost minimal businesses due to COVID thanks to the programs he helped to establish.

The Public Safety Reuse Working Group will meet on June 2.

The Shellfish Advisory Board will meet on June 7 in Meeting Room A.

The Climate Resiliency Committee will meet on May 17 at 6:30 PM.

A Memorial Day Parade will be held on May 30 at 9:30 AM.

A rally in support of Ukraine will be held on May 22.

May 10-22 is I Love Ipswich Weekend, with events taking at various venues around town.

Citizen Queries

Gary Champion (3 Palomino Way) stated that a citizen had submitted a request for Town Meeting appointment to the Government Study Committee, but was not able to attend Town Meeting, and their appointment request was not announced to the Town Meeting. He asked that the Board recommend the Town Moderator appoint the citizen to the Government Study Committee, and speak out when the Moderator oversteps his authority.

Brandon Boyd (Upper River Road) stated that he has contacted the Attorney General's office, who informed him that the Outdoor Entertainment Working Group (referred to as a Subcommittee by Mr. Boyd) was bound by Open Meeting Law, and should have publicly posted agendas and minutes. Mr. Whitmore and Mr. Marino stated that because the group is a working group and not a formal subcommittee it was not bound by OML, but would look into it further.

Tim Driscoll (Outdoor Entertainment Work Group, resident member) asked that a member of the Select Board, Chief Nikas, or Town Manager attend the next meeting, as it felt very rudderless. The next meeting is scheduled for May 23 at 6:30 PM in Meeting Room C. Mr. Marino stated that Chief Nikas would be attending the meeting.

Via email, a resident asked for an update on *no parking* signs for Mile Lane. Mr. Marino stated that the DPW would be posting signage shortly.

Board and Committee Appointments

- I. Mary-Ellen Dixon, New Appointment, Shade Tree and Beautification Committee

Ms. Dixon stated that she has volunteers for many years in gardens throughout town and gotten to know the Committee members.

- II. Gordon Harris, Confirm Town Manager Reappointment, Historical Commission

Keith Anderson has resigned from the Public Safety Reuse Working Group, leaving a vacancy for a citizen member.

The Shellfish Advisory Board has an opening for a commercial permit holder.

- *Vote: Ms. Alexson moved to approve the Board and Committee appointments. Ms. Player seconded. The motion carried unanimously.*

PUBLIC HEARING: Alteration of Premises, 1640 Hart House at 51 Linebrook Road

“Residents of the Town of Ipswich, please note that the Select Board will conduct a Public Hearing on Monday, May 12, 2022 at 7:15 PM in Meeting Room A of Ipswich Town Hall, 25 Green Street, for an application for an alteration of premises from 1640 Hart House located at 51 Linebrook Road. -Dr. Tammy Jones, Select Board Chair.” – William Whitmore, Select Board Vice Chair

- *Vote: Ms. Player moved to open the Public Hearing. Ms. Alexson seconded. The motion carried unanimously.*
- *Vote: Ms. Alexson moved to continue the Public Hearing at 7:40 PM. Ms. Player seconded. The motion carried unanimously.*

Community Paradigm Associates, LLC, Bernie Lynch, Discuss Town Manager Hiring Process

Bernard Lynch (Founder/Managing Principal, Community Paradigm Associates LLC) and Sharon Flaherty (Principal) introduced themselves to the Board. Mr. Lynch has almost forty (40) years of experience in municipal government, and previously served as a Town Manager. Ms. Flaherty has a background in private sector communications and journalism. Over the last six (6) years, they have completed over eighty (80) Town Manager recruitments. Once a position profile has been created, a survey/questionnaire will be circulated to department heads to gain insight into what issues are facing their department. A community survey will also be put out, and Community Paradigm would assist in putting together a screening committee with 5-7 members, at least one of whom is a staff member.

Ms. Alexson asked how long current candidates have been in their positions. Mr. Lynch stated that Community Paradigm is currently wrapping up a search for the Watertown Town Manager, and each candidate has been in their position for at least twelve (12) years. The national average is 7.5 years.

Mr. Lynch will begin working on the community profile. The Select Board hopes to make an offer to a new Town Manager by mid-August.

Public Hearing (continued)

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

Kimberly Costello (1640 Hart House) appeared before the Board seeking permanent outdoor dining arrangements. She noted that grant money was used in 2020, but in 2021 the restaurant paid \$55,000 for a tent and temporary flooring to accommodate outdoor dining. If a permanent outdoor dining area is created, the restaurant will maintain indoor capacity in case of inclement weather. Because of this, there will not be an overall addition of the number of customers being served at one time.

Ms. Alexson asked if the restaurant had gone before the Zoning Board of Appeals (ZBA.) Ms. Costello stated that the Select Board's decision was contingent upon ZBA approval. Mr. Marino confirmed that a tandem, conditional vote was allowed, and is utilized regularly. Ms. Alexson noted that the proposed design includes firepits along the property line, and asked if there was an existing fence to mitigate noise. Ms. Costello responded that she spoke to neighbors before approaching the Board, but would be willing to remove the firepits if they were a concern.

Ms. Player asked if abutters had been notified of the meeting. Mr. Marino confirmed that they were.

A resident at 49 Linebrook Road stated that he lives across the street from the Hart House, and wasn't informed about the meeting. He stated that for the most part the restaurant is a respectful business, but he found out from another neighbor that the proposed patio would look directly into his yard. Ms. Costello responded that the patio would not look into his yard, and offered to share the plans with him.

Mr. Whitmore confirmed that Select Board's role was only to vote on whether to approve the outdoor sale of alcohol, and not discuss design plans.

- *Vote: Ms. Alexson moved to close the Public Hearing. Ms. Mackin seconded. The motion carried unanimously.*
- *Vote: Ms. Player moved to approve the license, subject to ZBA approval. Ms. Mackin seconded. The motion carried unanimously.*

Vote Intent for Ipswich to Participate in MMWEC's Special Project 201A

Mr. Blair reported that the requested vote pertains to Ipswich securing a portion of an offshore wind project. He reported that discussions were held in Executive Session because negotiations with the developer are ongoing. More details will be made public in the coming weeks.

- *Vote: Ms. Mackin moved: 1, that the Town of Ipswich, acting by and through the Municipal Light Board or Commission, in accordance with St. 1975, c. 775, § 1 hereby votes and agrees to participate in MMWEC's Special Project 2021A; and 2, that the Town of Ipswich, acting by and through the Municipal Light Board or Commission, in accordance with St. 1975, c. 775 § 1 hereby agrees to pay its pro rata share of the costs of carrying out Special Project 2021A, as established by the MMWEC Board of Directors in the Special Project Fund for such Special Project 2021A, which pro rata share shall be based on the City or Town's participation in Special Project 2021A; and 3, that the Manager is hereby authorized and directed to make payments to MMWEC calculated as set forth in the preceding paragraph 2; and that the Manager is hereby*

authorized and directed to execute the Participation Acknowledgement, a copy of which has been presented at this meeting and is filed with the permanent records thereof; and 4, that the Manager is hereby authorized and directed to execute the Participation Acknowledgement, a copy of which has been presented at this meeting and is filed with the permanent records thereof; and 5, that any actions previously taken by the Manager, which are consistent with the purpose of this vote, are hereby ratified and confirmed. Ms. Player seconded. The motion carried unanimously.

Disclose Nich Landscaping for Water Project, Select Board Vote to Approve

Vicki Halmen (Water and Wastewater Director) reported that an interceptor and siphon project in and along the river bank between the Choate Bridge and County Street bridge was recently completed, and extensive landscaping is required. The general contractor attempted bank restoration, but provided a lackluster performance, and a landscape architect has recommended that the work be completed by Nich Landscaping, who is familiar with the type of work necessary. Peter Nich owns Nich Landscaping, but is also an Ipswich firefighter. Mr. Nich's company is exempt from any conflict of interest because Mr. Nich is not a member of the Wastewater staff, the work will be completed on his own time, and the contract value is under \$5,000, which is under the competitive bidding threshold.

Ms. Alexson asked if the Town had already paid for services that were not performed correctly. Ms. Halmen stated that the Town will not be held liable for insufficient work, and the general contractor has agreed to give credit for the work performed on the other end of the contract. The work is highly specialized because of the planting and installation methods. Ms. Alexson asked how long the project will take; Mr. Nich responded that it would take two (2) days at the most, and will be performed for \$3,600.

Ms. Alexson asked if the Town should enter into mandatory water restrictions based on current drought restrictions. Ms. Halmen stated that the Water Commissioners could make that choice, however based on current conditions continuing into the long term forecast, she believes this measure will be recommended anyways in the near future.

- *Vote: Ms. Alexson moved to approve an exemption for the State Ethics Act and allow Nich Landscaping to perform the work outlined. Ms. Mackin seconded. The motion carried unanimously.*

Vote Reappointment of Treasurer/Collector Kevin Merz

- *Vote: Ms. Player moved to reappoint Kevin Merz as the Treasurer/Collector. Ms. Mackin seconded. The motion carried unanimously.*

Provisional Commercial Clamming Permits

- I. Mark J. Fisher, Turnpike Road
- II. Hayden Fowler, Hodgkins Drive, Student Commercial Permit

Vote: Ms. Alexson moved to approve the provisional permit for Mark Fisher on the condition that he provide the required state permit and pay \$450.00 to the Town within 30 days.. Ms. Player seconded. The motion carried unanimously.

Vote: Ms. Alexson moved to approve a student commercial permit for Hayden Fowler for the 2022 season ending on September 30, 2022, upon payment of \$250.00 to the Town and providing the Clerk with his state transaction card. Ms. Player seconded. The motion carried unanimously.

Consent Agenda

- I. One Day Wine and Malt License Applications
 - a. Gary Rogers of True North Ale Company for Backpack Fundraiser at Ipswich Masonic Temple on May 22, 2022.

- b. Steven Somers for Pigeon Cove Ferments for Farmhouse Pizza Picnics at Appleton Farms on June 3, 10, 17 & 24, 2022.
 - c. Rick Rousseau of Mill River Winery for public fund raising concerts at Castle Hill on July 7, 14, 21, 28 and August 4, 6, 7, 11, 18, 25, September 1, and October 16, 2022.
 - d. Robert Hughes for Notch Brewing for Session Beer Service at Traveling Biergarten at Castle Hill Grand Allee on June 26 and July 17, 2022.
- II. One Day All Alcohol License Application
- a. Andrew Skillman for Ipswich Masonic Temple for Pre-Wedding Party on May 21, 2022, a Celebration of Life on June 12, 2022, and a Birthday on June 11, 2022
- *Vote: Ms. Player moved to approve the Consent Agenda. Ms. Alexson seconded. The motion carried unanimously via roll call.*

Approval of Minutes

- I. December 29, 2021
- II. April 4, 2022

- *Vote: Ms. Alexson moved to approve the minutes. Ms. Mackin seconded. The motion carried unanimously via roll call.*

Select Board Member Subcommittee Update

The Affordable Housing Trust Board met to hear a proposal from Harborlight Community Services for supportive senior housing.

The Waste Reduction Advisory Board held a Styrofoam recycling event last weekend.

New Business

Ms. Player reported that she recently took a tour of the Wastewater Facility.

Old Business

ARGILLA ROAD

Ms. Alexson asked why the traffic mirror at the top of Argilla Road was removed. Mr. Marino was surprised to hear it had been removed, and stated that he would look into the matter.

BUILDING MORATORIUM

Ms. Alexson stated that previously, the entire Board had voted in favor of moving forward with discussing a building moratorium with the Planning Board. She asked that it be put on an upcoming agenda.

RECREATION COMMITTEE

Ms. Alexson noted that the Town Charter requires a Recreation Committee for youth. The Board resolved to discuss youth programming goals on an upcoming agenda.

GOAL SETTING

Ms. Player asked that the Board schedule a goal setting meeting this summer.

Miscellaneous and Correspondence

None.

➤ *Vote: Ms. Mackin moved to adjourn. Ms. Alexson seconded. The motion carried unanimously.*

The Select Board adjourned at 9:04 PM.

Respectfully submitted by Eileen G. Page
06.21.22