

IPSWICH SELECT BOARD
Meeting of Monday, July 6, 2020

The Select Board participated in this meeting remotely utilizing Zoom in accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

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

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

Welcome/Announcements

ELECTION RESULTS

Emily Cannon, Pavica Needler, and Greg Stevens were elected to the School Committee.

Linda Alexson and William Whitmore were reelected to the Select Board.

Tom Murphy was reelected as Town Moderator.

Glenn Gibbs was elected to the Affordable Housing Committee.

Citizen Queries

None.

Crane Beach Update

Peter Pinciario (Director of Crane Estate for the Trustees of Reservation) provided the Board with an update on Crane Beach. Currently, no more than 800 cars are allowed in the TTOR parking lot, to allow for adequate social distancing on the beach. Advanced ticketing is required for non-resident admission; Ipswich residents are admitted without advanced reservation provided they have a 2020 beach sticker.

Currently, the beach closes at 6:00 PM for both residents and non-residents. As the season progresses, TTOR has considered extending beach hours for Ipswich residents.

The beach staff has experienced high turnover this year, as employees have resigned due to poor treatment on the part of beach-goers complaining about mask policies and the advanced ticketing system.

Mr. Marino stated that he has been working with Mr. Pinciario and Chief Nikas to increase police presence on the beach to enforce mask-wearing and social distancing.

PUBLIC HEARING: Amendment to Traffic Rules & Regulations, East Street

"Residents of the Town of Ipswich, please note that Select Board will hold remote public hearing on Monday, July 6, 2020 at 7:20 PM to make the following adjustments to Traffic Rules and Regulations, Article V: Stopping, Standing, Parking:

Section 4: Parking Prohibited on Certain Streets

Upon the following streets or highways or parts thereof, parking is hereby prohibited

*Amend the following – ~~strikeout~~ would remove current language, **bold** is new language.

(a.3) East Street – southerly side, from Water Street easterly ~~for a distance of two hundred (200) feet.~~

(a.3) East Street – southerly side, from Water Street easterly **to its intersection with Agawam Avenue.**

William D. Whitmore, Chair"

- *Vote: Dr. Jones moved to open the Public Hearing. Ms. Alexson seconded. The motion carried unanimously.*

Police Chief Paul Nikas proposed a section of East Street above Town Wharf be designated as a no parking zone to provide clear sight for traffic exiting the Wharf. Doing so will eliminate six parking spaces. Overflow parking for boating traffic will continue to be allowed at Town Hall.

Ms. Alexson commented that the area is a dangerous spot for pedestrians, bicyclists, and drivers alike. She supports making the area a no parking zone in the interest of safety. Ms. Mackin and Dr. Jones agreed.

Via the chat window, Gary Champion (3 Palomino Way) asked if resident-only parking could be allowed on the opposite side of East Street, and why non-residents would be allowed to park at Town Hall. Chief Nikas responded that Town Hall is public property, and the parking lot must remain available for use. He stated that he could not remember a time when the Town Hall parking lot was completely filled with boating traffic. He also responded that the opposite side of East Street was designated as a no parking zone in the 1980s following a request by residents to alleviate pedestrian and bicycle safety concerns. Mr. Whitmore added that the boat ramp is a state ramp, and users must have a place to park after they've launched their boats.

Gavin Keenan (Applewood Drive) expressed concern that losing six parking spots on East Street will cause congestion on the docks as people tie off their boats, and then leave to park their vehicles at Town Hall.

- *Vote: Ms. Alexson moved to close the Public Hearing. Ms. Mackin seconded. The motion carried unanimously via roll call.*
- *Vote: Mr. Mootafian moved to prohibit parking along East Street as presented in the meeting packet. Dr. Jones seconded. The motion carried unanimously via roll call.*

Discuss Government Study Committee Goals and Objectives

The Government Study Committee (GSC) was approved at the 1962 Annual Town Meeting. Recent projects have included compiling handbooks for Boards and Committees, proposing charter updates, and providing recommendations on bylaws.

Mr. Whitmore noted that the GSC has described themselves as working autonomously, and asked if that has always been the case. Craig Saline (Government Study Committee, Chair) responded that the GSC has operated autonomously for at least eight years, with projects assigned by the Select Board.

Dr. Jones asked if there are any changes needed for the GSC to be more efficient. Mr. Saline responded that more members are always needed.

Mr. Whitmore stated that he feels the Select Board has not always provided enough guidance to the GSC, and wants to make sure the GSC and Select Board work together collaboratively. Mr. Saline noted that the GSC's project of changing Section 2 in the Town Charter defining the role of the Select Board did not come from a Select Board request, but rather, was identified as an area for improvement that was born of another assignment.

Gary Champion (Government Study Committee) stated that while the GSC is appointed by the Select Board, they represent the citizens of Ipswich, and an appointing authority should not be in control of a committee that represents citizens. Mr. Whitmore disagreed, saying the Select Board's job is to represent the citizen as elected officials. He stated that the GSC's belief that their duty is to identify faults of the Town and present them to citizens at Town Meeting is not how the committee is supposed to operate.

Dr. Jones stated that she believes the role of the GSC is to provide expertise to the Select Board. Ms. Mackin agreed.

Mr. Champion stated that he does not believe the Select Board should have the authority to deny an article placement on the Town Meeting Warrant. He noted that the GSC spent four years working on an article regarding waterways, and the article was turned down by the Select Board for a 2019 Town Meeting warrant. Mr. Whitmore

responded that the process of allowing every committee-proposed article to move to a warrant is ineffective, and that the process followed by the Select Board is standard.

Mr. Mootafian stated that he does not believe the Select Board should be required to agree with every finding the GSC produces, regardless of the amount of time spent working on it. He stated that the topic requires further discussion, and should be postponed to a future meeting. Ms. Alexson agreed.

Board and Committee Business

- I. Diane Young – Reappointment – Government Study Committee
- II. Gary Champion – Reappointment – Government Study Committee
- III. Brian O’Neill – Thank you for years of volunteer service on Conservation Commission

Ms. Young stated that she has been on the Government Study Committee (GSC) for three years, and enjoys the researching and identifying best practices.

Mr. Champion stated that he enjoys researching for the GSC.

- *Vote: Mr. Mootafian moved to reappoint Diane Young and Gary Champion to the Government Study Committee. Ms. Alexson seconded. The motion carried unanimously via roll call.*

Shellfish Enhancement Fund Line Item Budget Request

Police Chief Paul Nikas appeared before the Board to make his annual request to subsidize the green crab harvesting bounty program. He requested \$12,000 be transferred from the Shellfish Enhancement Fund to be used towards the bounty for green crab trapping. The \$12,000 will fund the bounty through the fall and potentially into the spring of 2021. The transfer of funds was unanimously supported at the June 2 Shellfish Advisory Board meeting.

Ms. Mackin noted that green crabs are an invasive species. Chief Nikas added that they eat juvenile clams, eel grass, and contribute to the deterioration of the Great Marsh by burrowing into its sides.

- *Vote: Dr. Jones moved to allow the Shellfish Department to expend up to \$12,000 for the Green Crab Bounty Program. Ms. Mackin seconded. The motion carried unanimously via roll call.*

Kamon Farm Conservation Project – Letter of Support

Hannah Wilbur (Open Space Manager) updated the Board on a 92-acre property on Pineswamp Road, formally known as Kamon Farm, that has been offered to the Town for purchase. The property provides drinking water protection, wetland protection and flood storage, and allows for passive trail-based recreation. Ms. Wilbur is seeking authorization to apply for a grant that would aid in the purchase of the property. She had previously applied for a Drinking Water Protection Grant which was not awarded, but allowed the opportunity to apply for a Land Grant, which is for more money and allows for a longer window to use the funds. If awarded, the Town would be awarded \$400,000. Essex Greenbelt Association has pledged to raise \$400,000 to be used towards the purchase, and the Town would be asked to authorize \$300,000 from the Open Space fund.

Ms. Alexson noted that the appraisal of the land is for \$1.3 million, and noted a discrepancy in the requested and pledged amounts. Ms. Wilbur clarified that although the land was appraised at \$1.3 million, a Purchase and Sale Agreement negotiated by Greenbelt would make the land available to the Town for \$1.15 million.

- *Vote: Ms. Mackin moved to apply for the grant. Ms. Alexson seconded. The motion carried unanimously via roll call.*

Consent Agenda

- I. Over 70 Shellfish Permit Application
 - a. Daniel Gallant, 144 Topsfield Road

Ms. Alexson noted that the permit referenced in Item I is a recreational permit.

- *Vote: Ms. Alexson moved to approve the over 70 shellfish permit. Ms. Mackin seconded. The motion carried unanimously via roll call.*

II. Select Board consider permit fee request of non-resident Veteran

Richard Damato, a Georgetown resident and veteran, has challenged the recreational permit fees to non-residents. A Massachusetts state law requires that shellfish permit fees for a non-resident veteran shall not exceed that of a residential fee (in Ipswich, \$40.) However, Ipswich residents over the age of 70 may receive the permit for \$10. Mr. Damato argues that as a non-resident veteran over the age of 70, he should be charged a \$10 fee instead of \$40.

Ms. Alexson reported that Town Counsel advised that the issue is ambiguous in regards to state law and would side with Mr. Damato given the relatively low sum of money at stake, but recommended that the fee structure and bylaws be updated to clarify the policy for non-resident veterans over 70.

Ms. Alexson reported that the Shellfish Advisory Board recommended providing Mr. Damato with a one-time exemption, issuing a shellfish permit at the over 70 rate of \$10, while the bylaws are reviewed and updated.

Ms. Alexson reported that Amy Akell (Town Clerk) does not want to issue an exemption for Mr. Damato, as the discussion has led to other non-resident veterans requesting exemptions before the issue has been reviewed.

Dr. Jones stated that the fee structure should be changed, but the process should be followed without issuing exemptions, and Mr. Damato should request a \$30 reimbursement once the bylaw has been updated.

Karen Tyler (Veteran Services Officer) stated that the intention of the law was to ensure the best deal possible for veterans. She believes that if the law says to charge a veteran the residential rate, the same logic should apply to veterans over 70.

- *Motion: Ms. Mackin moved to amend the shellfish regulations to allow 70+ out-of-town veterans to pay the same rate as residents over 70.*

Ms. Alexson clarified that a Public Hearing would need to be held to change the rate structure.

- *Vote: Ms. Alexson moved that the Select Board approve a Non-Resident Veteran Recreational Shellfish Permit to Richard Damato of Georgetown at the Resident Recreational annual permit fee of \$30 and \$10 to the Shellfish Enhancement Fund, in accordance with the Town of Ipswich Shellfish Regulations, with the understanding that if an over 70 non-resident veteran fee category is adopted, he may apply for a \$30 refund. This approval would be subject to Mr. Damato providing the Town Clerk with all required information, including Form DD-214, proof of current residency within the Commonwealth and any other required documents. Dr. Jones seconded. The motion carried unanimously via roll call.*

Receive Draft Copy of Proposed Noise Control Bylaw

Mr. Marino presented the Board with a noise control bylaw he has drafted. The bylaw would ultimately have to be voted on at Town Meeting.

Ms. Mackin asked that the bylaw include a reference to Article 97 of the Massachusetts Constitution, "Freedom from excessive and unnecessary noise."

It was confirmed that to implement the noise ordinance, two Public Hearings would need to be held regarding the fines for violations, a warrant hearing, and finally a vote at Town Meeting.

Approval of Minutes

- I. June 1, 2020
- II. June 10, 2020

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

New Business

TOWN MANAGER REPORT

Mr. Marino reported that 376 people attended Annual Town Meeting.

The Finance Department is wrapping up FY20, and the exact figure for Free Cash will be ready within the next few weeks. State Aid numbers are expected to be reported in late summer or early fall.

A date for Special Town Meeting will be discussed on the next Select Board agenda.

PAVILION BEACH

Pavilion Beach is currently resident-only parking for the summer, however, the ReCreation Department has scheduled a drum circle class for weekday evenings, whose instructor is not an Ipswich resident.

- *Vote: Dr. Jones moved to authorize a Pavilion Beach parking pass for the drum circle instructor. Ms. Alexson seconded. The motion carried unanimously via roll call.*

RIVERVIEW PIZZA

Riverview Pizza (20 Estes Street) has submitted an application to allow outdoor dining. Five tables will be set up outside for outdoor dining. Their liquor license will also extend outside.

- *Vote: Dr. Jones moved to approve Riverview Pizza's application for outdoor dining. Mr. Mootafian seconded. The motion carried unanimously via roll call.*

ONE DAY WINE & MALT LIQUOR LICENSE APPLICATION

- I. Essex County Brewing Co. for three-day Pop-Up Brewery Event on 7/17, 18, 19 at Appleton Farms, 218 County Road

- *Vote: Mr. Mootafian moved to approve a one-day wine and malt license application pending review by Fire and Public Health. Dr. Jones seconded. The motion carried unanimously via roll call.*

Old Business

LYNCH WELL

Ms. Mackin stated that she would like the Board to reconsider the Town's decision to install Lynch Well, as withdrawals from Bull Brook are already too high, and the proposed withdrawals from Lynch Well exceed state limits.

Mr. Whitmore asked that the Water Subcommittee weigh in on the issue. Ms. Mackin reported that it is on their agenda for an upcoming meeting.

SYMES DEVELOPMENT (LINEBROOK ROAD)

Ms. Alexson asked for an update on the violation of water bans by Symes Associates at their development on Linebrook Road. Mr. Marino stated that there have not been any violations since water tanks were installed, and no new fines have been issued. Symes has paid a \$2,500 fine, and owes another \$100-\$200. A request for the Water Subcommittee to review the water bylaws regarding watering restrictions, bans and fines has been made, and Town Counsel will also be involved.

Miscellaneous and Correspondence

Mr. Whitmore noted that the Board is due for a cycle change in the positions of Chair, Vice Chair, and committee/subcommittee liaison assignments. Mr. Marino stated that it would but put on the July 20 agenda.

Mr. Whitmore requested that a Triboard meeting be set up for September or October, before Special Town Meeting, to receive an update from the Strategic Planning Working Group.

Mr. Marino reported that he will be on vacation from August 1-8.

- *Vote: Mr. Mootafian moved to adjourn. Ms. Alexson seconded. The motion carried unanimously via roll call.*

The Select Board adjourned at 9:31 PM.

Respectfully submitted by Eileen G. Page
07.29.2020