

TOWN OF IPSWICH
Select Board Meeting
Monday, July 24, 2023 at 7:00 PM
Ipswich Town Hall, Meeting Room A
25 Green St. Ipswich, MA

Pursuant to Open Meeting Law M.G.L. Chapter 30A, §§ 18-25, a written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Select Board was held on Monday, July 24, 2023 at Town Hall, 25 Green Street.

Select Board members present: Sarah Player (Chair), Linda Alexson (Vice Chair), Michael Dougherty, Carl Nysten. Charles Surpitski attended remotely by telephone,

Also Present: Stephen Crane (Town Manager)

1. Pledge of Allegiance

2. Welcome/Announcements – S. Player

- Stephen welcomed the new Council on Aging Director, Melinda Vining, and new Planning Director, Brendan Conboy.
- Melinda said she was the director at a small independent living community for women in Beverly. Prior to that she worked with children and families. She has been so pleased with how vibrant the Council on Aging is in this community.
- Brendan said he grew up in Ipswich, he has worked all over the country as a Planner and he is happy to be back in Ipswich with his wife and baby.
- On Thursday, High St. between Town Farm Rd. and Lord Square is going to be down to one lane due to follow-up sewer work. Linda asked if there is a way to do a reverse 911 to that area to let people know. Stephen said they are going to have message boards out. He asked about the reverse 911 system and was told they don't like to use it for such a localized area.
- The Veterans District Board will be meeting Wednesday at 6:30 in the Veterans Services Office.

3. Citizen Queries – S. Player

- Dan Trindade, 11 Pineswamp Rd., said one of the architects for the Public Safety Facility mentioned that the edge of Pineswamp Rd. would be narrowed. He asked what the justification is for the street narrowing. Stephen said it had been identified as a potential project a few years ago but the interest in it now is for safety with the Public Safety Building. It is a narrowing of the intersection. The intent is to create a stop sign with a 90 degree turn vs. how it is currently where some people treat it as a yield. Dan asked how much it will cost the town and if the cost is being associated with the Public Safety Building. Stephen said he doesn't know the cost and it is not being associated with the Public Safety Building. Dan said he wants to make sure there was an actual study conducted. He lives right near that area and is concerned about how it will affect traffic.

4. Boards and Committee Appointments – S. Player

a. Design Review Board Nomination

i. Nathan (Jonathan) King, New Appointment Request

Sarah said they received Nathan's application and he has a lot of experience. Linda asked if this is a regular appointment or an alternate. Nathan said it is a regular appointment. Linda thanked Nathan for stepping up and said she was extremely impressed with his resume. Michael asked Nathan to tell them about himself. Nathan said he was trained as an architect and has a background in painting and was an industrial designer. He co-

founded a research organization and design firm that practices in Sub-Saharan Africa. He also leads a research organization for a software company in the seaport where they focus on building technology research. He teaches at Harvard in the Graduate School of Design as well as at UPenn and Virginia Tech. Sarah said they will vote on this at the next meeting which is on August 7 and she thanked Nathan for stepping forward to volunteer for this role.

b. Finance Committee Nomination

i. Christa Luongo – New Appointment Request

Christa Luongo, 12 Dornell Rd., said she works in credit and collections, prior to that she was in the healthcare field. She enjoys working in credit and collections and will be going back to school this fall for accounting and finance. She is interested in being on the Finance Committee because she loves this community but sees prices continuing to go up. She would like to help keep taxes lower and to help the elderly community. Michael asked if Christa had ever been on any other committees, Christa said no, this would be her first Committee and she feels that she would be able to make a difference. Sarah asked Christa how she would handle contentious meetings and what experience she has with conflict and working through difficult conversations. Christa said she has a lot of experience with this professionally. Sarah said sometimes it can be difficult to put your personal agenda aside and look at things from the town's perspective, and asked Christa how she would do this. Christa said she likes to keep an open mind and thinks it is also helpful to walk away and take a moment to think about things from others points of view. Carl asked Christa if she understands how busy the meeting schedule can get in the spring and if that would be okay with her schedule, she said it would be fine.

- Sarah said the Select Board needs a representative to the Payne Grant Committee. Michael said he would be willing to sit on the committee.
- Motion to appoint Michael to the Payne Grant Committee made by Linda, seconded by Carl.

→ *Motion passed unanimously by roll call vote, 5-0*

5. Change of Officers and Change of Manager Applications for the Greek Orthodox Community of Ipswich dba Hellenic Center, 117 County Road – S. Player

- Rick Delisle, Vinwood Caterers, will become the new manager for the liquor licenses for the Hellenic Center. Sarah said they have the full application in their packet. Rick said he has been doing events at the Hellenic Center for 40+ years and they are trying to use their expertise to help the Hellenic Center bring their services to the next level. They do 95% of the events and would like to eventually become the exclusive caterer.
- Motion to approve the application for the change of officers and change of manager for the Greek Orthodox Community of Ipswich dba the Hellenic Center, moved by Michael seconded by Linda.

→ *Motion passed unanimously by roll call vote, 5-0*

6. Bond Anticipation Notes – K. Merz

Kevin said they just issued some debt. They did a bond anticipation note for just shy of \$20M which covered projects for Kamon Farm, design and project work for the Public Safety Building, school roof projects, reconstruction of Topsfield Rd., upgrades to the Town Hill water tank, and other infrastructure upgrades for water and wastewater. We had a total of 6 bids on our note, Jefferies LLC was the winning bidder. They had a net interest cost of 3.4511 which also included a premium of just over \$300k, which covers our expenses for the debt issue.

Sarah Johnson went over the S&P report. The town was given a list of 30 questions for them to go over and the AAA rating was affirmed. The BANs were the highest rating possible. We did not borrow the additional \$20M that we will need for next year for the Public Safety Building because we won't need that until January. We borrowed \$4M for it to get us through until February so we don't have to pay the interest on the full amount while we wait for shovels to get into the ground.

Linda thanked Sarah and her team for their hard work for the bond rating. Kevin said Bond Counsel approved a vote for the Select Board, which has been included in the meeting packet.

- Linda made the following motion, seconded by Michael:

I move to approve the sale of \$19,830,236 5.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated August 11, 2023, and payable August 8, 2024, to Jefferies LLC at par and accrued interest, if any, plus a premium of \$304,592.43.

I further move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 11, 2023, and a final Official Statement dated July 18, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

I further move that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

I further move that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

I further move that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

I further move that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

→ *Motion passed unanimously by roll call vote, 5-0*

7. Select Board Refers of Zoning Articles to Planning Board xx

Glenn Gibbs was joined by Brendan Conboy, Planning Board Director, and Toni Mooradd, Planning Board Chair. Glenn presented the articles to the Select Board. This year's program is light deliberately because there have been a lot of

vacancies. The first article is regarding changes to accessory units, the second is a change to drive-through facilities, and the third is a series of changes recommended by the Building Inspector. Glenn gave brief description of each proposed amendment.

The first article changes the way the town allows accessory units, which in the past have been allowed by special permit by the ZBA. This has been a positive mechanism to the town and to people in the town. One issue that has come up has been the size of the apartment in the house, it is currently limited to 900 sq. ft and 1 bedroom and 1 bathroom. Some people have said the limit of 900 has been a little tight. Other communities typically allow 1,000 sq. ft and Ipswich would like to increase to this. Most communities also do not put a limit on the number of bathrooms or bedrooms. They are also recommending a change to the accessory dwellings conditions which is to change the provision that you cannot have a garage and an accessory unit in the same building. The Board is also discussing having a leasing time limit. Linda asked how the short-term rental terms would realistically be monitored or enforced. Glen said typically if there is a complaint, the Building Inspector's office would look into it. Linda asked if accessory dwelling units and apartments are allowed in all of the zoning districts. Accessory apartments are allowed in all districts but accessory dwelling units are not. The parking requirement is one space.

The second article is regarding drive-through facilities. The town allows drive-through facilities but does not allow drive-throughs associated with fast food. They do allow them for the non-residential zoning district by site plan review. This article will list the use and list the definition. It will also require the drive-through facility to get a special permit.

The third article involves two changes recommended by the Building Inspector. The first has to do with non-conforming structures and increasing height. The other change has to do with fences. Right now, if you build a fence over 6 ft., it needs a building permit. It was changed at the state level to 7 ft, so it was also changed in Ipswich to make it more consistent. There have been some disputes between neighbors that fences have been built taller than needed. Now if it is going to be taller than 7 ft, people will have to present the need for that to the ZBA.

Michael asked Brendan if he supports these articles, Brendan said yes, particularly with the accessory units. Glenn said the Select Board would submit these articles back to the Planning Board, and the Planning Board would then hold a public hearing. Linda asked if the Planning Board has given any thought to tightening up affordable housing requirements for new construction. Glenn said if it's under 7 units, you are allowed to put money into the Affordable Housing Trust Fund instead of building an affordable unit. Linda asked what would happen if a property adds more units. Does the total number of units get considered for the affordable housing requirement, or is the just the new units? Glenn said it is the total.

- Linda made a motion to refer the articles back to the Planning Board, seconded by Carl.

→ *Motion passed unanimously by roll call vote, 5-0*

8. Ipswich Mill Dam – Massachusetts Environmental Policy Act Filing – Neal Price, Horsley Witten Group, Neil Shea, Ipswich River Water Shed Association

Neil Shea, Restoration Director for the Ipswich River Watershed Association, and Neal Price, Principal Scientist, discussed the next steps for the Ipswich Mills Dam removal. Neil gave a presentation showing an overview of what has happened so far. Neal Price explained the permitting process as well as what's next for the project. Linda asked about the MEPA public consultation session, Neil said it is usually offered on site but we can do things on top of that for additional engagement. Sarah said MEPA has their own public input and she said she would like to put that on the town website along with opportunity for public comment. Linda recommended they also have a meeting with MEPA at the Town Hall. Michael said considering how contentious this issue is, it would be justified to have a town hall type meeting about this even if it's not typical. Linda said she would like the MEPA representatives to come to Ipswich to listen to the residents' concerns. Carl asked if they are looking for additional feedback from the Board before submitting the ENF, Neal Price said they are open to suggestions but aren't looking for anything specific. The MEPA deadline is on a rolling basis so they can extend the filing date if the Select Board needs more time with this. Carl said if that is the submittal date, we would need to get on that quickly for public comment.

9. Discuss/Vote Select Board Entertainment/Amusement Regulations Amendment – S. Player

Charlie recused himself from this part of the meeting. Stephen said about a month ago, he and Leah presented a memo about the outdoor entertainment issue. They recommended the Board modify the original policy that goes as an attachment to entertainment licenses. Recommendations are to incorporate the endings times as recommended by the task force, and also add a notice to applicants about amplified bass and submit contact information about who is on site for an event. After the memo in the packet, there is a proposed amendment to the policy. The changes are bolded in the policy.

Linda said the wording in section 2 does not include the wording “amplified bass”, Stephen said they have it in another area but we can add it there too. Sarah said section 2 is speaking about any event that includes amplification. Carl asked if the intent of the Board is to vote on this tonight. He said he would caution against this because he doesn’t think that the people involved in this have had proper notice that the vote is tonight. He wants to make sure that the people interested in this have a fair opportunity to weigh in on the changes before the vote happens. Michael echoed that and said we should make sure the public and the establishments knew well in time when the vote is going to take place. Linda agreed. Sarah said the counterpoint is that the people here tonight did see this on the agenda and came out to speak on it, so it may not be fair to ask them to come back. Stephen said they are governed by process and deviating from that can be a slippery slope. Linda said the revised policy draft also had several typographical corrections so that can also be cleaned up before we vote. Carl said he wants to make 100% sure that we are not creating conflicting bylaws, especially with the noise bylaw.

Tim Driscoll, Upper River Road, member of the Outdoor Entertainment Policy Committee, said one of the big issues is that there is no guideline for how to tell if the music is too loud. One way to do it is for an officer to go to the person’s home who complains and if the police officer can hear the music, it’s too loud. Tim also said the current policy for complaints is not being followed. Officers are not coming to the house to hear the noise. The current way the amendment is presented does not include a mitigation plan for the officers and it needs to so that they know what they can do to enforce this.

Brandon Boyd, Upper River Rd, echoed Tim’s comments. He said he has incident reports from last year for 3 separate occasions where the reports are very arbitrary and not even from the areas where the noise complaints were issued. Brandon said there is no abutter notification, and the time limit is now until 11PM whereas they had suggested 10 or 10:30. He also said the outdoor licenses are being clumped together with indoor licenses and they should be separate.

Jackie Kronenberg, 6 Essex Rd, is an abutter of True North and the Hellenic Center so she hears noise from both sides. These venues are disturbing everyone’s sleep and frazzling everyone’s nerves. For three years this has been an issue and nothing has changed other than it getting worse. Jackie said she has called the police 3 times and every time she has been met with resistance, saying they have a permit. She has not even gotten them to send a car to check on the noise. The advice she gets from the police is to speak to the Select Board about this. Michael said at the presentation last month they did seem to acknowledge that there was an issue, and they said they would move the location of the band and speakers to remedy this. Jackie said they did move it, and they moved it against the wall of the condo complex and made it much worse. Jackie said her walls are shaking now. Stephen said the way to make this measurable is through the time limit.

10. Electric Light Manager Transition Planning – S. Player

Jon Blair will be leaving as the Electric Light Manager, his last day will be August 14. The ELD Subcommittee has discussed some ideas for finding a new ELD Manager, one idea was to use the Subcommittee as a screening committee. We could perhaps consider hiring an interim manager, perhaps a recently retired person with experience to take charge of things during this long process. Sarah said we do not have a current job description. Sarah asked the committee if they are interested in a job search firm, Sarah said we did it for Stephen. Michael said he would like to try to do it without a search firm. We have a lot of good resources, let’s use those first and then if we hit a dead end we could make that expense. Sarah said she believes the cost for the search firm was \$10k. Carl suggested they have the Subcommittee help with the job posting and the job description, and also have Jon look at the job description too.

Jim Engel, 362 Linebrook Rd, ELD Subcommittee, said he was involved with the previous hiring. When they hired the predecessor to Jon they did use a search firm. There was a screening that was done, with input from the

subcommittee, and then 3 candidates were brought to the Commissioners. Jim also said this is not an appropriated budget so the Commissioners can decide to spend the money that needs to be spent to fix this problem as quickly as possible.

Ted Dillon, ELD Subcommittee, 13 Spring Street, said he has been doing a lot of hiring in this market and he thinks it is likely we will need a firm to fill this role well. The job market is competitive right now and this is a pretty specialized position. He is happy to make recommendations for search firms and the rates will likely be much more than \$10k. MMWEC probably has a great job description for this role but we should also think about the philosophy for what we want this job to be over the next 5-10 years. Jon stated concerns about why he was leaving that we should consider when thinking about this role in the future. The Board discussed having a bi-board meeting on Monday, July 31 with the ELD subcommittee to discuss this. Jim suggested they do the meeting at the ELD. Sarah said to plan for the meeting at 6PM and she will check with the ELD Subcommittee. Michael and Carl will meet with Jon before then. Carl said he liked the suggestion to open up the opportunity for staff at the ELD to provide input to the Board. A conversation ensued about whether or not commissioners should be there for that conversation, or should it just be Stephen. Jim said he thinks employees want to talk to the Commissioners and he thinks if Carl and Michael were there, people would be able to voice their concerns and know their concerns are being heard.

11. Approval of Minutes – S. Player

a. June 12, 2023

b. June 20, 2023

- Linda moved to approve both sets of minutes, seconded by Michael.

→ *Motion passed unanimously by roll call vote, 5-0*

12. Consent Agenda – S. Player

a. One Day Wine and Malt License Application(s) -

- i. Sarah Blackstone, Ipswich Ale Brewery for Ipswich Downtown Tuesdays on the Riverwalk July 25, 2023, August 1 and 8, 2023.
- ii. Bea Tiberii, Monarch and Rose Foods, for Cape Ann Chamber of Commerce Event at 1 N. Main Street on August 9, 2023.

- Michael moved to approve the Consent Agenda as presented in the packet, seconded by Linda.

→ *Motion passed unanimously by roll call vote, 5-0*

13. Town Manager Report – S. Crane

- Stephen said we received a \$1M grant for Water and Wastewater for the upgrades to Dow Dam. We will have to go back to the voters at Town Meeting because they authorized \$2.5M and this grant will offset that.
- There was a press release from the Health Department about housing standards.
- There was an issue with mowing at the public safety building site which was a miscommunication and Stephen apologized.
- The Veteran's Service Officer is leaving us in August so the Veterans District Board will be meeting on Wednesday night to plan the transition.

14. Select Board Sub Committee Updates – S. Player

- The Veteran’s Service Officer is leaving us in August so the Veterans District Board will be meeting on Wednesday night to plan the transition.
- Affordable housing Trust/ Ipswich Housing Partnership also met and they discussed ways they can continue to impact affordable housing in Ipswich. They are discussing how they can impact affordability in town with more direct impact.
- The Shade Tree and Beautification Committee met on July 12 with the architect for the Public Safety Building. They had concerns and he has agreed to meet with them again.
- Carl said he went to the open house at Agawam Village as part of the rehabilitation of that complex. It was interesting to see. They also discussed doing more brainstorming about housing affordability issues and what we can do. One idea was that it may not take a lot of investment by the town to make a difference with affordable housing projects.

15. New Business/ Future Business – S. Player

- None

16. Miscellaneous and Correspondence – S. Player

- Motion to adjourn made by Linda, seconded by Michael

→ Motion passed unanimously by roll call vote, 5-0

Respectfully Submitted By
Alyson von der Esch
July 31, 2023