

IPSWICH SELECT BOARD
Meeting of Monday, August 3, 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: Linda Alexson, Chair; Dr. Tammy Jones, Vice Chair; Kerry Mackin; Nishan Mootafian; William Whitmore

Also present: Sarah Johnson, Acting Town Manager; Eileen Page, Recording Secretary

With a quorum present, Ms. Alexson called the meeting to order at 7:02 PM.

Welcome/Announcements

Mr. Marino is on vacation this week. Sarah Johnson (Finance Director) is Acting Town Manager.

The Emergency Management Team has issued a warning about Tropical Storm Isaias. Rain is expected to begin on Tuesday night and continue into Wednesday, with Wednesday seeing the strongest winds. The Harbormaster has pulled town boats out of the water.

The Select Board extended their condolences to the family of retired Fire Chief Henry Michalski, who passed away Friday, July 31. Chief Michalski was an Air Force Veteran, and previously served as the Middleton Fire Chief before serving in Ipswich from 2000-2004.

No parking signs have been posted along East Street by Town Wharf, and violators will be ticketed.

The Public Safety Facilities Committee, Shellfish Advisory Subcommittee, and Water/Wastewater Subcommittee will all meet on Tuesday, August 4 at 7:00 PM.

The Red Cross will hold a blood drive at the Masonic Temple on Friday, August 7 from 9:00 AM to 2:00 PM. Interested volunteers must schedule an appointment by contacting the Red Cross.

Old Ipswich Days was canceled due to COVID-19 but a small crafts fair was held last weekend at the Middle/High School. Another one is planned for September 19.

Residents are encouraged to send their concerns, complaints and compliments to the Select Board. The Select Board can be reached by email at selectboard@ipswichma.gov, by mail at 25 Green Street Ipswich, MA 01938, or by calling the Town Manager's office at (978) 356-6609.

Citizen Queries

Carolyn Britt (1 Shagbark Woods) asked if there would be time on tonight's agenda to address language issues in an upcoming Planning Board article. Mr. Mootafian advised the Board that unless the articles are scheduled to be discussed at tonight's meeting, they should be held until they can have their own agenda item on an upcoming meeting. Ms. Alexson stated that the discussion would be added to the August 17 agenda.

Chris Florio (44 Fellows Road) addressed the Board representing Ipswich residents who have prepared a petition regarding water regulations and a building moratorium. They will be meeting with Tom Murphy (Town Moderator) soon to prepare three warrant articles. Mr. Florio asked the Board if they would extend the deadline for petition signatures in response to COVID-19. Ms. Alexson stated that the deadline would be held, as the warrant is scheduled to close on August 24, and time must be allowed for Public Hearings and for the Finance Committee to compile their report.

Board and Committee Business

- a. Select Board Membership on Boards and Committees

Mr. Mootafian asked to remain on his current committees (Affordable Housing Trust Fund Board; Electric Light Subcommittee; Shellfish Advisory Subcommittee; Water Subcommittee).

Mr. Whitmore asked to remain on his current committees (Waste Reduction Advisory Board; Shade Tree Beautification Committee).

Ms. Mackin asked to remain on her current committees (Climate Resiliency Committee; Ipswich River Watershed Commission; Water Subcommittee). She noted that the Ipswich River Watershed Commission has not met in over 20 years, but she has been in contact with Representatives Brad Hill and Bruce Tarr about reforming the Commission, as it was created through legislature.

Dr. Jones asked to remain on her current committees (Public Safety Facilities Committee; Government Study Committee).

Ms. Alexson would like to remain on her current committees (Eastern Essex District Department of Veterans Services; MBTA Advisory Board; Public Safety Facilities Committee; Shellfish Advisory Subcommittee).

- *Vote: Ms. Mackin moved to maintain the Select Board representatives on their current boards and committees. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Open Special Town Meeting Warrant

Saturday, October 17, 2020 at 9:00 AM has been identified as the date for Special Town Meeting. It will take place socially distanced under a tent behind Ipswich Middle/High School.

Ellie O'Donnell has informed the Board that she will be holding her citizen's petition to lower to local voting age to 16 until the 2021 Annual Town Meeting.

Ms. Alexson asked if the Water/Wastewater Subcommittee will be providing the Board with a draft of their Water Use Mitigation Plan (WUMP) in time for Special Town Meeting. Jim Engel (Water/Wastewater Subcommittee, Chair) stated that a WUMP discussion is on the agenda for tomorrow night's meeting, but there is concern about the complexity of the bylaw, and the Subcommittee may hold off on providing a WUMP until 2021 Annual Town Meeting to ensure the bylaw has been fully analyzed. He noted that an updated bylaw will likely require staffing increases to administer the bylaw.

Mr. Mootafian expressed his trust for Mr. Engel's judgement, and stated that if Mr. Engel does not believe it wise to present a WUMP at Special Town Meeting, he supports that decision.

- *Vote: Dr. Jones moved to open the warrant for the October 17, 2020 Special Town Meeting, to be closed on August 24, 2020. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Discuss Resident Concern Over Approval of True North Ale's Outdoor Entertainment License

On July 20, a temporary outdoor entertainment license was issued to True North Ale for outdoor entertainment on Tuesday-Thursday until 8:00 PM, and Friday and Saturday until 9:00 PM. Resident concern was not expressed at the July 20 meeting due to technical difficulties. At the July 20 meeting, an abutter expressed support for the license.

Jacki Kronenberg (6 Essex Road, Southgate Community) stated that on July 2, music from the Brewery was so loud, she thought it was coming from inside the building. She expressed opposition to the application, stating that there are about 110 residences between Southgate, Southern Manor, Agawam Village and the Whittier Motel in the immediate vicinity of True North Ale.

Barry Fox (6 Essex Road, Southgate Community) stated that he does not believe True North Ale is conforming to State laws surrounding noise pollution. He stated that their music cheats residents of the opportunity to enjoy the outside of their home.

Gary Rogers (True North Ale, Owner) stated that the first night music was offered was July 2. The following night, the Brewery was informed the music was too loud, and turned down the volume for July 3. He noted that all music played is acoustic. He stated that True North Ale is struggling to survive a difficult time, and is relying on patrons

coming to listen to the music to keep the Brewery afloat. He noted that the music is never so loud that it prevents conversation at tables.

Chris Florio (44 Fellows Road) stated that he is a professional musician, and many restaurants in town have been very considerate of neighbors when providing outdoor entertainment in the wake of the pandemic. He believes neighbors and business owners need to be flexible and work together during this time.

Mr. Fox asked if the number of nights music is offered could be reduced. Mr. Rogers responded that music is typically only played on Fridays and Saturdays, and ends by 8:30 PM.

Carolyn Britt (1 Shagbark Woods) noted that True North supports other local businesses by allowing food to be carried in. She stated that she sympathizes with the noise issue, but believes the community needs to be understanding of businesses trying to remain open.

Dr. Jones stated that the Select Board needs to make sure the Ipswich economy survives COVID-19, and part of that is supporting local business and musicians. She is in favor of the application.

Mr. Whitmore stated that he appreciates the concern about noise, but that the anecdote given sounded like a one-time issue that was corrected. He noted that the Brewery is situated in a busy area, and there have been less than a handful of complaints over the years. He does not see the noise as an issue.

Ms. Kronenberg stated that True North has expanded beyond their original plans by installing a patio and providing outdoor music. She stated that these expansions prohibit neighbors from enjoying their outdoor space.

Ms. Alexson stated that she spoke to the Police Chief on Friday to see if there have been noise complaints lodged against True North. There was one noise complaint filed against the Brewery in 2016 due to construction vehicles.

Temporary COVID-Related Outdoor Entertainment License Request from Heart & Soul Café, 0 Central Street

Bud and Julie Siciliano appeared before the Board seeking an outdoor entertainment license. They would like to host 1-2 musicians at a time for acoustic music on the sidewalk of their café.

Dr. Jones expressed concern for the space, and suggested that the application be amended to have the music end by 8:30 PM rather than 10:00 PM, as True North Ale and the Hart House both conclude their music by 8:30. She also added that the application should be for music only, and karaoke and trivia should not be included in outdoor entertainment at this time. Ms. Mackin and Mr. Mootafian agreed. Mr. and Ms. Siciliano agreed, and added that music would only be held on Friday and Saturday nights.

Bill Heenehan (6 North Main Street) stated that he is in favor of the application. As an abutter, he appreciates the time change to 8:30 PM.

- *Vote: Mr. Mootafian moved to approve the application with the condition that music conclude by 8:30 PM on Fridays and Saturdays, and with the music amplified only to reach minimal acoustic levels. Dr. Jones seconded. The motion carried unanimously via roll call.*

Referral of Zoning Articles to Planning Board

Ethan Parsons (Director of Planning and Development) informed the Board that the Planning Department has initiated three articles for the Special Town Meeting warrant that were previously on the agenda for the 2020 Annual Town Meeting warrant. Two articles pertain to marijuana regulations, and one addresses language clarification.

- *Vote: Mr. Mootafian moved to refer the Zoning Articles to the Planning Board. Mr. Whitmore seconded. The motion carried unanimously.*

Annual Appointment of Election Poll Workers

39 election workers have been hired for upcoming elections.

- *Vote: Mr. Mootafian moved to appoint the election poll workers. Dr. Jones seconded. The motion carried unanimously.*

Consent Agenda

- I. One Day Wine and Malt Application
 - a. True North Ale Co. for Saturday Farmhouse Café events at Appleton Farm on August 8, 15, 22, 29; September 5, 12, 19, 26; October 3, 10, 17, 24, 31; November 7, 14, 21, 28
- *Vote: Mr. Mootafian moved to approve the Consent Agenda. Dr. Jones seconded. The motion carried unanimously via roll call.*

Approval of Minutes

- I. July 6, 2020
- II. July 20, 2020

- *Vote: Mr. Mootafian moved to approve the minutes. Mr. Whitmore seconded. The motion carried unanimously.*

Acting Town Manager Report

FINANCE DEPARTMENT

The Finance Department closed FY20 with \$1.1 million in Unexpended General Funds. The annual external audit will begin in the next few weeks. The Finance Department is currently on track to have Free Cash certified by October.

HEALTH INSURANCE

As a result of elective procedures being canceled due to COVID-19, the Massachusetts Interlocal Insurance Association (MIIA) has issued a \$307,000 credit. The credit is specifically for active employees, will be issued to employees in September. Altus Dental has also issued a credit, which will be applied in August.

WATER/WASTEWATER SUBCOMMITTEE

The Water/Wastewater Subcommittee will meet on Tuesday, August 4 at 7:00 PM to discuss the Water Neutral Growth Plan. Currently, rainfall is 4" behind the seasonal average.

TROPICAL STORM ISAIAS

In preparation for Tropical Storm Isaias, the Department of Public Works has been cleaning catch basins to prevent flooding. Lt. Jon Hubbard (Emergency Management Director) will provide the Town and residents with updates as the storm progresses. The Electric Department is on call and ready to work on any power outages that may occur.

New Business

2020 CENSUS BOUNDARY VALIDATION FORM

- *Vote: Mr. Mootafian moved to verify that the boundaries of Ipswich are charted correctly, and to authorize the Select Board Chair to sign the Census Bureau's 2020 Boundary Validation Form. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

TRIBOARD CHAIRS MEETING

The Triboard Chairs recently met and discussed options for reopening schools in the fall, the upcoming Special Town Meeting, and the public safety project. Chub Whitten has been elected as the new School Committee Chair.

Old Business

SHELLFISH PERMITS

Following a prior discussion about the cost of recreational shellfish permits for non-resident veterans over the age of 70, Ms. Alexson has spoken with the Director of Marine Fisheries who agrees that the law is a gray area. A

conference call is scheduled between Ms. Alexson, Mr. Marino, the Department of Marine Fisheries General Counsel, and Town Counsel to discuss the issue further.

Miscellaneous & Correspondence

COMMUNITY DEVELOPMENT PLAN

Mr. Parsons reported that the Planning Department will be soliciting feedback and comments on the most current draft of the Community Development and Housing Production plans. A final draft will be presented to the Select Board at their September 8 meeting.

55 & 57 WALDINGFIELD ROAD

Mr. Parsons reported that 55 and 57 Waldingfield Road are on the market, and there has been some Town interest in purchasing the property for either maintaining a single-family home, using the property as Open Space, development for a subdivision, or as an Open Space/subdivision hybrid. The property that currently contains a single-family home is 40 acres, and the price has dropped significantly since it was listed in 2016. Mr. Parsons will gather more details about the listings and report back to the Board.

AUTHORITY OVER DEVELOPMENT PROJECTS

Ms. Alexson reported that the Select Board has received emails asking what authority they have to stop the development planned for Essex Road. Ms. Mackin suggested that the Zoning Board of Appeals (ZBA) might hold the authority. Mr. Whitmore disagreed, saying 40B housing is overseen by the State, and neither the ZBA nor the Select Board has the authority to stop any developments entirely. Mr. Parsons stated that the ZBA is actively working on the development at Essex Road, and recently received new plans from the applicant. Mr. Parsons encouraged the Select Board to read the plans and discuss them at an upcoming meeting, as well as issue a memo to the ZBA expressing concerns about the project.

UPCOMING MEETINGS

The next Select Board meeting will be held on Monday, August 17 at 7:00 PM.

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

The Select Board adjourned at 8:56 PM.

*Respectfully submitted by Eileen G. Page
08.05.2020*