

IPSWICH SELECT BOARD
Meeting of Monday, August 9, 2021

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, August 9, 2021 at 7:00 PM in Meeting Room A.

Board Members present: Dr. Tammy Jones, Chair; William Whitmore, Vice Chair (via phone call); Linda Alexson

Also present: Mary Gallivan, Acting Town Manager; Eileen Page, Recording Secretary

Not present: Anthony Marino, Town Manager; Kerry Mackin; Sarah Player

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

Welcome/Announcements

UPCOMING MEETINGS

The Public Safety Facility Committee will meet on August 10 at 7 PM in the conference room across from the Senior Center.

The Tri-Boards will meet August 17 at 7 PM to discuss the Public Safety Facility Committee and Strategic Planning Working Group.

PERSONNEL

The annual Employee Appreciation Dinner was held at Majestic Dragon last week. Sheila Taylor (Director of Council on Aging) was awarded Employee of the Year.

Chief Andy Theriault retired from the Ipswich Fire Department on Friday, August 6. An open house was held at the fire department and attended by neighboring Fire Chiefs, Senator Bruce Tarr, and Representative Brad Hill.

COMMITTEE VACANCIES

The Zoning Board of Appeals (ZBA) has two (2) associate vacancies.

The Shellfish Advisory Subcommittee has two (2) openings, one for a recreational permit holder, and one for a commercial permit holder.

Citizen Queries

None.

Board and Committee Appointments

- I. Rami Harb – Public Safety Facility Committee
- II. Joseph Bourneuf – Alternate to Regular Member – Architectural Preservation District Committee

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

Bond Anticipation Notice

Kevin Merz (Treasurer/Collector) reported that bids for borrowing related to water, sewer and road construction were received, and the lowest bid was Jeffries LLC, with a 0.186% net interest cost. The current borrow length will be for one (1) year, at which point a long-term borrowing decision will be made.

- *Vote: Ms. Alexson moved to approve the sale of \$8,350,000 1.25 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated August 12, 2021, and payable August 12, 2022, to Jeffries LLC at par and accrued interest, if any, plus a premium of \$88,844. She further moved 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 27, 2021, and a final Official Statement dated August 3, 2021, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. She further moved 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. She further moved that the Board 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. She further moved 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. Mr. Whitmore seconded. The motion carried unanimously via roll call.

Annual Appointment of Election Poll Workers

- *Vote: Ms. Alexson moved to approve the list of election workers. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

PUBLIC HEARING: New Seasonal On Premise Wine and Malt Liquor License Application from Clam Box of Ipswich, Inc. 246 High Street

“Residents of the Town of Ipswich, please note the Select Board will conduct an in-person Public Hearing on Monday, August 9, 2021, at 7:15 PM on a new application for a seasonal on-premise wine and malt liquor license for the Clam Box of Ipswich, Inc., located at 246 High Street.” - Dr. Tammy Janes, Select Board Chair

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

Dimitri and Johanna Aggelakis (Co-owners, Clam Box) appeared before the Board seeking a seasonal wine and malt license. Under the current liability insurance, patrons are permitted to bring their own alcohol to be consumed on-premises. The implementation of a license would end this practice, and allow only on-site purchases, to be consumed in the dining room or under a closed-area tent in the parking lot. Customers would not be permitted to cross the parking lot with alcohol. Alcohol service will cease thirty (30) minutes before closing. Ms. Aggelakis stated that implementing a formal license will allow the Clam Box to better control consumption on their property.

Dr. Jones asked how much seating was available at the Clam Box. Ms. Aggelakis responded that at full capacity, fifty-four (54) patrons can sit indoors. This number has been reduced to thirty (30) with COVID precautions. Thirteen (13) picnic tables are available under the tent.

Ms. Alexson asked about the ages of wait staff. Ms. Aggelakis clarified that wait staff must be at least 18 to serve alcohol. All bartenders will be TIPS certified.

Police Chief Paul Nikas endorsed the request, stating that it would be easily manageable so long as patrons do not consume alcohol outside of designated areas. The Police will also continue to work with the Clam Box to best manage overflow parking onto neighboring side streets.

- *Vote: Ms. Alexson moved to close the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously via roll call.*
- *Vote: Ms. Alexson moved to approve a seasonal alcohol license for the Clam Box from April 1 through November 30. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Lafayette Sign Acceptance

Gordon Harris (Town Historian) appeared before the Board on behalf of the Historical Commission requesting approval for a marker to be placed on North Main Street across from the First Congregational Church, designating a stop made by General Marquis de Lafayette during his farewell tour of the United States in 1824 and 1825.

- *Vote: Ms. Alexson moved to accept the Lafayette Trail sign and approve its placement on North Main Street. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Discuss/Vote Outdoor Seating at Heart & Soul Cafe

Dr. Jones prefaced the discussion by reiterating that the Select Board has always been in favor of outdoor seating, and that the intent of the agenda item is not to vote on whether or not Heart & Soul should continue outdoor dining, but rather to discuss issues raised relating to sidewalk overcrowding.

Attorney Richard Kallman (4 South Main Street) appeared before the Board representing Bud and Julie Siciliano (Co-owners, Heart & Soul Cafe.) Mr. Kallman stated that he had been retained by Mr. and Ms. Siciliano to express that Heart & Soul needed to retain outdoor seating to accommodate clientele as COVID-19 remains on the rise. He stated that even if seating were reduced, patrons would still clog the sidewalk waiting for a table.

Mr. Siciliano read a prepared statement into the record:

“When I was called this past Wednesday to appear at this meeting, despite the short notice, I gladly accepted, and said ‘[S]ure, I’ll be happy to attend and discuss the matter at hand.’ However, when I saw the published agenda, which stated discussion/vote, you really got my attention. To this moment, I still don’t know what the vote pertains to, so immediately, my radar went up. This, along with it being stated to me, that ‘[T]hey want to rip the tent down,’ was a real cause for concern to me, so I needed to come prepared, accordingly. Please know, that we have been publicly, personally and openly thankful, to the Town, this Board, and the various town departments, Chief Nikas, Colleen [Fermon], Rick [Clarke], (and even that [sic] State, when they came in last week to interview me about the Town’s support for outdoor dining) for their support in ours, and the regard of businesses in town generally. But to be brought before this [B]oard for this matter is disheartening. I mean no disrespect, and understand that you must address various concerns, but this could have been handled much differently. We currently employ 17 FT & PT people, 12 female/5 male, from Ipswich & surrounding communities, college & high school students, and from all walks of life. If you take away more tables, with which we have planned our budget for, simply put, it will result in a loss of jobs. We help beautify the downtown area, plant flowers, put up lighting, provide artwork and music. We maintain/clean the area continually in the non-winter months, and diligently remove the snow on the sidewalk in the winter. We donate to many causes, and have become, with all modesty, a destination business, bringing others to the downtown area... adding a vibrancy to it. We are good business neighbors. We reside in this town, and are ‘hands-on’ owner/operators. I walked by one of our downtown business associates this weekend, and they had live music (a 3-piece band) on the sidewalk. Did I file a complaint? No, I applauded their efforts in adding life and joy to the area. People could walk by, without a problem. Our downtown area so needs and welcomes it. When I greet people that come in, I ask them if they wish to dine inside or outside. Generally, depending upon the weather, they chose to dine outside. It has become the preferred mode of casual dining. Given the current state of affairs, I see this desire increasing in the near future. We opted to have the tent because it was so well-received last year, during the pandemic. But it has now become a way of life, so well-enjoyed by most. I was surprised that others in the downtown area opted to not do so this year. For us to lose more outside tables (we have already given up some), because we had extra people (mother, father and a young boy) at a table, would be counter to what people are desiring, and as I mentioned above, would result in loss of revenue and jobs. By the way, there was ample room for anyone to get by, on the sidewalk, at that table. There was no problem here. In the Spring, I presented to Leah [Niska] a complete package for the outside dining/serving of alcohol, which was also, then, sent to the State for their approval (PS. You may know that the State has now given their approval.) In that package was a detailed diagram, depicting the location of the tables. As a Board, you approved that package, unanimously in the meeting that I attended/presented on June 21 of this year. I ask that in the future, if someone has a concern, please qualify the complaint, have them identify themselves, make the complaint credible, and suggest that they come and see me to discuss. Tony [Marino] and I did so

a couple of weeks ago, when a lady complained that she couldn't get by with her dog, and we worked it out. (I wish he were here tonight, so that we could have his input. He and I have had a very good working relationship.) When we last spoke, I asked him to provide for me the date/time the photo was taken, and name of the person who filed the complaint. I wish to have a conversation with this person, so that I can understand the motivation behind it. I have yet to receive it all. We are very compassionate people and very passionate about our café (as the name Heart & Soul truly portrays.). Then, if it needs to go to the Board, it can proceed accordingly. This matter is something that could have been handled in this manner. We have never had an incident, injury or an allegation of injury pertaining to our outdoor seating, since we opened in August 2017. Our record speaks for itself. Therefore, we respectfully ask for your consideration and continued support in maintaining our present table level, and outdoor dining in the future.”

Mr. Kallman added that there had been comments made to Mr. Siciliano that his outdoor dining tent may be taken down.

Dr. Jones apologized for the wording on the agenda and miscommunication, and clarified that the Town's intent has never been to remove the outdoor dining tent. Dr. Jones asked if fourteen (14) tables instead of the previously approved twelve (12) tables were really necessary, and noted that the seating must allow for a 4' passage through the sidewalk at all times.

Mr. Kallman asked how many complaints have been made about outdoor seating at Heart & Soul. Dr. Jones stated that the Board has only received one (1) formal complaint, with the rest being anecdotal. She noted that Heart & Soul differs from other downtown restaurants because it has both tented and sidewalk seating, while others have only sidewalk or parking space seating.

Mr. Whitmore asked how many patrons the restaurant can accommodate at once. Mr. Siciliano responded that thirty-five (35) guests can sit inside, and forty (40) outside, for a total of seventy-five (75.) Mr. Whitmore pointed out that Heart & Soul currently seats more of their businesses outside than in, and because the Board has previously supported every initiative brought forward by Heart & Soul, reducing the numbers of tables on the sidewalk should not be an issue.

Dr. Jones agreed with Mr. Whitmore.

Mr. Kallman stated that removing tables would “punish” Heart & Soul for having a corner location that naturally allows for increased seating. Dr. Jones disagreed, saying that it was not a punishment, and simply an effort to ensure that those using the sidewalk who are not customers are able to do so without feeling like they are walking through a restaurant.

Chris Florio (44 Fellows Road) stated that Mr. and Ms. Siciliano have always been conscious of sidewalk usage, and are committed to being good neighbors.

Katherine Feldman (26 Mill Road) stated that Heart & Soul is a resource for the community, and the Select Board should be applauding them.

Dan Cullen (5 Meadowview Lane) stated that the Town should be supportive of a business that has revitalized the location.

Gordon Harris (17 Mill Road) noted that three (3) previous restaurants have failed at the location, and commended Mr. and Ms. Siciliano on their booming business.

David Feldman (26 Mill Road) stated that Heart & Soul is instrumental in promoting a vibrant downtown.

Dr. Jones asked Heart & Soul to consider removing two (2) of their fourteen (14) tables.

Consent Agenda

- I. One Day Liquor and Malt License Applications
 - A. Linda Behan for First Church Fundraiser for First Church, North Green, September 21, 2021
 - B. Christine Vistro, Eventfully Yours, Wedding Reception, Appleton Farms, August 21, 2021
 - C. Rick Rousseau, Mill River Winery, Public Concert Castle Hill, September 9, 2021
 - D. Robert Dunn, Granite Coast Brewing Co. Craft Beer Tasting Appleton Farms, August 21, 2021.
 - E. Elizabeth Donhauser, Essex County Brewing Co. Farmhouse Pizza, September 5, 12, 19, 26, October 3, 10, 17, 24, 31, 2021.
 - F. Gary Rogers, True North Ale Co. Castle Hill Concert, September 9, 2021 and Castle Hill Vintage Car Club Climb, October 17, 2021.
 - G. Kathryn Garry, Old Planters Brewing Co., Friday Farmhouse Pizza, September 3, 10, 17, 24, October 1, 8, 15, 22, 29, 2021.
 - H. John Collins, Great Marsh Brewing Co., Local Beer Tasting Appleton Farms, August 21, 2021.
 - I. Paul Joseph Gentile, Gentile Brewing Co. LLC, Beer Tasting, Appleton Farms, August 21, 2021.

- II. One Day All Alcohol License Application
 - A. Andrew Skillman, Ipswich Masonic Temple, Celebration of Life, August 28, 2021

Ned Peirce (23 Chester Street, Amesbury) appeared before the Board on behalf of Linda Behan. He reported that the Ipswich Ale truck will be present at the Church fundraiser, and alcohol will be confined to the area in front of the truck.

- *Vote: Ms. Alexson moved to approve the Consent Agenda. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

New Business

Ms. Alexson noted that Mr. Siciliano had mentioned a three-piece band performing downtown over the weekend in front of either Zumi's or Gathr. She asked if a sidewalk blocking permit had been approved for the event. Ms. Gallivan will ask Mr. Marino to look into the matter.

Old Business

The next Select Board meeting will be on August 23 at 7 PM.

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

The Select Board adjourned at 8:20 PM.

Respectfully submitted by Eileen G. Page