

IPSWICH SELECT BOARD
Meeting of Monday, May 3, 2021

The Select Board participated in this meeting remotely utilizing Zoom in accordance with the Governor's March 12, 2020 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: Anthony Marino, Town Manager; Eileen Page, Recording Secretary

With a quorum present, Ms. Alexson called the meeting to order at 7:01 PM.

Welcome/Announcements

ANNOUNCEMENTS

The Select Board thanked the Ipswich Police, Fire, and Emergency Management departments for their work on the missing swimmer tragedy at Crane Beach last week.

Town Meeting will be held on Saturday, May 15 at 9 AM. Town Elections will follow on Tuesday, May 18.

The Select Board will next meet on Monday, May 17.

The Public Safety Facility Committee will meet on May 4 at 7 PM.

The Zoning Board of Appeals (ZBA) will meet on May 5 regarding the Essex Pastures development.

The Water/Wastewater Subcommittee will meet on May 6.

GIFT ACCEPTANCE – NEW ENGLAND BIOLABS DONATION FOR PEATFIELD LANDING SEASONAL DOCK

New England Biolabs has donated \$2,000 to help fund a seasonal dock for non-motorized vessel launching at Peatfield Landing.

- *Vote: Ms. Mackin moved to accept the donation. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Citizen Queries

Gary Champion (3 Palomino Way) asked if the Select Board would consider reorganizing the content of Articles 23 and 25. Mr. Mootafian responded that he was not in favor of reorganizing the articles. Ms. Alexson responded that there would be an opportunity at Town Meeting for Mr. Champion to move to reorganize the content of the articles if he so chooses.

Approval of Minutes

- I. April 20, 2021

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

Consent Agenda

- I. One Day Wine & Malt Applications
 - a. TTOR at Appleton Farms, Guided Hikes & Craft Beer on 5/8 & 5/22
 - b. Helen's Bottle Shop, Appleton Farms Pizza Picnics Fridays 6/11, 6/18, 6/25
 - c. Essex County Brewing Co. Father's Day at Appleton Farms 6/19 and 6/20

- *Vote: Mr. Mootafian moved to approve the Consent Agenda. Dr. Jones seconded. The motion carried unanimously via roll call.*

Change of Hours Application, New England Country Club Management, Inc. D/B/A Ipswich Country Club Seasonal All Alcohol Liquor License at Pool Area, 67 Edge Street

- *Vote: Dr. Jones moved to approve the application. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

PUBLIC HEARING: Electric Rate Hearing (2 of 2)

“Residents of the Town of Ipswich, please note that the Select Board, as Electric Light Commissioners, will hold remote public hearings on Tuesday, April 20, 2021 at 7:15 PM and Monday, May 3, 2021 at 7:15 PM to consider and act on electric rate changes under the Provisions of Massachusetts General Laws, Chapter 164, Section 58 and Bylaws IV and VI for the purpose of adjusting all classes of rates.” – Linda Alexson, Chair, Electric Light Commissioners

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

Jon Blair (Electric Light Manager) requested that the Board: 1) Approve the Electric Department FY22 budget; 2) Increase the base rate for all rate classes by one cent per kilowatt hour, and 3) amend the Commissioners vote of April 25, 2011 to have the Sustainability Fund sources from base rates, rather than a PPFAs. The \$0.01 increase will apply to all rate classes, and is anticipated to generate an additional \$1 million in revenue to fund phase one of the Advanced Meter Infrastructure Replacement project. The total cost of the project is estimated to be \$1.5 million to \$2 million, with the ELD covering about 2/3 of the cost, and the remainder covered by Water. Phase 1 of the project is anticipated to cost about \$400,000. Mr. Blair reported that the majority of the remaining cost is largely attributed wholesale power costs, collective bargaining agreement salary increases, and equipment costs.

There were no public comments.

- *Vote: Dr. Jones moved to close the Public Hearing. Mr. Whitmore seconded. The motion carried unanimously via roll call.*
- *Vote: Dr. Jones moved to approve the ELD’s FY22 budget and goals as outlined in the presentation. Mr. Whitmore seconded. The motion carried unanimously via roll call.*
- *Vote: Mr. Whitmore moved to increase the base rate for all classes by \$0.01 per kilowatt hour. Mr. Mootafian seconded. The motion carried unanimously via roll call.*
- *Vote: Ms. Alexson moved to amend the Commissioners vote of April 25, 2011 and have the Sustainability Fund sourced from the base rate rather than the PPFAs. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

COVID Amendment Request for Sunday and Weekday Entertainment License for 1640 Hart House, 51 Linebrook Road

Mr. Mootafian recused himself, as he is an abutter of the 1640 Hart House.

Kim Costello (Owner, 1640 Hart House) appeared before the Board to request an outdoor entertainment license be granted to extend until 9:00 PM to accommodate outdoor events such as weddings. On an evening when there are not functions being held, the music would end at 8:30 PM, as per the current outdoor entertainment license. The 1640 Hart House is open Wednesday through Sunday from 4 PM to 8:30 PM.

Mr. Mootafian reported that as an abutter, he has never felt bothered by the music, and that the 1640 Hart House are respectful neighbors.

Tom Lannon (Old Ipswich Village) stated that he has been disturbed by drum solos from the outdoor music. Ms. Costello responded that Mr. Lannon was likely referring to the jazz band during Sunday brunch, and that she would ask them to refrain from drum solos.

- *Vote: Dr. Jones moved to approve the outdoor entertainment license until 8:30 PM on a regular night and 9:00 PM when an event is being hosted, as noted in the petition. Mr. Whitmore seconded. The motion carried unanimously via roll call.*

Kennel Operations Hearing Continued, Service Dog Project, 37 Boxford Road

Mr. Mootafian recused himself from the discussion, as he has a business relationship with the attorney for Service Dog Project (SDP).

- *Vote: Dr. Jones moved to open the hearing. Mr. Whitmore seconded. The motion carried 4-0, with Mr. Mootafian abstaining.*

Ms. Alexson announced that this discussion is a continuation of the hearing held on April 25. She thanked those who wrote to the Select Board on the matter for their time and comments, and reiterated that the only discussion to take place would be regarding nuisance barking during overnight hours, and not the mission or value of SDP.

Dr. Jones stated that she toured the kennel property at 37 Boxford Road and was informed about changes made to the property, including a curtain being hung to block the dogs' outdoor view in an effort to prevent barking. She reported that there was a significant incident at night on May 2, where the dogs barked continuously for at least 45 minutes. She suggested that the Town spend another month collecting data on the frequency and length of disturbances.

ACO Megan Sousa stated that on the evening of May 2, she received three unique complaints, and the police department received two phone calls complaining of excessive barking. An officer responded on two separate occasions, and a citation was issued by mail this morning. Other disturbances occurred on April 20, April 25, and April 26. ACO Sousa reported that she has not received any documentation about mitigation efforts on the part of SDP, and noted that even with a curtain up, dogs will still hear and respond to movement happening outside.

Lynn George (Director of Operations, SDP) reported that changes made to the property include the hanging of a 32x6 tarp around the kennels that face the hill. She reported that those particular kennels are empty after 5 PM. She added that an employee is staffed in the kennels from 9 PM to 7 AM to monitor the dogs, and they are fed a snack at night to keep them quiet until breakfast. SDP is looking into installing remote treat dispensers to minimize foot traffic in the kennels at night, and playing audio books throughout the kennel to soothe the dogs. She reported that the dogs likely acted up in the last week due to the full moon.

Mr. Whitmore asked for clarification on which dogs were barking last night, as several videos were sent to the Select Board. Ms. George responded that the dogs barking were the ones housed on the opposite side of the hill, facing away from Partridgeberry Place.

Ms. Alexson asked how many dogs are on the property. Ms. George responded that there are 26 dogs, including those that live in the main house with Carlene White (Executive Director). There are 16 kennels total on either side of the hill, 4 in the "ICU Building," 4 in the laundry building, and space for 9 more dogs near the main house.

Ms. Alexson asked how many dogs occupied the kennel around 2015-2016. Janine Jacques (370 Middleton Road, Boxford; SDP Board, Former Chair) responded that there were about 40 dogs at that time. She added that the kennel has imposed entry hours, and does not allow anyone in the barn after 6 PM so as not to disturb the dogs. She stated that the dogs have been acting up more due to an increase in police responses, and a lack of human interaction due to COVID.

Ms. Alexson asked ACO Sousa for her recommendation. ACO Sousa recommended requiring SDP to fully comply with the existing barking ordinance, and restrict the dogs' self-access to the outdoors between the hours of 10 PM and 7 AM. If the dogs are outside during those hours, a handler must be present and managing the dog. Doors will

need to be added to the kennels to prevent self-access to the outdoors. She recommended a 90-day grace period for compliance, with 30-day check ins.

Mr. Whitmore stated that he appreciates efforts made by the SDP, but noted that they have not helped to mitigate the noise. He stated that it is the responsibility of the Select Board to uphold the bylaws instituted by Town Meeting.

Dr. Jones suggested that the 90-day grace period will also give the dogs time to adjust to not having self-access to the outdoors at night.

- *Vote: Ms. Mackin moved to close the hearing. Mr. Whitmore seconded. The motion carried unanimously via roll call.*
- *Vote: Mr. Whitmore moved to support the recommendation brought forward by ACO Megan Sousa. Dr. Jones seconded. The motion carried 3-1-0, with Ms. Mackin dissenting and Mr. Mootafian abstaining.*

Kitty Bartholomew (60 Turkey Shore Road) asked if SDP would be fined during the 90-day grace period as they make changes to the kennels to mitigate barking. ACO Sousa responded that since the barking dog bylaw was enacted in 2019, she has only written three monetary citations, for \$25 each, which she feels speaks to efforts of the Town to be reasonable and focus enforcement on verbal warnings and education. She stated that the Town will continue to issue verbal warnings for as long as is reasonable and fair.

Ms. Jacques stated that the stress of the noise issue has begun negatively impacting the dogs' training, as they can tell when their handlers are stressed.

Betsy Frost (9 Herrick Drive; SDP Board Member) stated that it is unfortunate that a housing development was built so close to a working farm, and that the SDP has worked hard to prevent the need for Town intervention.

Will Safrin (30 Partridgeberry Place) reiterated Mr. Whitmore's statement about the Select Board's responsibility to uphold bylaws, and that he is happy to allow for a 90-day grace period if it means the issue will be fixed.

Announcement of Board and Committee Vacancies

Mr. Marino reported that a list of Board and Committee vacancies is available on the Town website for those interested in volunteering.

Review and Approval of Bonds

Kevin Merz (Treasurer/Collector) reported that the Town received nine bids on a \$16,640,000 bond issue; the bid was awarded to Raymond Jones & Associates. Overall, Ipswich will receive \$761,956 in present value savings.

Vote: Dr. Jones moved that that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund a portion of the Town's (i) \$3,542,000 General Obligation Municipal Purpose Loan of 2007 Bonds dated June 1, 2007 maturing on June 1 in the years 2022 through 2027 (inclusive), (ii) \$6,950,000 General Obligation Municipal Purpose Loan of 2008 Bonds dated June 1, 2008 maturing on June 1 in the years 2022 through 2028 (inclusive), (iii) \$2,875,000 General Obligation Municipal Purpose Loan of 2010 Bonds dated April 1, 2010 maturing on April 1 in the years 2022 through 2025 (inclusive), (iv) \$6,995,000 General Obligation Municipal Purpose Loan of 2010 Bonds dated October 1, 2010 maturing on October 1 in the years 2021 through 2029 (inclusive), and (v) \$4,642,000 General Obligation Municipal Purpose Loan of 2011 Bonds dated June 14, 2011 maturing on June 1 in the years 2022 through 2030 (inclusive) (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds; that the sale of the \$15,535,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated May 19, 2021 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$17,493,335.69 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on October 1 of the years and in the principal amounts and bear interest at the respective rates, as follows: in 2021, \$1,560,000 at 5% interest; in 2022, \$1,300,000 at 5% interest; in 2023, \$1,310,000 at 5% interest; in 2024, \$1,330,000 at 5% interest; in 2025, \$1,230,000 at 5% interest; in 2026, \$1,915,000 at 5% interest; in 2027, \$1,070,000 at 5% interest; in 2028, \$780,000 at 5% interest; in 2029,

\$735,000 at 3% interest; in 2030, \$475,000 at 3% interest; in 2031, \$475,000 at 3% interest; in 2032, \$475,000 at 2% interest; in 2033, \$450,000 at 2% interest; in 2034 \$450,000 at 2% interest; in 2035, \$450,000 at 2% interest; in 2036, \$450,000 at 2% interest; in 2037, \$450,000 at 2% interest; in 2038, \$450,000 at 2% interest; in 2039, \$450,000 at 2% interest; in 2040, \$450,000 at 2% interest; that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 13, 2021, and a final Official Statement dated April 21, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted; that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement; to authorize the execution and delivery of a Refunding Escrow Agreement to be dated May 19, 2021, between the Town and U.S. Bank National Association as Refunding Escrow Agent; that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing 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 Bonds for the benefit of the holders of the Bonds from time to time; that the Select 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 Bonds and to comply with relevant securities laws; that any certificates or documents relating to the Bonds (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; 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. Mootafian seconded. The motion carried unanimously via roll call.

Vote on Select Board Warrant Article Assignments

Dr. Jones volunteered to speak on behalf of the Select Board regarding Articles 9 and 10.

- *Vote: Mr. Whitmore moved to approve the list as presented in the packet. Dr. Jones seconded. The motion carried unanimously via roll call.*

Town Manager Report

Mr. Marino, Tom Murphy (Town Moderator) and Janice Clements-Skelton (Finance Committee, Chair) have filmed a program in which they discuss the warrant articles. The program will air on ICAM leading up to Town Meeting on May 15.

Town Meeting will be held on Saturday, May 15 at 9 AM at the Middle/High School, under a tent that can accommodate 490 people. Parking lot voting will not be available. Portable bathrooms will be set up in the parking lot, and the school building will be unlocked to allow restroom access. Four hours into the meeting, the Town Moderator will ask the Town Meeting body if they wish to continue the meeting to Sunday, May 16, or finish the warrant.

The Rotary Club's Flags for Heroes project is underway. 100 flags are expected to be flying by June 14.

Ipswich has applied to take part in a regional vaccination site.

Kerrie Bates (Director of ReCreation & Culture) is working with partners to design Takeout Terrace.

Dr. Jones asked if there will be a Memorial Day Parade. Mr. Marino responded that it has been cancelled due to COVID.

Ms. Mackin asked if Mr. Marino was aware of the decision by the Department of Marine Fisheries (DMF) to close the Ipswich River to shellfishing for the remainder of the season. Mr. Marino and Chief Nikas responded that the closure takes place annually, and is no longer open to shellfishing.

New Business

None.

Old Business

ENVIRONMENTAL PROTECTION POLICY

Ms. Mackin stated that she will soon be seeking a vote on the Environmental Protection Policy she drafted. Ms. Mackin asked if feedback had been received from related committees. Ms. Mackin responded that it had not. Mr. Marino stated that he would ask the Climate Resiliency Committee to discuss it on an upcoming agenda.

PEABODY STREET

Ms. Alexson reported that she received an email from a resident of Peabody Street, which the Select Board designated as a temporary dead-end in December 2020. The resident raised concerns that the closure of the street has created an inability for trucks to turn around when they inadvertently drive down it. Chief Nikas suggested the matter be discussed in September, when there has been more sufficient time for a learning curve to settle.

Miscellaneous and Correspondence

The next Select. Board meeting will take place on May 17.

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

The Select Board adjourned at 9:07 PM.

*Respectfully submitted by Eileen G. Page
05.04.2021*