

Selectmen's Minutes
Town Hall, 2nd Floor Stage Conference Area, 30 Martin Street

May 18, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.essexma.org. For this meeting, members of the public who wish to listen to the meeting may do so via Conference Call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. **The call-in number will be: 717-275-8940. The access code is: 8378315. Please mute your phones. If you do not have a mute button, press *6 (star 6) to mute and unmute from a landline phone.**

Present: Chairman Ruth R. Pereen, Selectman Andrew C. Spinney, Selectmen's Assistant Pamela J. Witham, and Shellfish Constable William Knovak.

Present by Telephone Conferencing: Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki.

Also Present by Telephone Conferencing: Town Accountant Virginia Antell, Dominic and Mary Ellen DeLacey, Harbormaster Daniel Fialho, Police Chief Paul Francis, Mark Gallagher, Jodi Harris, Town Moderator Jeffrey Jones, Board of Health Administrator Erin Kirchner, Host Community Agreement Advisory Committee Clerk Antonella Muniz, Essex Merchants Group Representative Donna Roy, Town Clerk Pamela Thorne, and others.

Chairman Pereen called the meeting to order at 6:00 p.m. and announced that any Public Comment should be emailed to Town Administrator Brendhan Zubricki at bzubricki@essexma.org The comments will be read from time to time throughout the meeting.

Chairman Pereen made a motion to table two requests for One-Day Licenses from the Riversbend until more information regarding the duration of the COVID-19 crisis is available. She explained how all deadlines for action on municipal permits have been suspended via recent legislative action related to COVID. The motion was moved, seconded, and unanimously voted.

One-Day Entertainment License:

- Riversbend, Curt Bergeron, for use on Saturday, September 19, 2020, between the hours of 4:00 and 10:00 p.m. within the confines of the tented area at 35 Dodge Street.

One-Day Wine & Malt License:

- Riversbend, Curt Bergeron, for use on Saturday, September 19, 2020, between the hours of 4:00 and 10:00 p.m. within the confines of the tented area at 35 Dodge Street

Town Moderator Jeff Jones, Board of Health Administrator Erin Kirchner, and Town Clerk Pamela Thorne joined the Board and others on the conference line for a discussion regarding the proposed polling location for the June 22, 2020 Annual Town Election. The election is usually held at the Essex Fire Station on Martin Street. However, considering the social distancing that is now required because of COVID-19, the school or some other larger location has been suggested. After reviewing some of the possible options, all agreed to keep the election at the Fire Station, where all three garage doors can be opened to provide plenty of ventilation. As such, reposting of the Election Warrant will not be necessary. Polling hours were reduced in the original Election Warrant and will be from 12 noon to 6:00 p.m.

There followed a discussion regarding whether the date of the Annual Town Meeting should be changed again. Usually the Annual Town Meeting occurs on the first Monday in May and was scheduled this year for May 4, but was moved to June 15 as a result of the pandemic. It was suggested that the meeting be moved from the school to a larger venue, such as Woodman's parking lot. It was also suggested that the meeting be moved from Monday evening on June 15 to 10 a.m. on Saturday, June 13., with a rain date of June 20. A motion was made, seconded, and unanimously voted to amend and repost the Annual Town Meeting Warrant, including whatever else may be necessary, once the time, date, and location have been determined.

Later in the meeting, Mr. Zubricki said that he had received a public comment by e-mail from Donna Roy regarding the possible use of Woodman's parking lot for the Annual Town Meeting. Ms. Roy was concerned with the loss of business to Woodman's that would result from the Town using their parking lot for the Annual Town Meeting. Weekends are their busiest time and the rain date of June 20 that was mentioned is Father's Day Weekend. She also indicated that the hot top in the parking lot gets very hot on a sunny day and suggested that it would not be comfortable for attendees. Further, Woodman's cannot offer bathrooms and the Town would have to bring in portables. Ms. Roy agreed to ask Doug Woodman to get in touch with Mr. Zubricki for a discussion regarding the possible use of the parking lot. The Board agreed that the Annual Town Meeting should be moved to the grounds of the Essex Elementary School if Mr. Zubricki did not see Woodman's materialize as a viable option. The date and time would be the same, with the same rain date. Mr. Zubricki will work with School District officials, Woodman's, and Town Counsel to arrive at the best decision and to undertake with the Moderator and all other required Town officials any and all steps to get the meeting date and time changed, all pursuant to recent State legislative action related to the ongoing COVID-19 crisis.

Shellfish Constable William Knovak reported that he had contacted Ryan Joyce at the Department of Marine Fisheries regarding a proposal for the Town to work with the people at the Massachusetts Oyster Project to relocate oysters from Marblehead Harbor to Essex Bay. Mr.

Knovak said the DMF was in favor of the idea. At Mr. Zubricki's suggestion, the Board directed Constable Knovak to ask the Mass Oyster Project people for a written plan of the proposal for Essex and a letter from the DMF approving the project for Essex for review by the Board of Selectmen at their next meeting on June 1. Constable Knovak agreed and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$123,674.06.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 05-07-2020 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ramie Reader	Reader Electric	04/14/2020	\$ 775.00	Fire

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 05-14-2020 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	04/24/2020	\$ 845.34	Police
Ernie Nieberle	Nieberle's	04/24/2020	\$ 143.54	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 4, 2020, Open Meeting.

At 6:30 p.m., Chairman Pereen entertained a motion to open a Public Hearing regarding a possible modification, suspension, or revocation of a Class II, used car dealer's license issued to Dynamic Auto Brokers at 147 Eastern Avenue. The motion was moved and seconded. Chairman Pereen said that she, Ruth Pereen, voted to open the hearing; Selectman Spinney said that he, Andrew Spinney, voted to open the hearing; and, Selectman Phippen said that he, Peter Phippen, voted to open the hearing. Chairman Pereen said that recently the Board had received complaints from neighbors regarding the number of unregistered vehicles on the property at 147 Eastern Avenue and the Board had asked the Building Inspector to make a site visit. Upon visiting the site, the Building Inspector reported that he had found 52 unregistered vehicles. Mr. Gallagher's Class II License only allows him to have, at the most, 18 unregistered vehicles on the property at any time, regardless of the number of businesses being operated at that address. Discussion followed between the Board, the Town Administrator, and Mr. Gallagher. At the end of the discussion, Chairman Pereen asked if anyone had any questions and there were none. She asked if anyone would like to comment. Mary Ellen DeLacey asked about whether the fence to screen the property had been erected, and it had. Chairman Pereen made a motion to close the hearing. The motion was moved and seconded. Chairman Pereen said that she, Ruth Pereen, voted to close the hearing; Selectman Spinney said that he, Andrew Spinney, voted to close the hearing; and, Selectman Phippen said that he, Peter Phippen, also voted to close the hearing.

Mr. Gallagher asked if the Board would increase the number of unregistered cars allowed under his Class II License from 16 to 22. The Board said that was a matter for another hearing. Mr.

Gallagher would need to submit a formal request to the Board for an increase, the abutters would have to be notified, and a public hearing held.

There followed a discussion among the Selectmen regarding whether the Class II License should be revoked or suspended. The Board decided to amend their motion to close the hearing and a motion was made and seconded to amend the previous motion and continue the hearing until June 1, at 6:30 p.m. The motion was moved and seconded. Chairman Preen said that she, Ruth Preen, voted to continue the hearing; Selectman Spinney said that he, Andrew Spinney, voted to continue the hearing; and, Selectman Phippen said that he, Peter Phippen, also voted to continue the hearing. Mr. Gallagher was instructed to provide, in advance, the following information for the continuation of the hearing on June 1st:

1. A company memo signed by all employees acknowledging that it is against company policy for any employee to bring unregistered vehicles onto the property.
2. A business plan outlining policies of operation and methods that will be employed to prevent and ensure that the number of unregistered vehicles on the property will not at any time exceed the number allowed under the Class II License.
3. A letter from Mr. Gallagher agreeing to quarterly inspections of his property by the Building Inspector.
4. A written assurance from Mr. Gallagher that he will not accept donor cars or salvage cars on the property to be used for spare parts, under any circumstances.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 2, 2020 through May 15, 2020, regarding the following:

Review of Marijuana Retail and Cultivation Host Community Agreements: Mr. Zubricki asked Host Community Agreement Advisory Committee Clerk Antonella Muniz for an update on the Committee's activities. Ms. Muniz reported that the comments from Town departments have now been incorporated into the retail Host Community Agreement and a review by Town Counsel has also been completed. Those present discussed the comments from Town Counsel and agreed on a plan to incorporate those comments and some additional sections provided by the Committee. After a final consultation with Town Counsel, Mr. Zubricki will create a comprehensive negotiation draft, which may be further revised after the Committee hears about any public concerns that are not already covered by the draft HCA after the public outreach meeting that will be hosted by project proponent BB Botanics on May 21, 2020. Once a final draft is arrived at, the Town's negotiation team will consist of one Select Board member, Mr. Zubricki, and possibly Chief Francis and Board of Health Administrator Kirchner. A motion was made, seconded, and unanimously voted to appoint Chairman Preen as the Board's representative on the negotiation team. Ms. Muniz asked if a member of the HCAAC would be able to attend the negotiation sessions. Both Mr. Zubricki and Chairman Preen agreed that that would be possible. The negotiations will not be public.

Ms. Muniz reported that the Committee has also begun work on a cultivation Host Community Agreement and has made significant progress. The Committee is meeting again on May 28 and hopes to be able to send the first draft of the cultivation host community agreement around to

departments for comment after that. The cultivation document will go to Town Counsel after departmental comment and will eventually join the retail document in the negotiation arena.

A motion was made, seconded, and unanimously voted to approve a request by Brian Ball for a Senior Shellfish Permit.

Consideration of an easement for a new utility pole to serve the new public safety building at 11 John Wise Avenue was tabled until the June 1 meeting of the Board, pending receipt of paperwork from National Grid, which did not arrive in time for the present meeting.

The Board was reminded that the Town Hall will be closed Monday, May 25, 2020, in observance of Memorial Day.

The next regular virtual Board of Selectmen's meeting will take place on Monday, June 1, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall, 30 Martin Street.

The Annual Town Meeting is scheduled for Saturday, June 13, 2020 at 10:00 a.m., on the grounds of the Essex Elementary School.

The Town's election will be held on Monday, June 22, 2020, at the Town Fire Station, 24 Martin Street, from 12 noon to 6:00 p.m.

The Board, Chief Francis, and Harbormaster Fialho reviewed public launching and parking at Conomo Point. A motion was made, seconded, and unanimously voted to allow holders of seasonal, non-resident shellfish permits to launch their boats at Conomo Point and park in the non-resident parking area along Conomo Point road, which is clearly marked for such parking.

It was also agreed to continue the present policy of limiting use of the Town Landing to residents-only until further notice.

Mr. Zubricki resumed discussion of his report topics.

Status of Essex Economic Development Plan: Mr. Zubricki said that the Economic Development Plan is still slowly taking shape with ongoing efforts of MAPC and the Town Planner. There are two parts to the plan. The first part addresses the transition back after the pandemic is over and the second part focuses on a long-range plan for the Town. Mr. Zubricki will bring a draft of the Plan to the Board after the Town Planner provides it. After that, the draft should be reviewed by the business community.

Public Safety Building Construction Project Update: Mr. Zubricki reported that the first shipment of steel has arrived from Canada. With the arrival of the steel, erection of the walls for the public safety building can begin.

Change Order: Replacement of Public Safety Building Oil/Water Separator and Change Order: Public Safety Building Painting of Ceilings Credit: Mr. Zubricki is waiting for additional information regarding these proposed change orders and discussion of them was postponed.

Third-Party Ambulance Billing Agreement Renewal: The agreement with Comstar for ambulance services is due for renewal. Fire Chief Dan Doucette has asked that the Board renew the agreement. Subsequently, a motion was made, seconded, and unanimously voted to renew the agreement for one year. Chairman Pereen signed the document.

Possible Further Postponement of Annual Town Meeting and/or Election and Finalization of Annual Town Meeting Motions: These items were not discussed at length, since no substantial changes have been made since the last meeting. Board members will review the materials individually and will provide any new comments at the next meeting.

Possible Revision to School Lease Automatic Extension Language: The lease agreement between the town of Manchester and the town of Essex will soon automatically renew for another twenty years. Since the inception of the first lease, Essex has invested in both the Middle High School and now the Memorial School in Manchester. After completion of the Memorial School Project, the Essex Elementary School is scheduled for renovation and/or replacement. Mr. Zubricki has recommended that, in the interim, both towns amend the lease to only renew for one year to allow both towns to consider further amendments to the lease and/or the Regional Agreement to fairly compensate each town for invested equity, should the District ever dissolve. This matter was immaterial when the first leases were written, since neither community had invested money in the other's school facilities. The Town of Essex has engaged Special Town Counsel to assist in this matter and the town of Manchester and the Regional District are currently reviewing his proposed one-year interim lease extension document. The Board agreed that talks concerning this topic should commence in the coming weeks.

Successor License for the Use of Paglia Park: The Paglia family leases a small portion of land on the causeway to the Town for a pocket park and that lease will expire at the end of May 2020. Mr. Zubricki has prepared a new 2-year lease for the property with an additional clause that will terminate the lease when or if MassDOT needs to utilize that space for a temporary bridge during the Essex River Bridge Reconstruction Project. A motion was made, seconded, and unanimously voted to approve and sign the lease.

New Municipal Vulnerability Preparedness (MVP) Grant Application: Mr. Zubricki reported that Boston University has suggested that the Town apply for a Massachusetts Vulnerability Preparedness Grant to help fund a study by Boston University regarding using sediment from navigation channels to fill the drainage ditches that were dug in the marsh many years ago. A motion was made, seconded, and unanimously voted to approve the application and the Chairman signed the documents. Mr. Zubricki made clear that BU would be writing the entire proposal and would have to find other partners to provide the required 25% project match.

COVID-19 Local Response Update: Mr. Zubricki briefly reported on the various measures that the Town has employed to date to deal with the coronavirus crisis. He also touched on a new offering from the State which would use up to \$334,000 in Federal money to reimburse Essex for reactive spending that has been necessary to address the ongoing COVID-19 crisis. The program is confusing at this point, since it requires communities to first apply to the FEMA disaster declaration grant program (which only reimburses at 75%) before requesting funds from the new, special program.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:09 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen