

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

October 7, 2019

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Pereen, Town Administrator Brendhan Zubricki, Town Counsel Katie Laughman, and Selectmen's Assistant Pamela J. Witham.

Also Present: Janice Brockman, Erika Brown, Detective Dan Bruce, Westley Burnham, Stan Collinson, Amanda Davis, Dom Delacey, Brian Desrosiers, Scott DeWitt, Paul Fitzpatrick, Gregg Foster, Sergeant Paul Francis, Michael Galli, Mary Heeney, Tina Lane, Dan Mayer, Michael McConnell, Antonella Muniz, Ed Neal, Daisy Nell, Steve Poulos, Paul Rullo, Ben Wilcox, and several others.

Chairman Spinney called the meeting to order at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. No one offered any comment.

Ben Wilcox, the General Manager of the Farm Bar & Grill, joined the Board to discuss a request for a One-Day Entertainment License for use on Sunday, October 13, 2019, between the hours of 3:00 and 6:00 p.m., within the confines of the rear fenced-in area at 233 Western Avenue. A motion was made, seconded, and unanimously voted to approve the request and the Board signed the license. Mr. Wilcox thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$550,779.00.

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 9/26/2019 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>
David Pereen	Pereen Plumbing	09/15/2019	\$ 810.00	Fire
Jim McNeilly	McNeilly EMS	09/13/2019	\$ 145.00	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 10/3/2019 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>
David Pereen	Pereen Plumbing	09/08/2019	\$ 656.00	Wastewater

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 23, 2019, Open Meeting and Executive Session.

The Board agreed to postpone their discussion concerning possible institution of an automated collection system for boat launching fees on weekdays for non-residents, and also the discussion

as to whether or not the existing fee should be changed. These items will be added to the October 21st agenda.

Concerning the proposed 2019 Fall Town Meeting:

- A motion was made, seconded, and unanimously voted to hold the Fall Town Meeting on Monday, November 18, 2019 at 7:30 p.m. at the Essex Elementary School;
- A motion was made, seconded, and unanimously voted to open the warrant for the November 18, 2019 Fall Town Meeting.

Chairman Spinney reported that there were no new developments regarding the status of offers to purchase the Town's vacant lot at 0 Sumac Drive, Map 110, Lot 7.

A motion was made, seconded, and unanimously voted to approve a One-Day Entertainment License request by Ken Riehl, the Cape Ann Chamber of Commerce, for their Cape Ann Plein Air event, for use on Monday, October 14, 2019, between the hours of 12:00 noon and 4:00 p.m., within the confines of the Shipyard at the Waterline Center at 66 Main Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 21st, 2019 through October 5th, 2019, regarding the following:

Contract for Fiber Optic Service Extension to New Fire/Police Facility: Mr. Zubricki said that the fiber optic network for the Town's municipal buildings needs to be expanded to include the new public safety building on John Wise Avenue and recommended that the Board approve signature of a contract with our fiber optic vendor, Comm-Tract, for the extension. The Board agreed and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to sign the contract.

Contract for Audit, Design, and Oversight of Street Light LED Conversion: Mr. Zubricki reported that the company chosen by the Town to perform the street light audit is not willing to enter into a contract with the Town, since the Town has so few lights. Another company, Citelum, is able to contract for smaller projects. Citelum's estimate can be entirely funded with the grant money the Town has received for the project. Subsequently, a motion was made, seconded, and unanimously voted to authorize the Chairman to sign a contract with Citelum.

Downtown Parking Striping and Signage Public Workshop Summary: Mr. Zubricki attended the recent meeting held by the Town's consulting firm to present the preliminary plan for downtown parking and signage to area businesses. Those present asked Mr. Zubricki to organize a second presentation to the business community, to be held during the daytime, and Mr. Zubricki agreed. The second meeting will be held on Wednesday, October 16, from 8:00 to 9:00 a.m. in the 3rd Floor Town Hall Auditorium.

Ed Neal joined the Board. to inquire about whether the Selectmen would support an effort to acquire an alternative access route to the Town transfer station and DPW facility. At present, there is only one road over a small bridge in to the transfer station and the DPW barn. Mr. Neal

said that up until 1982, the Town had had a right of way over the 11-acre property at 30 Apple Street, and that he would like the Board to consider acquiring the entire property for access and future municipal use. Short of complete acquisition, he recommends acquisition of a right of way or easement over that property to provide a second access/egress route from the Town facility. After some discussion, Mr. Neal agreed to talk to the owner of the property about the above possibilities. The acquisition could be voted on at the May 2020 Annual Town Meeting and eminent domain could be used as a tool to cure any title defects, if necessary. The Board agreed that this possible acquisition should be explored for the 2020 Annual Town Meeting.

Ed Neal, Scott DeWitt, Paul Rullo, Michael Galli, and Amanda Davis left the meeting.

At 6:30 p.m., Town Counsel Katie Laughman, the Board of Selectmen, and others, participated in a discussion concerning the proposed Host Community Agreement with Marijuana Retailer BB Botanics. Town Counsel Laughman began the discussion with a review of the basic elements comprising a host agreement. The host agreement is a contract that is negotiated between the two participants (the Town and the retailer). An initial host agreement is typically for five years, although it could be for any length of time. An initial agreement generally will promise to pay the Town 3% of the retailer's sales revenue, as well as other additional items that are negotiated. The Board had questions for Town Counsel concerning the process and the types of items that could be included in the agreement. Chairman Spinney asked if there was public comment and several people offered comments and asked questions. Dan Mayer provided the Board with a comprehensive list compiled by a group of concerned residents regarding their recommendations/suggestions for permitting, negotiating an agreement, and regulating a marijuana establishment in Town. Discussion ensued regarding whether a bylaw proposal regulating retail marijuana in some way could be considered for the Fall Town Meeting Warrant. Planning Board member Westley Burnham indicated that there was insufficient time to get through the required public hearing process to have a vote on November 18. After an extensive discussion, a motion was made, seconded, and unanimously voted by the Board to investigate forming a committee to research and negotiate a host community agreement with BB Botanics. The possible makeup of the committee which will likely include area residents, will be taken up at the Board's next meeting.

All those present, except for the Board, their Assistant, the Town Administrator, and Tina Lane left the meeting.

Mr. Zubricki continued discussion of some topics in his Town Administrator's report for this period.

Construction of New Public Safety Facility and Asbestos Abatement: Mr. Zubricki informed the Board that the Project Manager and Project Designer have revised their recommendation to seek a separate contract for asbestos abatement at 11 John Wise Avenue, and now are recommending that asbestos abatement be included in the general contract for the project. The Board was in favor of the new recommendation and a motion was made, seconded, and unanimously voted to approve the revision.

Draft Fall Town Meeting Warrant: Mr. Zubricki reviewed and discussed with the Board the articles on the current draft of the proposed warrant for the Fall Town Meeting, along with the corresponding draft summary of monetary articles. As part of the discussion, the Board agreed with the earlier statement of Planning Board member Westley Burnham that there is not sufficient time to place a bylaw proposal regulating retail marijuana on the Fall Town Meeting Warrant. However, the Board did agree to explore regulation of the industry in time for the 2020 Annual Town Meeting.

Culvert Replacement Grant Update: Mr. Zubricki reported that there are two low spots on the Southern Avenue end of Apple Street that flood during storm surges: one containing a culvert, and one not containing a culvert. The grant that the Town received will fund the design plan and permitting for culvert replacement and road elevation in the one with the culvert, but not both. Elevation of the road bed in these two areas will allow Apple Street to be passable during extreme tides when the causeway is flooded. The State will hold a grant kickoff meeting on October 21st, and the Town will learn the extent of work that the State will cover at that time. Mr. Zubricki suggested applying for a second grant in the future to fund elevation of the second area.

MIIA Loss Control Grant Application: Mr. Zubricki said that the Town's insurer, MIIA, is again offering a grant program to assist funding for the purchase of items or provide training to avoid losses. This year the Department of Public Works would like to apply for the grant. The money would be used to purchase several items, including a trench box, backup cameras for existing DPW vehicles, and special containers for the safe disposal of flammable rags. Mr. Zubricki will assist the DPW with the preparation of the application. The Board was in favor of Mr. Zubricki's recommendation, and a motion was made, seconded, and unanimously voted to authorize the Chairman to approve and sign the grant application when it becomes available.

Mr. Zubricki said he had received a letter concerning a proposal that the Town participate in a mosquito control program. In the past, about six years ago, the Town had voted, at two different Town meetings, against participating in a control program. At the time, the Town would have had to join a group of municipalities participating in the program and guarantee that the Town would remain in the program for at least three years. The cost per year was \$40,000. After a short discussion, the Board agreed that they were not interested in joining a program at this time.

Recently several Essex residents have complained about receiving parking tickets in Manchester when attending youth sports events there. Essex Police do not ticket cars with Manchester resident stickers at sports events held in Essex. The Manchester Chief of Police said that the recent ticketing was only an anomaly on a very busy weekend. After a short discussion, it was agreed that Chairman Spinney would contact the Manchester Board of Selectmen's Chairman to discuss a goodwill effort.

Mr. Zubricki reported that one employee had received two recommendations for the Employee of the Year Award and no other recommendations for this category had been received. The

Board was in agreement and a motion was made, seconded, and unanimously voted to choose this employee to receive the Employee Award this year. Three nomination letters had been received for Volunteer of the Year; two for candidate "B" and one for candidate "A". A motion was made, seconded, and unanimously voted to offer the award to candidate "B". The awards will be presented at the Fall Town Meeting, along with awards for employee service benchmarks.

The Board was reminded of the following future meetings:

- The next regular Board of Selectmen's meeting will take place on Monday, October 21, 2019, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Essex Town Hall.
- The Fall Town Meeting will take place on Monday, November 18, 2019, starting at 7:30 p.m. in the cafetorium of the Essex Elementary School on Story Street.

At 9:28 p.m., the Chairman entertained a motion to move to Executive Session to discuss pending litigation concerning the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C. He stated that discussing this matter in Open Session would be detrimental to the Town's litigating strategy and invited the Town Administrator to attend the Session. He said the Board would be returning to Open Session only to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:35 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen