

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

**November 4, 2019**

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

Also Present: Lindsey Bergeron, Westley Burnham, Michael Cataldo, Town Planner Matt Coogan, Mary Ellen DeLacy, Maureen Flatley, Police Chief Paul Francis, Michele French, Jodi Harris, Shellfish Constable William Knovak, Robyn and Joe LaFata, Martha Mazzarino, Antonella Muniz, Mark Muniz, Donna Roy, Jude Seminara, John and Theresa Tremblay, and others.

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

Shellfish Constable Knovak came before the Board to introduce Jude Seminara and to recommend Mr. Seminara's appointment to the position of Deputy Shellfish Constable. The Board asked a few questions, and, a motion was made, seconded, and unanimously voted to appoint Mr. Seminara to the position of Deputy Shellfish Constable, contingent upon successful passage of a pre-employment drug and medical screen, a CORI check, and the passage of the required State training course the next time it is offered. Constable Knovak and Mr. Seminara left the meeting.

The Board considered a letter of interest from Maureen Flatley requesting to be appointed to the Economic Development Committee which currently has seven members (1 Planning Board member, 3 At-large members, and 3 members from the business community). A motion was made, seconded, and unanimously voted to approve her appointment and the Board signed the appointment card.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$267,098.28.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's October 21, 2019, Open Meeting.

Mr. Zubricki said that a recent analysis of the Town's insurance coverage discovered that the Town's overall level of coverage is low, especially considering that the Water Filtration Plant is undervalued in today's dollars. Also, most towns of similar size carry \$2 million in flood and quake insurance (Essex only has \$1 million). Following a discussion, a motion was made, seconded, and unanimously voted to increase flood and earthquake insurance coverage by \$1 million now and a second motion was made, seconded, and unanimously voted to add \$10 million in overall property coverage, effective January 1, 2020.

After a short discussion, the Board decided to deny a request for a donation of \$200 towards the Essex Merchants Group's annual mums beautification program.

A motion was made, seconded, and unanimously voted to acknowledge a proclamation by Governor Charles Baker and Lt. Governor Karyn E. Polito proclaiming November 11, 2019 to be Veterans Day.

A motion was made, seconded, and unanimously voted to approve a request by the Essex Lions Club to hold their Annual Turkey Trot on Sunday, November 24, 2019. The Board signed the MA Parade Permit Application.

Concerning Conomo Point matters, Chairman Spinney said there has been no new activity regarding the status of offers to purchase the Town's vacant lot at 0 Sumac Drive, Map 110, Lot 7. Recently, Mr. Mayer and Mr. Emerson said they would give the Town \$5,000 for the property. The Board was in agreement that they were not in favor of selling the property at this time. It was also agreed that the owner(s) of the trailers stored on this property would be asked to remove them.

The Board reviewed a request from lessee Marjorie Lane to add to the existing deck at 9 Middle Road, Map 108, Lot 58. Selectman Phippen moved that the Board of Selectmen, in its capacity as Conomo Point Commissioners, approve a building renovation request made by Marjorie D. Lane, to add to the existing deck on the premises located at 9 Middle Road (Map 108, Lot 58), subject to the following terms and conditions:

1. The work shall be done in accordance with the terms and conditions set forth in Sections 2 and 3 of Article IX and Article X of the Land Lease commencing on January 1, 2017 (the "Lease"), which terms and conditions are expressly made part of this approval.
2. The renovated dwelling shall be considered the "Improvements" for purposes of the Lease.
3. The Lessee acknowledges that nothing in this vote is intended to convey or imply any right, title or interest in the Town's property, or any portion thereof, and that nothing herein is intended to extend the term of the Lease or to waive the Town's right of termination pursuant to Article XI thereof, and further that the Town expressly reserves the right to assert ownership of the newly constructed dwelling in accordance with Article V of the Lease.
4. The Lessee shall sign a written acknowledgment of her agreement to these conditions, which acknowledgement shall be countersigned by the Town Administrator on behalf of the Board.

5. The renovation may be completed to a lesser extent than depicted by the building envelope on the below-referenced plans, but may not exceed said envelope without seeking approval from this Board, which may be denied.

The motion was seconded and unanimously voted. The Chairman and the Town Administrator initialed approval on the building permit and supporting documents.

The Board reviewed a proof for a proposed replacement sign for Centennial Grove, and a motion was made, seconded, and unanimously voted to approve the \$400 purchase of the sign for Centennial Grove.

The Board was in agreement that Selectman Phippen would participate in 1623 Studio's "Need to Know" video series, featuring a preview of the upcoming Fall Town Meeting Articles.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period October 19<sup>th</sup>, 2019 through November 1<sup>st</sup>, 2019, regarding the following:

Essex Housing Coalition Meeting Summary: Mr. Zubricki said the group is planning an open house in January as part of the group's goal to increase awareness of the need for affordable housing in Essex. The group also discussed their support of the Planning Board's intention to propose a downtown mixed-use overlay district bylaw at the Annual Town Meeting.

Strategic Planning Committee Meeting Summary: Mr. Zubricki reported that the SPC has added a tenth goal to their Strategic Plan for the Town, which will now includes coastal resilience.

The Board was joined by Town Planner Matt Coogan and Economic Development Committee Chair Martha Mazzarino and members Westley Burnham, Michael Cataldo, Michele French, Jodi Harris, and Donna Roy, for a review of the proposed downtown striping and signage project. Mr. Zubricki reviewed the proposed plan for striping which would eliminate some of the current spaces due to safety concerns. He also reviewed suggested signage which was comprised of large 5' x 6' signs. Because Route 133 is a State road, signage and parking must conform to MassDOT requirements. Following a lengthy discussion, it was agreed to take the matter under advisement for future discussion. Mr. Zubricki will find out from the Town's engineering consultant whether they feel that MassDOT would allow the Town to simply prohibit parking in dangerous locations, but not stripe actual spaces. He will also ask whether signage could be reduced further in size.

Lindsay Bergeron, Westley Burnham, Michael Cataldo, Matt Coogan, Maureen Flatley, Michele French, Jodi Harris, Robyn LaFata, Martha Mazzarino, and Donna Roy left the meeting.

The Board continued their discussion regarding the formation of an advisory committee to make recommendations to the Board regarding negotiation of a Host Community Agreement with the owner of a proposed retail marijuana dispensary to be located at the corner of Eastern Avenue and Harlow Street. Antonnella Muniz offered a list of seven people from across Town who

would like to be on the advisory committee. She also volunteered to be an alternate member and take minutes for the committee. The list included one member from the Police Department and one member from the Board of Health. Following a short discussion, a motion was made, seconded, and unanimously voted to appoint Sergeant Daniel Bruce, Greg Foster, Dean Macfarland, Elizabeth McKeen, Fares Mouchantaf, Stephen Poulos, and Bryan Sanderson to the Host Community Agreement Advisory Committee; and, to also appoint Antonella Muniz as an alternate member to the Committee. Ms. Muniz will meet with Mr. Zubricki concerning logistics and meeting protocols.

Those present discussed the list of items needed to move the project towards completion and it was agreed that Mr. Tremblay needed to provide everyone with a site plan. Mr. Tremblay said it would take him about a month to six weeks to prepare the plan.

Mary Ellen DeLacy, Police Chief Francis, Antonella and Mark Muniz, John & Theresa Tremblay, and others left the meeting.

**LICENSING:** A motion was made, seconded, and unanimously voted to report to the Alcoholic Beverage Control Commission that the estimated temporary increased resident population of the Town of Essex, as of July 10, 2020 will be 3,700.

Award of Construction Contract for Public Safety Facility: Mr. Zubricki reported that five bids were received for the Public Safety Facility and that all of them were under budget. The lowest bid was from G&R Construction, Inc. of Quincy, in the amount of \$12,427,000. All of the bidders were prequalified. A motion was made, seconded, and unanimously voted to authorize the Project Manager to issue a Notice of Award and a Notice to Proceed to G&R Construction. A second motion was made, seconded, and unanimously voted to sign the construction contract when it becomes available (after all insurance and bonding issues are settled).

On a related matter, Mr. Zubricki reminded the Board that it will be necessary to hire a company to monitor the site for hazardous materials during building demolition and recommended amending the contract with Johnson Roberts Associates to include the hiring of a subcontractor to monitor for hazardous materials during the demolition of the existing structures at 11 John Wise Avenue. The Board agreed and a motion was made, seconded, and unanimously voted to amend the Johnson Roberts contract.

Joe LaFata left the meeting.

Builder's Risk Policy for the New Public Safety Facility Construction Project: Mr. Zubricki discussed the need for the Town to have a builder's risk insurance policy during the construction of the new public safety facility, and, a motion was made, seconded, and unanimously voted to authorize the Chairman to approve and sign the policy when it becomes available.

Concerning the Public Safety Facility Project, the Board was in agreement that weekly construction update meetings will be held at the Town Hall and Chairman Spinney will represent the Board at those meetings.

Parking, Speed Limit, and Crosswalk Discussion with State DOT: Recently, Chairman Spinney, Chief Francis, and Mr. Zubricki met with MassDOT officials and Senator Bruce Tarr to discuss safety and parking concerns along Routes 133 and 22. MassDOT suggested making the road lane narrower on one side of Eastern Avenue (Route 133) by Farnhams restaurant and creating a wider shoulder for parking. They will also place two permanent speed boards on either side of the reconfigured area (if reconfiguration is possible) to track vehicle speeds and to calm traffic. The narrower lane should also slow traffic, making that section less dangerous and possibly allowing for the addition of more parking spaces.

Concerning Martin Street (Route 22), MassDOT offered to conduct a traffic study to determine whether the speed limits on that road are appropriate.

Adjustment of Spotlights on Main Street: Mr. Zubricki said that the glare from the spotlights by C.K. Pearl affects the ability of motorists to see pedestrians in the crosswalk and it has been suggested that adjusting the position of the lights would alleviate the problem. Mr. Zubricki has determined that the lights are privately owned, and National Grid will be scheduling a work detail to change the position of the lights.

School District Budget Coordination Meeting: Mr. Zubricki reported on his recent attendance at the School District budget meeting. The new School Resource Officer has been chosen and will begin work soon. The District is working on their tentative budget proposal. Those present also discussed ways to collaborate on future Green Communities Grant applications.

Draft Fall Town Meeting Motions: Mr. Zubricki reviewed the latest draft of the motions for the Fall Town Meeting on November 18.

Possible Acquisition of Apple Street Property or Right of Way: The Board reviewed a letter from a resident regarding his apprehension in attempting to make contact with the owner of an Apple Street property on behalf of the Board. The Board agreed to take the matter under advisement for the present.

The Board voted to authorize the Chairman to sign a data collection and survey contract with TEC for the Apple Street culvert project. The grant funding is not sufficient to get through permitting. The Town will need to apply for a second grant to fund the design work and permitting.

The Board was reminded of the following upcoming meetings and events:

- There will be a public hearing held by the Zoning Board of Appeals on Wednesday, November 6, 2019, in the 3<sup>rd</sup> Floor Auditorium of the Town Hall

regarding the Great Marsh Brewery's request for a larger sign at the brewery on Main Street.

- The next regular Board of Selectmen's meeting will take place on Monday, November 18, 2019, at 6:00 p.m. in the Faculty Room at the Essex Elementary School on Story Street.
- The Fall Town Meeting will be held in the gymnasium at the Essex Elementary School on Story Street on Monday, November 18, 2019, starting at 7:30 p.m.

At 8:25 p.m., citing the need to discuss pending litigation concerning the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C, the Chairman entertained a motion to move to Executive Session. He stated that discussing this matter in Open Session would be detrimental to the Town's negotiating strategy and invited the Town Administrator to attend the session. He said the Board would only be returning to Open Session 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. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:31 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