

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

**December 16, 2019**

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

Also Present: Tom Barrieau, Tom Beale, Curt Berberon, Alden Blodget, Anneliese Brosch, Dawn Burnham, Richard Cairns, Brian DesRosiers, Dan Fialho, Meredith Fine, Michele French, Craig Hammond, Jodi Harris, Gerard Hayward, Bob Jerin, Joe and Robyn LaFata, Tina Lane, Antonnella Muniz, Judson Reis, Ken Riehl, Donna Roy, Patrick Shea, Kristen Walker, Kristen Weiss, Jim Witham, and others.

Chairman Spinney called the meeting to order at 6:00 p.m. and announced that the Board would hear Public Comment. Tina Lane asked about the reinstated budget item "Advertise Town Resources". Mr. Zubricki responded that it consists of an annual contract that is put out to bid. The lowest bidder is awarded the contract for publicizing the many attractions in Town in an effort to promote business.

Brian DesRosiers announced that he is part of a group circulating a petition for a Special Town Meeting to establish buffer zones in Town where marijuana may not be sold or grown.

Dawn Burnham, Chairman of the Bicentennial Committee, came before the Board to speak about wrapping up the Town's bicentennial year celebration with a winter solstice celebration in the Town Hall Auditorium, this coming Sunday. A presentation of the Boston Post Cane, which is awarded to the oldest person in town, will take place during the celebration.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$108,154.69.

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 12/12/2019 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> |
|----------------|---------------|-------------|---------------|--------------------|
| Ernie Nieberle | Nieberle's    | 11/24/2019  | \$ 677.98     | Police             |
| Ernie Nieberle | Nieberle's    | 11/24/2019  | \$ 170.00     | Fire               |
| Ernie Nieberle | Nieberle's    | 11/24/2019  | \$ 94.80      | Fire               |

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 7, 2019, Open Meeting.

A motion was made, seconded, and unanimously voted to approve the promotion of Justin Symonds from Special Police Officer to Part-Time Police Officer. The Board signed his appointment card.

A motion was made, seconded, and unanimously voted to accept the Emergency Management Performance Grant to the Fire Department in the amount of \$2,700 and sign the State contract.

A motion was made, seconded, and unanimously voted to approve the Council on Aging Formula Grant for FY2020 in the amount of \$9,036.00 and authorize Chairman Spinney to sign the State Contract for the grant.

A motion was made, seconded, and unanimously voted to approve a request YuKanRun to pass over roads in Essex during their annual Fast Half Marathon on Saturday, May 9, 2020, between the hours of 9:00 a.m. and 12:00 p.m.

A motion was made, seconded, and unanimously voted to approve a request from the American Diabetes Association to pass over roads in Essex during their annual North Shore Tour de Cure on Sunday, May 17, 2020, between the hours of 10:00 a.m. and 2:00 p.m.

Mr. Zubricki announced that agreement has been reached on a successor Inter-municipal Agreement with the City of Gloucester for wastewater treatment services for the next 25 years. The Agreement allows the Town to completely pay for an agreed-to portion of the City's combined sewer overflow (CSO) project by establishing a wholesale sewer usage rate for the Town that is 14% lower than the City's residential user rate. A motion was made, seconded, and unanimously voted to sign the document.

The following motions were made, seconded, and unanimously voted regarding the next Annual Town Meeting:

- Vote to hold the Annual Town Meeting on Monday, May 4, 2020, starting at 7:30 p.m. at the Essex Elementary School.
- Vote to open the Warrant for the Annual Town Meeting and accept articles for inclusion in the Warrant until 3:00 p.m. on Wednesday, February 26, 2020.
- Vote to accept reports for the Annual Town Report until noon on Wednesday, February 5, 2020.

Concerning Conomo Point, it was agreed to table discussion of a request to transfer the property at 187 Conomo Point Road (Map 108, Lot 70) from Mark Webber to the Bediz Conomo Point Real Estate Trust, John Bediz, Trustee.

Chairman Spinney entertained a motion to approve a written request for the transfer of all interests in the leasehold for the seasonal property at 124 Conomo Point Road (Map 108, Lot 67) from Daniel Mayer, to Jeffrey J. Lawler and Tracy E. Nolan; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Dan Mayer. The motion was moved, seconded and unanimously voted.

A motion was made, seconded, and unanimously voted to approve a Lease Addendum Tight Tank Notification for 175 Conomo Point Road (Map 108, Lot 030).

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for licenses, license renewals, and permits:

Renewal Certification 2020 to the Alcoholic Beverage Control Commission:

- Sign certificate for the 2020 renewals.

All Alcoholic Beverage Restaurant License Renewals:

- Thomas Riordan, AuroraGray LLC, d/b/a Ripple, 74 Main Street
- Michael Werthman, Great Marsh Restaurant LLC, 99 Main Street
- Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Timothy Kennefick, Windward Grill LLC, Windward Grille, 109 Eastern Avenue
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street

Wine & Malt Beverage Restaurant License Renewal:

- Joseph K. Cellucci, Eben Creek Corporation, d/b/a J.T. Farnham's, 88 Eastern Avenue

Farmers Series Pouring Permit:

- John J. Collins, Great Marsh Brewing Company, 99 Main Street

All Alcoholic Beverage Package Store License Renewals:

- John D. Chisholm, Chebacco Liquor Mart., Inc., 201 Western Avenue

Wine & Malt Beverage Package Store License Renewals:

- Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
- Gayle McKinley, Weezie's Dylan, d/b/a Shea's Riverside Inn, Main Street

Antiques License Renewals:

- Susan Blake, Muzio Designs, 55 John Wise Avenue
- Debbie & Alfred Brosch, Brosch Antiques, 143 Main Street
- Vincent W. Caravella, All Prints and Maps, 34 Main Street
- Robert Coviello, Main Street Antiques, 44 Main Street
- Dana Guarnera, Ro-Dan Antiques, 69 Main Street
- Channing Howard, Howard's Visual Merchandise, 165 Eastern Avenue
- Tom Lang, Perim Lang Antiques, 18 Eastern Avenue
- David Neligan, DPN Corp., d/b/a David Neligan Antiques, 38 Main Street
- Mary and Rachel Tetzloff, Cape Ann Red Shed, 98 Western Avenue

Class II License Renewals:

- Paul Russell, Paul Russell and Company, 106 Western Avenue
- Eric Holdsworth, Portside Auto, 166 Eastern Avenue
- Paul Wright, Wright Industries Inc., 22 Western Avenue

Common Victualler License Renewals:

- Thomas Riordan, AuroraGray LLC, d/b/a Ripple, 74 Main Street

- John D. Chisholm, Chebacco Liquor Mart., Inc., 201 Western Avenue
  - Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
  - James Roumeliotis, Cape Ann Pizza and Subs Inc., d/b/a Cape Ann Pizza and Subs, 65 Eastern Avenue
  - Joseph K. Cellucci, Eben Creek Corporation, d/b/a J.T. Farnham's, 88 Eastern Avenue
  - Dimitrios Tegos, Essex Pizza & Restaurant, 235 Western Avenue
  - Clifford Amero, Essex River Cruises & Charters, 35 Dodge Street
  - Eric Vennerbeck, Essex River Dogs, 162 Main Street
  - Howard Lane, Essex Seafood, 143 R Eastern Avenue
  - Laura Wright, Essex Village Market Company, 1 Martin Street
  - Michael Werthman, Great Marsh Restaurant LLC, 99 Main Street
  - Gayle McKinley, Weezie's Dylan, d/b/a Shea's Riverside Inn, Main Street
  - Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
  - Timothy Kennefick, Windward Grill LLC, Windward Grille, 109 Eastern Avenue
  - Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
  - Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street
- Sunday Entertainment License Renewal:
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
- Weekday Entertainment License Renewal:
- Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
  - Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
  - Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street

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

- The next regular Board of Selectmen's meeting will take place on Monday, January 6, 2020, at 6:00 p.m. in the 2<sup>nd</sup> floor Stage Conference area of the Town Hall on Martin Street.
- The Economic Development Committee will be hosting an Open House in the Town Hall Auditorium on Wednesday, January 8, 2020, at 7:00 p.m.
- The Essex Housing Coalition will be hosting an Open House in the Town Hall Auditorium on Wednesday, January 22, 2020 at 7:00 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 30<sup>th</sup>, 2019 through December 13<sup>th</sup>, 2019, regarding the following:

Host Community Agreement Advisory Committee Meeting Summary: Antonella Muniz, a member of the HCAAC reported that the committee had its first meeting on December 4 and discussed the charge given to their committee. She asked the Board to clarify the charge for the Committee. The Board also restated that the Committee was formed to offer advice only for the current agreement that is being proposed by BB Botanics, not all future agreements. Items the Committee plans to review include a site plan, proposed site security, and increase in local traffic. The Committee has the draft Host Community Agreement that BB Botanics proposed and will work with that as a foundation. Ms. Muniz asked if the Town could also compel the company to get a special Town license for this project which could include additional compliance points. Mr. Zubricki said that he would check with Town Counsel into the possibility of a local licensing process and how that would be structured, if such a process is available. The Committee plans to meet every other week and their next meeting will be on December 18.

Harbormaster Dan Fialho joined the Board to review his accomplishments to date since being promoted from Deputy Harbormaster to Harbormaster on July1, 2019. He reported that the department is using a new on-line mooring program. He inquired about installing kayak racks at Conomo Point which would be rented out and be managed using the new mooring software. Mr. Zubricki asked Harbormaster Fialho to obtain estimates for the racks. The Town may be asked to approve this purchase at the May 2020 Annual Town Meeting if the operating budget does not have sufficient funding for the purchase. Mr. Zubricki will look into the proper process and structure for renting out the racks and setting rules for users. Mr. Fialho also asked for a status update on the Town's effort to seek Federal funding for dredging the River and Mr. Zubricki offered a brief synopsis of the progress made so far. Harbormaster Fialho said that one of his goals is to rebuild the Town docks and asked about sources of funding and Mr. Zubricki suggested a line item transfer or a reserve fund transfer. And lastly, Mr. Fialho mentioned that a resident is storing a skiff on the marsh which is against Federal and State regulations. He has asked the resident to remove it and the resident has refused. Mr. Zubricki said that he would help him with an official letter to the resident, if desired. Mr. Zubricki will also assist the Harbormaster with a plan to flag unpaid harbor citations in the mooring software so that mooring holders must clear any outstanding fines before they will be allowed to renew their mooring for another season.

Mr. Zubricki continued with his report topics:

Regional Computer Services Discussion: Mr. Zubricki reported that the consulting group hired by the Town of Danvers IT Department using grant funds has completed its survey of seven towns regarding areas where the communities could share computer services, using the Danvers datacenter as a hub. A group meeting was held recently to discuss the results and the Danvers IT Department will begin to determine what the next steps might be in January.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki reminded the Board that it is time again for his annual review. He also suggested seven possible goals for him to meet next year. He asked the Board to review his suggestions and consider any other goals for future discussion.

Award of Contract for the Promotion of Town Resources and Attractions: Mr. Zubricki reported that only one bid had been received for the contract. The bid was from the Essex Merchants Group, who has won the contract in past years. Based on the EMG's past performance, a motion was made, seconded, and unanimously voted to award the contract in the amount of \$23,500 to the Essex Merchants Group. All work must be done and invoiced to the town by June 30, 2020. The Board signed the contract.

Continued Discussion Relative to Downtown Parking Line Striping: Mr. Zubricki announced that the State has agreed to allow the use of regular paint for striping of permissible parking spaces and/or striping of unsafe parking places and will not insist on the use of thermoplastic material. The Board is in favor of finding and lining out areas where parking is too dangerous, as opposed to marking areas where parking is permissible. Mr. Zubricki suggested eventually approving a change order to authorize the Town's consulting firm on this project to prepare a design plan for lining out dangerous spaces in Town. He will first consult with Chief Francis and will bring the list of recommended areas back to the Board before the Town's consultant is approached again.

Representatives for the First Congregational Church (Craig Hammond, Richard Cairns, and Judson Reis) joined the Board to discuss their request for Community Preservation money to help fund restoration of the steeple which houses a Paul Revere Bell. Mr. Zubricki and Selectman Pereen excused themselves from the meeting for this discussion, since both have possible conflicts of interest. Mr. Hammond said that the Church had discussed getting CPC funding in the past with the CPC and Town Counsel. Since then they have received \$142,000 in gifts towards the restoration and would like to seek guidance from Town Counsel on how to successfully proceed with a request for CPC money. The Board was in favor of the idea and a motion was made, seconded, and unanimously voted to authorize representatives from the church to seek advice from Town Counsel. The Selectmen's Assistant will coordinate a meeting to include three church representatives, one Selectman, one CPC representative, and Town Counsel. While the Select Board may support a project for CPC funding, only the CPC may decide whether or not to recommend it for funding at Town Meeting. Craig Hammond, Richard Cairns, and Judson Reis thanked the Board and left the meeting.

Town Administrator and Selectman Ruth Pereen rejoined the meeting.

Public Safety Facility Construction Project Update and Change Order: Mr. Zubricki said that it will be necessary to add a bottle filler to the project, resulting in a change order. Subsequently, a motion was made, seconded, and unanimously voted to authorize Chairman Spinney to approve the proposed change order, when it becomes available.

Regional School District FY21 Tentative Operating Budget Hearing: Mr. Zubricki said that he had attended the first meeting regarding the FY21 Operating Budget for the School District. The initial draft shows an overall operating budget increase of 3.85%, with the specific increase to

Essex not yet known, but they will continue to work towards the best possible budget for both towns.

LED Street Light Conversion Project Update: Mr. Zubricki said it had been intended to apply for Green Community Grant funding for the public safety building project. That would have required the Town to have the LED conversion project done very soon (since the LED project is also funded by the Green Community grant and it would have to be closed out before the Town could apply for another). However, he has discovered that Green Community funding is not available for new construction. As such, there is no longer pressure to coordinate the two projects. He recommended that the Town proceed with purchasing the materials for the project and the Board agreed. Therefore, a motion was made, seconded, and unanimously voted to authorize the Chairman to approve the purchase when the Town's lighting designer has that prepared.

Selectman Phippen presented a brief review of the Board's efforts to date regarding the formulation of a defined process and policy for the issuance and regulation of entertainment licenses and the associated noise levels. Mr. Phippen said that he agreed with some of the items in Town Counsel's suggested draft of a policy, but felt the wording in others needed more definition and clarification. Chairman Spinney was in agreement. Mr. Zubricki said that Town Counsel agreed with Chairman Spinney in that the Department of Environmental Protection's noise regulations were mainly intended to regulate industrial noise.

There were several members of the business community present and Annaliese Brosch, Patrick Shea, Attorney Meredith Fine, Curt Bergeron, and Donna Roy spoke. Tom Barrieau suggested that the Board consider forming an advisory committee. Attorney Fine called the Board's attention to the Chamber of Commerce's past letter on the topic, which she had helped to author.

Kristen Weiss, the site manager at Cogswell Grant, said that she would like to clarify that the business of the property on Spring Street was to operate primarily as a museum. She said in the past, they have occasionally hosted a wedding. The reason that they have been working on the parking lot recently is to make it safer and more user friendly for their patrons. The museum has no intention of seeking to become a destination wedding facility.

Selectman Preen made a motion to adopt Town Counsel's recommended policy tonight in order to have a policy in place for immediate use. The policy would be a starting place and could be refined as needed. There followed a lengthy discussion.

No agreement could be reached and discussion on this item will be continued at the next Selectmen's meeting on January 6, 2020.

Preliminary Review of Selectmen's FY21 Operating Budget Request: Mr. Zubricki reviewed and discussed his suggested changes from this year's figures to next year's operating budget figures. The Board made limited comments and Mr. Zubricki will bring the final operating budget package to the Board for approval on January 6, 2020.

Continued Review of Selectmen's FY21 Capital Budget Update and Continued Review of Annual Town Meeting Possible Topics: Mr. Zubricki briefly reviewed items currently on the Capital Budget and possible topics to be included on the warrant at the May 2020 Annual Town Meeting. He will bring a final version of the FY21 Capital Budget Update to the Board for approval on January 6, 2020.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:20 p.m.

Documents used during this meeting include the following: None.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Peter D. Phippen