

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

**February 10, 2020**

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: Michael Antell, Virginia Antell, Erika Brown, Sergeant Daniel Bruce, Ben Buttrick, Ginger Driscoll, Dan Fialho, Michael Flynn, Police Chief Paul Francis, Jane Ginn, Michael Ginn, Karen Greene, William Knovak, Tina Lane, Antonella Muniz, Lisa J. O'Donnell, Jeffrey Soulard, Pamela Thorne, and others..

Chairman Spinney called the meeting to order at 6:00 p.m. in the 2<sup>nd</sup> floor stage conference area of the Town Hall and announced that the Board would hear Public Comment. No one offered any comment.

A motion was made, seconded, and unanimously voted to authorize the countersignature of the water pipe easement release from the second owner of 7 John Wise Avenue concerning an easement over 11 John Wise Avenue. The Board signed the document, which was notarized by Town Clerk Pamela Thorne.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$312,327.04.

A motion was made, seconded, and voted (with Selectman Pereen abstaining) to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 02/06/2020 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>
James McNeilly	McNeilly EMS	01/10/2020	\$ 25.00	Fire
James McNeilly	McNeilly EMS	01/10/2020	\$ 199.00	Police
James McNeilly	McNeilly EMS	01/10/2020	\$ 1,253.70	Fire
David Pereen	Pereen Plumbing	12/21/2019	\$ 417.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 27, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to approve an expenditure in the amount of \$6,000 from the Conservation Commission's Wetlands Protection Fund with respect to an ongoing compliance matter.

The Board discussed a suggestion from the MA Office on Disability to form a local commission on disability and decided that they would prefer to continue to act immediately to correct any situation brought to their attention instead of forming another committee.

Harbormaster Dan Fialho joined the Board. It was suggested that the number of proposed vessel berths on new rowed craft racks to be placed at Clammers' Beach should be increased from 24 to

48. The Harbormaster will look into the availability of commercially available pre-fabricated racks. Rental of the racks will be tracked by the new software purchased by the Department, which will also track the mooring permits and the tie-ups at the Conomo Point Waterfront Park. Those present discussed possible changes to the Harbormaster Regulations and the proposed rowed craft rack regulations. It was acknowledged that the Harbor Regulations are promulgated and enforced by the Harbormaster and that the rowed craft rack regulations are promulgated by the Conomo Point Commissioners, with enforcement delegated to the Harbormaster. It was agreed that the spaces would be reserved for residents, on a first come/first served basis, and after that would be open to anyone requesting a space. A person who becomes eligible for a space would be able to opt for one or two spaces. It was also agreed that the eight dinghy tie-ups at the Park would be offered to those who had them last year. Next year, they will be offered to anyone, using a lottery system. Those present also discussed extending the rental season for the rowed craft racks and dinghy tie-ups and moorings to run from April 1 through December 31.

Resident Michael Ginn joined those at the table to discuss his refusal to remove his boat from the Town Landing on Main Street, across from Woodman's restaurant. Harbormaster Fialho has asked him on January 6 and several times since, to remove the boat. Based on the current Harbor Regulations, all boats are required to be removed, and Mr. Ginn can be fined for every day that the boat remains at that location. After some discussion by the Board, the Harbormaster, and Mr. Ginn, it was agreed that they will consider amending the rules, but until they are amended, Mr. Ginn is in violation and subject to fines. Jane and Michael Ginn left the meeting. The Board asked the Harbormaster to consider exercising discretion until the possibility of changing the mooring season dates is contemplated further.

Antonella Muniz, the liaison from the Host Community Advisory Committee, came before the Board and reviewed the Committee's recent findings regarding other communities that locally license marijuana establishments. The Committee is unanimously in favor of the Town adopting a licensing policy for these businesses and would like to continue their research and draft a suggested policy for Town adoption. The Committee's original overall charge was only to help with a Host Community Agreement between the Town and BB Botanics. It was suggested that another committee be formed to work on a local licensing policy. The HCA Committee's next meeting is on Thursday, February 13, and the Board members said that they would like to attend and they will be posted accordingly. Changing the Committee's charge was taken under advisement.

Erika Brown, Sergeant Dan Bruce, Pamela Thorne, and Antonella Muniz left the meeting.

Finance Committee Chairman Ben Buttrick and Finance Committee member Michael Flynn joined the Board for a discussion of the overall fiscal year 2021 budget picture. Mr. Zubricki said that some departments have requested additional personnel or expansion of existing positions. Six new or expanded positions have been requested and Mr. Zubricki reviewed each request, one of which has already been taken off of the table. The Finance Committee will be discussing this and the rest of the budget at their meeting tomorrow night and will engage in decision making with the Selectmen on February 24.

Mr. Zubricki announced that the Town has been invited by Gloucester to join Gloucester, Rockport, and Manchester in a new Veterans' District. Currently, the Town is part of the Eastern Essex District with Rowley, Georgetown, Ipswich, Hamilton, Wenham, Newbury, and West Newbury. The cost to join the Gloucester District would be about \$1,000 less than the Town is currently paying. The Board was in favor of Mr. Zubricki continuing the discussion with Gloucester.

At 7:31 p.m., citing the need to discuss contract negotiations with non-union personnel, Chairman Spinney entertained a motion to move to Executive Session. He invited the Town Administrator, Police Chief Francis, Town Accountant Virginia Antell, and Treasurer/Collector Jeffrey Soulard to attend the Executive Session (all individually, at separate times). He said that the Board would be returning to Open Session to finish their other business later in the evening. The motion was moved and seconded. Chairman Spinney said the he, Chairman Spinney voted aye in favor; followed by Selectman Phippen, who said that he, Selectman Phippen also voted aye in favor; and Selectman Preen also said her name and that she voted in favor of moving to Executive Session. The Board, the Town Administrator, and Chief Francis moved to Executive Session in the Town Administrator's Office. Town Accountant Antell will join the Executive Session, following the Board's discussion with Chief Francis; and Treasurer/Collector Soulard will join the Board following the Town Accountant.

The Board, Mr. Zubricki, and Mr. Soulard returned to Open Session on the Stage at 8:29 p.m. Chief Francis and Town Accountant Antell had returned to the Stage earlier.

Mr. Zubricki reviewed the Town's naming policy and Harbormaster Fialho said the he would like to name the proposed rowed craft rack area at Clammers' Beach after long-time resident and rower, David Mears, who recently passed away. The Board was in favor of the idea, and a motion was made, seconded, and unanimously voted to take a formal vote on the matter at their next meeting on February 24, pursuant to the policy.

After a brief discussion, those present agreed that commercial clammers should not be charged an annual fee for boat launching at the Town landing.

Dan Fialho left the meeting.

Treasurer/Collector Jeffrey Soulard presented his analysis regarding repayment of the bonds for the new Public Safety Building. After examining repayment based on level principal amounts plus interest or repayment based on a level payment composed of both interest and principal, Mr. Soulard said that he was in favor of a hybrid repayment plan. The hybrid plan would consist of level payments for six years and then switch to the level principal payment plan. A motion was made, seconded, and unanimously voted by the Board to favor the hybrid plan. The Finance Committee will provide its own recommendation and the Board will ultimately sign new loan documents.

Ben Buttrick and Michael Flynn left the meeting.

Shellfish Constable Knovak reviewed the proposed changes to the Town's shellfish regulations and Mr. Zubricki read the revised regulations with respect to resumption of commercial harvesting on a Sunday in relation to full shellfish bed closure. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve the proposed revisions which will become effective March 1, 2020.

Shellfish Constable Knovak left the meeting.

The Board reviewed proposed Financial Reserve Policies that have been recommended for adoption by the Town Accountant; and, a motion was made, seconded, and unanimously voted to approve the policies.

Virginia Antell and Michael Antell left the meeting.

Mr. Zubricki reviewed the plans drawn up to show prohibited parking areas that would be lined out in downtown Essex. The Board and Chief Francis agreed with the proposals and a motion was made, seconded, and unanimously voted by the Board to authorize submission of the plans to MassDOT, so that a permit may be granted.

A motion was made, seconded, and unanimously voted to approve the Calendar Year 2020 Goals for Chief Francis.

A motion was made, seconded, and unanimously voted to award merit pay for FY21 to the Chief of Police in the amount of 2%. And, a motion was made, seconded, and unanimously voted to award merit pay for FY21 to the Town Administrator in the amount of 3%.

Chief Francis agreed to come to a Board meeting in March for a discussion regarding Essex Police Department operations and their public face with respect to the eventual move to the new Public Safety Building.

Lisa O'Donnell, Chair of the Town Building Committee, joined the Board to review the proposed exterior color choices and finish materials selected for the new Public Safety Building. She has asked the architect to provide color samples and material samples for the bricks, roofing, and siding that have been recommended. The Board discussed whether or not the PVC trim around the windows and doors, corner boards, etc. should be painted, since it comes prefinished in white. The Board also agreed that the windows and upper doors should be black, that the two lower doors (Police garage doors) should be white, and that one of sections of the building will be sheathed with factory soft gray cement clap boards instead of stark white boards. Mr. Zubricki and Ms. O'Donnell will approach the Project Manager and the Town's Architect to review the Board's preferences and to determine whether anything would require an increase to the project cost.

Lisa O'Donnell left the meeting.

The existing structure at the site of the new Public Safety Building has already been dismantled and removed from the site to a private property; therefore, there is no reason to consider a possible change order for dismantling this structure.

The Board agreed to invite Superintendent Galli to a Board meeting in March for a discussion relative to the general maintenance and upkeep needs on Town property that DPW laborers may be able to fulfill on an as-available basis.

The Board will vote to approve successor employment agreements with the Town Accountant and the Treasurer/Collector at their next meeting.

A motion was made, seconded, and unanimously voted to approve the following requests for permits:

Commercial Shellfish Permit:

- Mark Jordan
- Brian Leobelenz
- Chris Maxfield
- Herbert Nunes

Senior Shellfish Permit:

- Robert Doane
- Peter Wilson

The Board was reminded of the following events and meetings:

- The Town Hall will be closed on Monday, February 17, 2020, in honor of President's Day.
- The next regular Board of Selectmen's meeting will take place on Monday, February 24, 2020, at 6:00 p.m. in the 2<sup>nd</sup> floor Stage Conference area of the Town Hall on Martin Street.
- The Planning Board is hosting a public hearing on March 4, 2020, beginning at 7:45 p.m. regarding the proposed bylaw changes placed on the warrant by citizens petition to be considered at the annual Town Meeting 05/04/2020.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 25, 2020 through February 7, 2020, regarding the following:

Further Review of Municipal Collaboration Report: Mr. Zubricki reported that, as the Board agreed, he has said that the Town will participate in a study involving eight to ten communities which will compare the cost of municipal services in those towns. The study can be used to help understand the best areas for municipal collaboration.

Public Safety Facility Construction Project and Schedule Update: Mr. Zubricki reported that there was no new information to report.

Change Order - Relocation of HVAC Condensers to New Public Safety Building Roof, with Access Hatch: Mr. Zubricki is waiting to receive the change order from the Project Manager.

Overview of Fiscal Year 2021 Town Operating Budget Request: This item was discussed earlier in the meeting with the Finance Committee members.

Review of Preliminary Draft of Annual Town Meeting Warrant: Mr. Zubricki reviewed and discussed his preliminary draft of the Annual Town Meeting Warrant and collected the Board's comments to include in his next draft.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:54 p.m.

Documents used during this meeting include the following: None.

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

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