

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

April 8, 2019

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

Also Present: Brookwood School students Becca and Maggie, parents, and teachers, Erica Brown, Susan Coviello, Paul Francis, and Tina Lane.

Chairman O'Donnell 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. Susan Coviello asked about the sources of funding for the proposed new public safety building and the status of the Conomo Point Sale of Real Estate Fund. The total cost of the project has not yet been determined, since the building is still in the design phase. Part of the project cost will be funded with some of the money in the Real Estate Fund. Ms. Coviello thanked the Board and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 23rd, 2019 through April 5th, 2019, regarding the following:

Town Building Committee Meeting Summary: Mr. Zubricki reported that at the last Town Building Committee meeting on March 27, the Committee had learned that it is the opinion of Town Counsel that variances will not be needed in order to build the public safety building on the proposed John Wise Avenue combined site. He said the architect is continuing to work on the design for the building. There will be a public forum to discuss the project this Wednesday and another is scheduled for May 1. Chairman O'Donnell asked Mr. Zubricki to invite the Board of Health Agent/OSHA Coordinator Erin Kirchner to attend the forum to offer comment regarding the Town's OSHA responsibilities for the Police and Fire Department building(s). Mr. Zubricki reported that the property owners have signed the demolition permit and it has been forwarded to the Historical Commission for their review. Construction of the new building may begin as early as this fall.

Essex Merchants' Group Meeting Summary: Mr. Zubricki said that Selectman Spinney, Finance Committee Chair Ben Buttrick, and he had recently met with the Essex Merchants' Group to discuss why the budget for the Promotion of Town Resources had been cut from the proposed fiscal year 2020 budget. FY20 is a very tight budget year and the Finance Committee sought to remove everything from the proposed budget that did not pertain to conducting the business of Town government in order to avoid a tax over-ride. There might be a chance to restore some of the funding in the future, including a possible small increase to the Merchants' FY19 funding, via a vote at the upcoming Annual Town Meeting.

Incoming Police Chief, Paul Francis, joined the Board. The Selectmen, acting in their capacity as Personnel Board, discussed revising the position description for the Chief of Police. The position description could be revised with respect to the Harbormaster role by adding "if so-assigned". Incoming Chief Francis will supervise the Harbormaster, but will not himself be the Harbormaster. Subsequently, a motion was made, seconded, and unanimously voted to amend

the position description to include supervision of the Harbormaster. Mr. Francis and the Board approved the proposed employment contract for the position of Chief of Police, and it was signed by the Board and Mr. Francis. The three originals will now be forwarded to Town Counsel for signature. The Board congratulated Mr. Francis on his promotion, to become effective August 1, 2019, and he left the meeting.

Discussion of Possible Municipal Essex/Manchester Collaboration Ideas: Mr. Zubricki reported that the Collins Center has not yet interviewed Town Planner Matt Coogan, Conservation Commission Agent Ken Whittaker, nor Police Chief Silva and Sergeant Francis. The Center has prepared a *preliminary memo* regarding eleven possible areas for shared services with other municipalities and Mr. Zubricki reviewed each of the options with the Board. Mr. Zubricki will begin to take action with respect to several of the items, as requested by the Board.

At 6:30 p.m., Mr. Zubricki interrupted his report and the Board was joined at the table by Becca and Maggie from the Brookwood School. The girls gave a very informative presentation supporting the banning of plastic bags in Essex. Following the presentation the Board was in agreement that they would like to put an article on the Fall Town Meeting Warrant to prohibit, plastic bags, plastic drinking straws, and polystyrene food containers in Town. The Board encouraged the girls to meet with the Chamber of Commerce and the Essex Merchants Group and seek their support for the project. The girls thanked the Selectmen and left the meeting along with their parents and teachers.

Official Award of District Local Technical Assistance Grant: Mr. Zubricki said the Town has been successful in qualifying for a technical assistance grant to create an economic development plan for Essex. However, the Metropolitan Area Planning Council is now asking the Town to provide a match of \$5,000 in order to be eligible for the \$32,000 grant. A motion was made, seconded, and unanimously voted to approve a Reserve Fund Transfer request in the amount of \$5,000 to provide required matching funds for the District Local Technical Assistance Grant to create an economic development plan for Essex. A motion was also made to sign the grant contract outside of a meeting as soon as it is available.

Massachusetts Dredging Grant Program: Mr. Zubricki reported that there is a new grant program that would fund up 50% of a dredging project that is "shovel ready". Mr. Zubricki has been working with the Army Corps of Engineers over the past few years on design, testing, and permitting and expects that with their help the Town may successfully compete for the grant in the fall of 2020, after all permitting is complete. The pre-dredging work done by the Army Corps of Engineers will qualify towards the match required by the State.

On another matter, the Board said they would be interested in signing an MAPC-sponsored letter in support of legislation to increase State funding for the Community Preservation Act. The Board will sign the support letter when it becomes available and the signature will be ratified at the next Board meeting.

Draft Town Meeting Motions: Mr. Zubricki reviewed the draft Town Meeting Motions and the proposed designated presenter of each motion.

Guide to Select Annual Town Meeting Articles: Mr. Zubricki asked the Board to review his draft of the guide and provide comment. He said that he would like to finalize his draft and place it on the Town website by this Friday. Figures concerning the Public Safety Facility proposal will be added to the guide around May 1.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$178,802.31.

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 03/28/2019 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>
Ramie Reader	Reader Electric	03/12/19	\$ 1,408.00	Selectmen

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 04/04/2019 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	03/24/19	\$ 182.25	Fire
Ernie Nieberle	Nieberle's	03/24/19	\$ 306.80	Fire
Ernie Nieberle	Nieberle's	03/24/19	\$ 164.43	Police

A motion was made, seconded, and unanimously voted to recommend the Water and Sewer Enterprise Fund Budgets to the Annual Town Meeting.

A motion was made, seconded, and unanimously voted to approve a request from the Department of Public Works Superintendent for an additional \$15,000 for the FY2019 snow removal budget.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 25, 2019, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve and sign the MEMA (Massachusetts Emergency Management Agency) State Contract Package for the March 13, 2018 Severe Winter Storm with Snowstorm-FEMA-DR-4379 for PW 00068.

A motion was made, seconded, and unanimously voted to approve a recommendation to appoint Jennifer Riopel to the Youth Commission for a partial 3-yr. term, ending 6/30/21. The Board signed the appointment card.

The Board considered a request from Manchester Essex Little League to place banners on their temporary fence at the Field of Dreams during the playing season. Mr. Zubricki said that Town

Counsel has advised that a policy for such requests needs to be developed and in place before approving any request. The Board agreed to discuss this matter again at their next meeting and Mr. Zubricki will work to develop a draft policy, using an MBTA policy that Town Counsel had offered as an example.

Mr. Zubricki reviewed State law regarding entertainment licenses and said the Town has the right to set certain parameters, but has to bear in mind the overarching standard of review found in the State law. He asked the Board to review the State guidelines in preparation for a discussion at their next meeting regarding the creation of a Town policy for the issuance of entertainment licenses.

Regarding Shellfish Permits, Mr. Zubricki reported that Town Counsel has advised that it would not be advisable to monitor specific people regarding their true place of residency for compliance with clamming license requirements, unless every applicant was monitored. The Town does not have the resources to monitor all the applicants.

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

Antiques License Renewal:

- Ro-Dan Antiques, Dana Guarnera, 69 Main Street

Gravel Pit Permit Renewal:

- Judson A. Lane, Curlew Cove Realty Trust, 53-59 John Wise Avenue.

Commercial Shellfish Permit:

- Brody Vecchione

Student Shellfish Permit:

- Melanie Carter
- Eric Fossa

Non-Resident Recreational Shellfish Permit:

- Robert Hanlon, Gloucester, sponsored by Dawn Burnham

One-Day Wine & Malt License:

- Woodman's Inc., Joan Houghton, for use on Saturday, April 13, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the grass lawn in front of the Essex Room, 125 Main Street.
- Woodman's Inc., Joan Houghton, for use on Saturday, June 1, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the grass lawn in front of the Essex Room, 125 Main Street.
- Woodman's Inc., Joan Houghton, for use on Saturday, June 8, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the grass lawn in front of the Essex Room, 125 Main Street.
- Woodman's Inc., Joan Houghton, for use on Friday, June 21, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the tented area at 125 Main Street.

- Woodman's Inc., Joan Houghton, for use on Saturday, June 22, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the grass lawn in front of the Essex Room, 125 Main Street.
- Woodman's Inc., Joan Houghton, for use on Saturday, June 29, 2019, between the hours of 11:00 a.m. and 11:55 p.m. within the confines of the grass lawn in front of the Essex Room, 125 Main Street.

The Board was reminded that there will be a Public Forum hosted by the Board of Selectmen and the Town Building Committee in the Town Hall 3rd floor Auditorium on Wednesday, April 10, 2019, and on Wednesday, May 1, 2019, each starting at 7:00 p.m.

The next regular Board of Selectmen's meeting will take place on Monday, April 22, 2019, at 6:00 p.m. in the Stage Conference Area on the 2nd floor of the Town Hall.

There is an Age & Dementia Friendly Cape Ann Community Summit on Wednesday, May 1, 2019, between the hours of 10:00 a.m. and 2:00 p.m., at The Elks at Bass Rocks, Gloucester.

At 8:33 p.m., citing the need to discuss pending litigation concerning the case of the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C; and, to discuss litigation strategy with respect to the legal suit: Drinkwater, as Trustee of the Drinkwater Essex Realty Trust v. Town of Essex, Land Court Civil Action No. 18-MISC-000391; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Board's litigating strategy and said that the Board would only be returning to Open Session to adjourn the meeting. She invited the Town Administrator to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. Tina Lane and Erica Brown left the meeting.

The Board their Assistant, and the Town Administrator returned to Open Session at 8:55 p.m.

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

Documents used during this meeting include the following:

Collins Center preliminary memo

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney