

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

**May 20, 2019**

Present: Selectman 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 & Virginia Antell, Sergeant Paul Francis, Alfred Landry, Tina Lane, Bill Liberti, Sue Lufkin, Jane & Bob Powers, Donna Roy, Justin Symonds, David Vangelist, and others.

At 6:00 p.m., Selectman Spinney called the meeting to order in the Stage Conference Area on the second floor of the Town Hall at 30 Martin Street and entertained a motion to reorganize the Board. The Board conferred and a motion was made, seconded, and unanimously voted to appoint Selectman Spinney to the position of Chair and Selectman Phippen to the position of Clerk.

Chairman Spinney announced that the Board would hear Public Comment. No one offered any comment.

Town Accountant Virginia Antell joined the Selectmen at the table in her capacity as Notary Public. Mr. Zubricki announced that the closing on the property at 11 John Wise Avenue is scheduled to be held on May 30, 2019. The Board was in agreement regarding a proposed amendment to the Purchase and Sale Agreement, and a motion was made, seconded, and unanimously voted to approve the amendment allowing the Seller to remove the dishwasher, stovetop, and furnace from the dwelling. Additionally, a motion was made, seconded, and unanimously voted to accept the deed. The Selectmen signed the paperwork and were witnessed by Virginia Antell, who notarized their signatures. Michael and Virginia Antell left the meeting.

In Other Business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$1,013,608.05.

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 05/09/2019 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	04/24/2019	\$ 117.10	Fire
Ernie Nieberle	Nieberle's	04/24/2019	\$ 200.00	Fire
Ernie Nieberle	Nieberle's	04/24/2019	\$ 339.00	Police

A motion was made, seconded, and unanimously voted to approve a request from the Department of Public Works for a Chapter 44 Sec. 33B transfer in the amount of \$3,000 from Water Chief Operator to Well Cleaning.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 6, 2019, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a request from the Department of Public Works to sell the Department's old Vactron unit to the Town of Wenham, or, failing that, to place the unit in the Spring Police Department surplus auction.

Sergeant Paul Francis joined the Board, along with Patrolman David Vangelist and Justin Symonds. Sergeant Francis asked the Board to consider the promotion of Part-Time Patrolman David Vangelist to the position of Full-Time Patrolman. The Board was in agreement, and a motion was made, seconded, and unanimously voted to promote David Vangelist to Full-Time Patrolman, contingent upon his successful graduation from the Police Academy which starts in November. The Board signed the appointment card.

Sgt. Francis asked the Board to consider the appointment of Justin Symonds to the position of Special Police Officer, and a motion was made, seconded, and unanimously voted to make the appointment, contingent upon drug and medical testing. The Board signed the appointment card.

And lastly, Sgt. Francis asked the Board to consider the appointment of David Landry (who had served the Town as a Part-Time Patrolman in the past) to again serve as a Part-Time Patrolman. A motion was made, seconded, and unanimously voted to appoint David Landry to the position of Part-Time Patrolman. The Board signed the appointment card. Those present congratulated the appointees. Sgt. Francis and the patrolmen thanked the Board. David Vangelist and Justin Symonds left the meeting.

The Board discussed the Annual Car Show with Sergeant Francis. Subsequently, a motion was made, seconded, and unanimously voted to approve a request from Police Chief Peter Silva to hold their annual Essex Police Department Classic Car Show on Sunday, September 22, 2019 from 1:00 p.m. to 4:00 p.m. with a rain date of September 29.

The Board also discussed a proposed Memorandum of Understanding between the Essex county communities for a regional outreach program to share information regarding drug overdose occurrences. Sergeant Francis was very much in favor of the Town participating in the program. Subsequently, a motion was made, seconded, and unanimously voted to authorize Chief Silva to sign the agreement, on behalf of the Town, to join the Essex County Outreach Program which will submit reporting information to a county-wide Overdose Database.

Sergeant Francis left the meeting.

Jane and Bob Powers, and Jane's father, Alfred Landry, joined the Board to request a change to the installment sale agreement between the Town and Alfred Landry for 96 Conomo Point Road. Mr. Powers said that he would like to have his name added to the agreement so that he could make the rental and tax payments on the property. He said that Mr. Landry is 86 years old and retired. Mr. Landry is having a difficult time making the payments. Mr. Powers would like to ease Mr. Landry's mind by assuming the financial burden of the payments. Mr. Zubricki pointed out that deeds for most sold property and continuing leases for Town property all carry extinguishment of year-round occupancy privileges with any change to the original parties, just

like Mr. Landry's installment agreement does. While the Board told Mr. Powers that he could make the payments whether he was added to the agreement or not, they agreed to take the matter under advisement for discussion with Town Counsel, tentatively, on June 17. Mr. & Mrs. Powers and Mr. Landry left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 4<sup>th</sup>, 2019 through May 17<sup>th</sup>, 2019, regarding the following:

Change Order for Promotion of Town Resources and Attractions: Mr. Zubricki reported that Town Meeting had approved an additional FY2019 funding to promote Town Resources in the amount of \$5,875.00. He asked the Board for their approval on a change order to increase the FY2019 contract amount with the Essex Merchants Group by \$5,875, and a motion was made, seconded, and unanimously voted to approve the request. The Board accepted an invoice from Merchants Group members Sue Lufkin and Donna Roy in the amount of \$5,875, along with a detailed breakdown of the new charges, and they left the meeting.

Potential Sale of Conomo Point Lots: the Board discussed various aspects of the two lots at Conomo Point that were approved for sale at the Annual Town Meeting. The Town may put a permanent restriction on these deeds declaring them unbuildable and may ask the buyer to pick up all of the Town's legal costs. Following some discussion, it was agreed that Mr. Zubricki would draft a notification regarding sale of the properties to be reviewed by the Board at their next meeting. Mr. Liberti and others left the meeting.

Alternative on Bill Energy Credit (AOBC) Project Subscription: Mr. Zubricki reported that the energy project that the Town had initially expected to subscribe to, is already fully subscribed. He said that there is another project in the planning stages that the Town may be able to participate in, which would commence in 2020 or 2021.

Third-Party Ambulance Billing Agreement Renewal: Mr. Zubricki reported that this annual agreement is due for renewal, with the recommendation of the Fire Chief, and a motion was made, seconded, and unanimously voted to approve and sign the renewal contract with Comstar.

Status of Design for Public Safety Facility: The Board discussed various options for the existing structure at 11 John Wise Avenue, including possibly incorporating elements from it in the design for the new facility. This matter will be discussed again at the next Town Building Committee meeting this coming Wednesday, May 22.

Scope of Services and Contract for Downtown Parking Lines and Signage: Mr. Zubricki said that he has received a draft scope of work for the downtown signs and marking project. Mr. Zubricki has reviewed the scope, which appears to need some editing and he will be contacting Town Planner Matt Coogan and the proposing firm, Stantec, for more information and comment.

Regulation of Small Wireless Facilities (5G Technology Rollout): Mr. Zubricki reported that Town Counsel is in the process of drafting sample regulations for its municipal clients that could

be adopted by the Town regarding policies, initial fees, and ongoing fees to be charged by the Town for 5G wireless facilities, based on the new Federal Communications Commission rule. The Board may consider this matter at a future meeting.

DIA (Department of Industrial Accidents) Workplace Safety Training and Education Grant: Mr. Zubricki informed the Board that there is a new Department of Industrial Accidents Grant available to provide funding for education and training to assist municipalities to avoid workplace injury (and consequently attain compliance with the new OSHA guidelines). The Department of Public Works is interested in a particular training program and Manchester would like to collaborate with Essex on a regional grant application to fund this program. A motion was made, seconded, and unanimously voted to approve and sign the grant application when it becomes available.

Regional Senior Transportation Planning Grant: Mr. Zubricki said that Essex was included in a recent regional grant award to study transportation, healthy food access, and physical activity opportunity needs for low-income seniors. The City of Gloucester is the primary awardee and will be offering a portion of money to Essex, to be managed by the Essex Council on Aging. The Board will consider approving a proposed Memorandum of Understanding outlining how the money may be used when that becomes available.

Dam and Seawall Repair and Removal Grant Application: Mr. Zubricki reported that he has been working with GZA Geoenvironmental to develop the materials and information to apply for a construction grant to repair and rebuild the Conomo Point seawall. The State is expected to announce this request for applications in the near future. A motion was made, seconded, and unanimously voted to approve and sign the grant application for construction funding outside of a meeting as soon as it is completed.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to approve a time extension to the State grant contract for the design of the Conomo Point Seawall replacement project.

A motion was made, seconded, and unanimously voted to approve a recommendation to appoint Michael Antell to one of the two vacant positions on the Council on Aging for a partial 3-year term, ending 6/30/2021. The Board signed the appointment card.

A motion was made, seconded, and unanimously voted to approve a recommendation to appoint Easton Ehlers to a three-year position on the Historical Commission, term ending 6/30/2022. The Board signed the appointment card.

A motion was made, seconded, and unanimously voted to approve a request from Fire Chief Dan Doucette to hold the annual Fireman's Memorial Sunday Parade and to pass over Essex Roads on Sunday, June 9, 2019, starting at approximately 8:45 a.m. The Board signed the parade permit application, which will be forwarded to the State for approval.

A motion was made, seconded, and unanimously voted to approve a request from Neurofibromatosis Northeast to past over Essex roads during their annual Coast to the Cure Bike Ride on Saturday, September 14, 2019, starting at 7:00 a.m.

Concerning Centennial Grove matters, a motion was made, seconded, and unanimously voted to approve a request from the Council on Aging to hold their annual Seniors' picnic at Centennial Grove on Tuesday, June 18, 2019, between the hours of 10:00 a.m. and 3:00 p.m., and to waive the rental fee.

A motion was made, seconded, and unanimously voted to approve a request from the Essex Youth Commission to use the Field of Dreams on Monday, May 20, 2019, between the hours of 5:00 and 7:00 p.m. for EYC soccer.

A motion was made, seconded, and unanimously voted to approve a request from the YMCA to use Centennial Grove beach to launch boats for specialist training on Friday, June 7, 2019, between the hours of 10:00 a.m. and 12:30 p.m.

A motion was made, seconded, and unanimously voted to approve and sign the Police and Fire Accident Insurance Renewal paperwork.

A motion was made, seconded, and unanimously voted to approve and sign a certificate of award to the Essex Small Business Person of the year.

A motion was made, seconded, and unanimously voted to approve the following tight tank lease addendums:

- 154 Conomo Point Road, Map 108, Lot 42, Harlan LP Wendell Jr. & Carol Dillon Wendell Revocable Trust.
- 11 Conomo Lane, Map 108, Lot 25, Stephen and Margaret Hartley.

Mr. Zubricki said that he had been contacted by Jack McNeilly who would like to purchase a cabinet and donate it to be attached to the outside of the utility shed at the Field of Dreams to house an Automatic Emergency Defibrillator. The cabinet would be heated and accessible from the outside by calling 911. Ramie Reader has agreed to contribute the materials and labor to install the device. A motion was made, seconded, and unanimously voted to approve both donations.

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

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Ken Riehl, Essex River Day, for use on Saturday, June 22, 2019, between the hours of 4:00 p.m. and 9:30 p.m., within the confines of Memorial Park. Vote to waive the application fee.

One-Day Wine & Malt License:

- Cape Ann Chamber of Commerce, Ken Riehl, Essex River Day, for use on Saturday, June 22, 2019, between the hours of 4:00 p.m. and 9:30 p.m., within the confines of Memorial Park. Vote to waive the application fee.

A motion was made, seconded, and unanimously voted to approve a request from Nicholas DiPietro for a Student Commercial Shellfish Permit.

The Board was reminded of the following events and meetings:

- Joint meeting of the Board of Selectmen and the Town Building Committee on Wednesday, May 22, starting at 7:00 p.m. in the 2<sup>nd</sup> floor Stage Conference Area at the Essex Town Hall, 30 Martin Street.
- The next regular Board of Selectmen's meeting will take place on Monday, June 3, 2019, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area at the Essex Town Hall.
- The Selectmen and Town Administrator are invited to attend the rededication of the Essex Old Burying Ground on Saturday, July 27, 2019, starting at 1:00 p.m.

Mr. Zubricki reported that he had received no new information that would warrant an Executive Session.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:35 p.m.

Documents used during this meeting include the following: None.

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

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