

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

July 29, 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: Virginia Antell, Tom Beale, Curt and Lindsay Bergeron, Officer Bruce, Dawn Burnham, Annie Cameron, Kristin Crockett, Dr. Driscoll, Maureen Flatley, Sgt. Paul Francis, Michele French, Jodi Harris, James Henderson, Lori Henderson, Bob Jerin, William Knovak, Joe Lafata, Tina Lane, Bill Liberti, Charles McNeil, Lauren Muise, Meg Nelson, Tom Nonis, Paul Pennoyer, Edward Prisby, Donna Roy, Officer Shamshak, Police Chief Peter G. Silva, Jeff Soulard, Susan Teal, Robert Teal, Pamela Thorne, Michelle Vaillancourt, Josh Webber, Peter Webber, Michael Werthman, Officer Wheway, Maureen Woodman, and others.

Chairman Spinney called the meeting to order at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall and announced that the Board would hear Public Comment.

Bob Jerin said that the Riversbend had recently held their car show and the music had been kept to a low level. However, they had also used the loud speaker to make announcements and advertise. He suggested that the use of amplification for advertising and announcements should be prohibited in any noise policy that the Board adopts.

Tom Beale said that the Board was empowered under Massachusetts General Law to take various actions. CMR 310 7.00 offers the definition of noise that constitutes air pollution.

At 6:05 p.m., a motion was made, seconded, and unanimously voted to open a Public Hearing regarding a request for a transfer of license, a change of manager, and an alteration of premises for the Great Marsh Restaurant LLC, at 99 Main Street. The Board was joined by Josh Webber and Michael Werthman. Josh Webber reviewed their request to transfer the license from Flying Eagle LLC, Allison Collins, Manager, to Great Marsh Restaurant LLC, Michael Werthman, Manager, and said that there has been a minor change in the use of space in the building resulting in the alteration of premises request. Chairman Spinney asked if anyone had any questions or comments and no one did. A motion was made, seconded, and unanimously voted to close the hearing. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve the requests and to forward them to the Alcoholic Beverage Control Commission for final approval. The Board signed the Local Licensing Authority Certification. Josh Webber and Michael Werthman thanked the Selectmen and left the meeting.

Sergeant Francis, who was joined by Officer Bruce and Officer Shamshak and Officer Wheway, said that a consulting firm had been hired to assess and test each of the four candidates for the two sergeant positions. Subsequently, Officer Daniel Bruce and Officer Thomas Shamshak had been chosen. Those present gave a round of applause to the two officers and a motion was made, seconded and unanimously voted to sign the appointment card for Full-Time Police Officer Daniel Bruce for his promotion to the position of Sergeant, and to sign the appointment card for Full-Time Police Officer Thomas Shamshak for his promotion to the position of Sergeant, both

promotions to become effective at their official swearing in on August 1, 2019, upstairs in the Town Hall Auditorium.

A motion was made, seconded, and unanimously voted to sign the appointment card for Special Police Officer Brittney Lazarides for her promotion to the position of Part-Time Police Officer.

And, a motion was made, seconded, and unanimously voted to approve the request of Harbormaster Dan Fialho to appoint Michael Espinola to the position of Assistant Harbormaster, contingent upon passage of drug and medical screening.

Officers Bruce, Shamshak, and Wheway left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$311,965.51.

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 FY19, 55P 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	6/24/2019	\$ 1,160.20	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 15, 2019, Open Meeting.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature of the MIIA Public Officials Liability Insurance Renewal Application.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature of the MIIA Police Officials Liability Insurance Renewal Application.

A motion was made, seconded, and unanimously voted to approve and submit the Automobile Fleet Schedule, the Schedule of Locations, and the Special Property Coverage Supplement to the Town's insurance carrier.

The Board discussed the need to undertake some previously anticipated tasks from Johnson Roberts Associates, and a motion was made, seconded, and unanimously voted to sign a contract amendment with Johnson Roberts Associates for traffic engineering services in connection with the proposed new public safety facility. These services are within the contemplated budget.

Maureen Woodman and Lauren Muise joined the Board for a review of their requests for One-Day Licenses. The Board said they had reviewed the revised list of requests and had no questions or concerns. Therefore a motion was made, seconded, and unanimously voted to approve the following requests:

One-Day Entertainment License:

- Woodman's Inc., Steve Woodman, for use on Wednesday, August 7, 2019, between the hours of 7:00 p.m. and when the movie ends within the confines of Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, August 9, 2019, between the hours of 5:00 p.m. and 7:45 p.m. within the confines of Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 10, 2019, between the hours of 3:30 p.m. and 6:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 10, 2019, between the hours of 6:00 p.m. and 8:00 p.m. within the confines of Woodman's Alleyway Outside the Restaurant at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Wednesday, August 14, 2019, between the hours of 7:00 p.m. and when the movie ends within the confines of Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 17, 2019, between the hours of 3:30 p.m. and 6:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 24, 2019, between the hours of 3:00 p.m. and 5:30 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, September 6, 2019, between the hours of 3:30 p.m. and 5:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, September 7, 2019, between the hours of 3:00 p.m. and 4:30 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, September 13, 2019, between the hours of 3:30 p.m. and 5:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, September 14, 2019, between the hours of 3:00 p.m. and 5:30 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, October 12, 2019, between the hours of 3:30 p.m. and 5:00 p.m., within the confines of the Woodman's Grass in Front of the Essex Room at 125 Main Street.

One-Day Wine and Malt License:

- Woodman's Inc., Steve Woodman, for use on Saturday, August 3, 2019, between the hours of 3:30 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Tuesday, August 6, 2019, between the hours of 5:30 p.m. and 9:30 p.m. within the confines of Woodman's Salt Marsh Tent at 121 Main Street.

- Woodman's Inc., Steve Woodman, for use on Saturday, August 10, 2019, between the hours of 3:30 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 17, 2019, between the hours of 3:30 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 24, 2019, between the hours of 3:00 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, September 14, 2019, between the hours of 3:00 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, October 12, 2019, between the hours of 3:30 p.m. and 8:00 p.m. within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.

Maureen Woodman and Lauren Muise thanked the Board and left the meeting.

An additional motion was made, seconded, and unanimously voted to approve the following remaining requests for licenses:

One-Day Entertainment License:

- Italian Community Center, Victor Capozzi, for use on Saturday, August 24, 2019, between the hours of 12:00 noon and 5:00 p.m. within the confines of Centennial Grove.

One-Day Wine and Malt License:

- Italian Community Center, Victor Capozzi, for use on Saturday, August 24, 2019, between the hours of 12:00 noon and 5:00 p.m. within the confines of Centennial Grove.
- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Friday, August 2, 2019, between the hours of 6:00 p.m. and 8:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum, 66 Main Street.
- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Saturday, September 21, 2019, between the hours of 12:00 noon and 8:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum, 66 Main Street.
- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Monday, October 14, 2019, between the hours of 12:00 noon and 5:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum, 66 Main Street.
- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Saturday, November 2, 2019, between the hours of 5:00 p.m. and 9:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum, 66 Main Street.

A motion was made, seconded, and unanimously voted to approve and sign a contract in the amount of \$2,000 with the Volume 2 Steel Band to march in the Bicentennial Parade.

A motion was made, seconded, and unanimously voted to authorize any additional contracts for the Bicentennial Parade, when they become available.

A motion was made, seconded, and unanimously voted to approve the appointment of Dawn Burnham to the Essex Cultural Council.

Mr. Zubricki said that the new owner of a property that abuts the Senior Center on Pickering has contacted him and informed him that one of the Center's handicapped parking spaces is on their land. A preliminary review by Mr. Zubricki of the approximate location of the property line between the Town property at 17 Pickering Street (Senior Center) and the abutting private property at 11 Pickering Street indicated that the parking space may be on the abutter's property. The Board authorized Mr. Zubricki to continue with his investigation and to have any new information reviewed by Town Counsel.

Michelle Vaillancourt from the Manchester Essex Conservation Trust, joined the Board to discuss a conservation restriction on land owned by Charles and Maria Burnham on Southern Avenue near Laurel Lane. The parcel contains about 7 acres and is land-locked. Following Michelle Vaillancourt's review, a motion was made, seconded, and unanimously voted to approve and acknowledge the restriction. The Board's signature was notarized by Town Clerk Pam Thorne. Michelle Vaillancourt left the meeting.

A motion was made, seconded, and unanimously voted to approve a request from the Italian Community Center to rent Centennial Grove for their annual picnic on Saturday, August 24, 2019, between the hours of noon and 5:00 p.m. The Board signed the approved application and parking pass.

A motion was made, seconded, and unanimously voted to approve a request from Essex County Greenbelt to pass over Town roads during their 5th Annual Tour de Greenbelt cycling event on Saturday, September 21, 2019, starting at 9:00 a.m.

The Board considered two choices for proposed new language on a climate change plaque on Main Street. A motion was made, seconded, and unanimously voted to choose, "Storm surge flooding closes Main Street – January 4, 2018".

The Board said they would consider whether residents would be allowed to remove individual plants from 11 John Wise Avenue prior to site work for the proposed public safety facility and they will discuss the matter at their next meeting.

Mr. Zubricki asked to table a request for the use of portions of Conomo Point for filming of a movie in the late summer or fall, since no request has been made by meeting time.

The Board reviewed a suggestion from a resident to post no littering signs at Centennial Grove, and a motion was made, seconded, and unanimously voted to ask the Department of Public Works to post the signs.

Mr. Zubricki said that the Board could either pursue a proposed bylaw or a Board of Health regulation to ban certain plastics and polystyrene for various uses in Essex. After a short discussion, the Board was in agreement, and authorized Mr. Zubricki to ask the Board of Health if they would be interested in formulating and enforcing a regulation banning these materials. Mr. Zubricki will report back to the Board.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 13th, 2019 through July 26th, 2019, regarding the following:

Town Building Committee Meeting Summary: Mr. Zubricki said that he had attended the recent TBC meeting where the Project Manager/Design Team had announced that the approximately 17.5 million estimated cost for the proposed public safety building at the schematic design stage has been reduced to approximately 15.9 million at the design development phase, largely due to the Town Building Committee's efforts to remove and reduce certain design elements. The recent decision not to incorporate the historic barn on the property into the new building and the possible reduction of project contingency may decrease the budget further in the construction documents design phase.

Further Review of Alternative Electricity Supplier Contract and Pricing: Mr. Zubricki said that the Town's electricity contract with Constellation expires in December 2019 and he has been tracking the cost of energy, hoping for a drop in pricing. He handed out *today's graph* showing the prices over the past two years. Today's price had suddenly plunged to the lowest price during the past two years. Mr. Zubricki also explained how he had vetted Constellation's MunEnergy program and pricing against other suppliers such as Engie, Power Options, Aspen Energy, and Direct Energy. The Board decided that the timing was right and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to lock in the low price tomorrow for a term of five years.

Exploration of Long-term, Fixed Price Contract for Natural Gas: Mr. Zubricki asked the Board if they would like him to begin tracking the cost of natural gas, in order to lock in a favorable price on that and they approved the idea. Mr. Zubricki will report back to the Board at the next meeting.

At 7:00 p.m., School Committee member Annie Cameron began the Quarterly Department Head Meeting, reporting that they had recently reached agreement on a 3-year teachers' contract. Also, both towns have approved the contract to build the new Memorial School. They are currently awaiting a school budget report, hoping to be able to fund \$100,000 to pay for a School Resource Officer with each of the towns to defray a portion of the cost. Former Select Board Chair Lisa

O'Donnell was the Town's representative on the School Budget Committee and the Board agreed to consider a replacement.

Mr. Zubricki said that the next item on his report is the Proposal to Station a School Resource Officer (SRO) in District Schools: He stated that this proposal is one of the ideas being explored for collaboration with Manchester which would involve sharing one Resource Officer between the middle/high school and the two elementary schools, as Ms. Cameron had eluded to.

Town Clerk Pamela Thorne reported that her summer project is cleaning out and organizing the many Town Clerk files in the Town Hall basement and she has been making progress.

Town Accountant Virginia Antell said that she has closed the books for the last fiscal year and the auditors are ready to start their audit. She has emailed the departments for various information needed by the auditors.

Bicentennial Committee Chair Dawn Burnham reported that about 70 people attended the rededication of the Town's ancient burial ground last Saturday. She said she has been working with the Fire and Police Departments and Mass Mudders regarding safety and security for the Bicentennial fireworks planned for August 9. A gigantic parade is planned for Saturday, August 10.

Sergeant Francis reported that now that the two sergeants have been chosen, he will begin to schedule the process to fill the vacancy that will be left by Michael French who is retiring. There will be a celebration for Chief Silva, who is also retiring, on July 30. There was a round of applause for the Chief.

Treasurer/Collector Jeffrey Soulard said that he expected this week to be extremely busy. The deadline for payment of real estate tax is August 1.

Council on Aging Director Kristin Crockett said she is working on setting up transportation schedules to places like Trader Joe's for the seniors and is also working on transportation to places where seniors can walk or exercise. These programs are funded by a shared grant with Gloucester to provide access to healthy food and exercise for low-income seniors. Next month Director Crockett will begin helping seniors with their health insurance. She said last year she had managed to save them \$40,000 in reduced health care costs.

Zoning Board of Appeals Chair Meg Nelson reported that at present there were no cases before her Board. She asked if anyone had any questions about the Zoning Board and no one did.

That concluded the Quarterly Department Head segment of tonight's meeting and Virginia Antell, Dawn Burnham, Annie Cameron, Kristin Crockett, Sgt. Francis, Meg Nelson, Chief Silva, Jeff Soulard, and Pam Thorne left the meeting.

Mr. Zubricki resumed the presentation of his report:

Review of Traffic Study Concerning Apple Street School Bus Routes: Mr. Zubricki reported that he, Selectman Pereen, MERHS Finance Director Avi Urbas and Superintendent Pam Beaudoin, and the owner of the school bus company (by telephone) had met recently to discuss the bus routes on Apple Street. The bus company owner said that he could not increase the bus routes under the present contract, but would agree to grandfather any existing routes.

Signature of Purchase and Sale Agreement for Sale of Cogswell Road Lot: Mr. Zubricki reported that the abutters have completed their review of the Purchase and Sale Agreement and agreed to provide all necessary documents within 90 days. The buyers will sign the Agreement after Mr. Zubricki inserts the 90-day closing term and the final references to the buyers' names. The Board voted to countersign the Agreement outside of a meeting when it is provided by the buyers. Bill Liberti left the meeting.

Mr. Zubricki said that the Board had agreed to proposed changes to the AFSCME contract with respect to offering a lump sum clothing allowance to certain union members each year instead of reimbursing receipts. The union has accepted and signed the amendment. The Board voted unanimously to countersign the amendment document.

The Board was reminded of the following events and meetings:

- Swearing-in Ceremony for incoming Police Chief Paul Francis and incoming Sergeants Thomas Shamshak and Daniel Bruce will take place on Thursday, August 1, 2019, starting at 4:30 p.m. in the Town Hall Auditorium on the 3rd floor.
- Bicentennial Fireworks will take place on Friday, August 9, 2019 at sunset at Shepard Memorial Park.
- The Essex Bicentennial Parade will take place on Saturday, August 10, 2019.
- The next regular Board of Selectmen's meeting will take place on Monday, August 12, 2019, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Essex Town Hall.

Mr. Zubricki reported that the company filming at Conomo Point is interested in paying for the initial landscaping rejuvenation of the Conomo Point Waterfront Park and its associated parking lot. However, Mr. Zubricki was not able to provide them with an estimate as yet. All the landscapers that were contacted were too busy to provide anything by meeting time. Selectman Pereen said that she would ask another landscaper if he could provide an estimate.

Mr. Zubricki said that a resident was interested in being married in the park at Conomo Point and did not mind if other people happened to be using the park during the ceremony. The Board was in agreement that the park was a public place and had no objections to the wedding.

Shellfish Constable William Knovak joined those present and apologized for missing the quarterly meeting. He reported that the flats have been closed for the last ten weeks due to red tide. He said there is a possibility that it may be ended this week and left the meeting.

Riversbend Restaurant owner Curt Bergeron came before the Selectmen to read a *letter* in favor of permitting outdoor entertainment and music. Mr. Zubricki explained how the Board's draft entertainment noise policy was developed in concert with Town Counsel after he provided Counsel with the Board's general policy parameters. Mr. Bergeron was followed by Donna Roy, the Chair of the Essex Merchants Group, Michele French from the Cape Ann Chamber of Commerce, and Peter Webber, Senior Vice President of the Cape Ann Chamber of Commerce. All were in favor of permitting outdoor entertainment and supporting the business community. Peter Webber cited two examples in Rockport where compromises had been reached to satisfy both the neighbors and the businesses. The Board was very interested in the Rockport examples and Mr. Zubricki agreed to make arrangements for the Board to meet with Rockport officials to discuss the matter.

Tom Nonis, a resident, shared his concerns about his right to peaceful enjoyment of his property.

Counsel for Curt and Lindsay Bergeron, Ed Prisby, spoke at length about the need to have guidelines for entertainment permits that are the same for all the businesses.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:00 p.m.

Documents used during this meeting include the following:

- Graph showing past 2 years of energy pricing*
- Bergeron letter*

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen