

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

August 14, 2019

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: Tom Beale, Curt Bergeron, Lindsay Bergeron, Helen Brown, Amanda Davis, Scott DeWitt, John Filias, Maureen Flatley, Michael Galli, Jodi Harris, Gerard Hayward, Bob Jerin, Robyn Lafata, Michael Tucker, Kristin Walker, and others.

Chairman Spinney called the meeting to order at 6:00 p.m. in the second floor Stage Conference Area of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment at the end of the meeting.

In other business, 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 08-08-2019 warrant pursuant to subsection (d) of said Section. Selectman Pereen abstained from voting.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
David Pereen	Pereen Plumbing	7/21/19	\$ 200.00	Selectmen
Ernie Nieberle	Nieberle's	7/24/19	\$ 1,453.74	Police
Ernie Nieberle	Nieberle's	7/24/19	\$ 177.95	Fire
Ernie Nieberle	Nieberle's	7/24/19	\$ 260.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 29, 2019, Open Meeting.

A motion was made and seconded to approve and sign the contract for services with Patriot Properties, Inc. in the amount of \$18,500. Selectman Phippen abstained from discussion and voting on this matter. The motion was voted by Chairman Spinney and Selectman Pereen.

The Board reviewed a request from Martha Mazzarino, the Chairman of the Economic Development Committee, to appoint Jodi Harris to fill a vacancy on the EDC. The Board discussed the position with Jodi Harris, who expressed her sincere interest in working on this committee and offered a brief resume of her qualifications. A motion was made, seconded, and unanimously voted to approve her appointment for a partial term of three years, ending 6/30/2022. The Board signed the appointment card.

Superintendent Michael Galli and Board of Public Works members Scott DeWitt and John Filias; and their Assistant Amanda Davis; joined the Board to discuss a possible amendment to the solid waste contract with Covanta. The ten-year contract with Covanta is due to expire in approximately 3 ½ years. Recently, the Town dump attendant, who is employed by Covanta

retired, and Covanta has asked if the Town would provide a Town employee to serve as the attendant. Otherwise, Covanta is bound to provide an employee for the duration of the contract. Covanta is willing to reduce billing to the Town by about \$90,000 per year if the Town will run the Transfer Station with its own employee. Those present discussed the matter at length and all were in agreement in authorizing Mr. Zubricki to arrange for a proposed contract amendment for discussion with Covanta which would include a condition that if Covanta was bought out or changed ownership before the end of the Town's current contract, the new entity would honor the remainder of the contract. Mr. Zubricki will also determine if Covanta will agree to extend the term of the current contract to take advantage of an excellent tipping rate for a longer duration. Those present also agreed that, since the department is short-staffed, it would be more advantageous to hire a full-time employee who could help with other duties when the dump is closed. Superintendent Galli and the Board of Public Works and their Assistant left the meeting.

Chairman Spinney entertained a motion to approve a written request for the transfer of all interests in the leaseholds for the properties at 173 and 175 Conomo Point Road (Map 108, Lots 31 and 30, respectively) **from** the David A. and Mary A. Mears Revocable Trust; Walter Mears, Eleanor Mears Vyn, and Louise Mearslutts, Trustees, **to** Stephen and Alison Bryer; and further, that nothing in this approval was intended to convey or imply any right, title or interest in the subject properties, or any portion thereof that was not already held by the David A. & Mary A. Mears Revocable Trust; Walter Mears, Eleanor Mears Vyn, and Louise Mearslutts, Trustees; and, that the year-round privilege concerning 175 Conomo Point Road, Map 108, Lot 30, is hereby extinguished. The motion was moved, seconded, and unanimously voted. Attorney Michael A. Tucker left the meeting with his associates.

A motion was made, seconded, and unanimously voted to approve a request from Jane Ribeiro to rent the pavilion at Centennial Grove on Saturday, August 31, 2019 between the hours of 9:00 a.m. and 6:00 p.m.

A motion was made, seconded, and unanimously voted to approve a request from Fran Pierce to rent the pavilion at Centennial Grove on Saturday, September 21, 2019 between the hours of 1:00 p.m. and 5:00 p.m.

Curt Bergeron came before the Board to discuss his request for two entertainment licenses: one for the August 22nd Car Show and one for the September 19th Car Show. After a short discussion about the two previous car shows, a motion was made, seconded, and unanimously voted to approve the following One-Day Entertainment Licenses:

- Riversbend at Essex Marina, LLC, Curt Bergeron, for use on Thursday, August 22, 2019, between the hours of 4:30 p.m. and 7:30 p.m., within the confines of the Riversbend Upper Parking Lot at 35 Dodge Street, public address announcements to be kept applicable to event and kept to a minimum, at an appropriate sound level to reach event attendees.
- Riversbend at Essex Marina, LLC, Curt Bergeron, for use on Thursday, September 19, 2019, between the hours of 4:00 p.m. and 7:00 p.m., within the confines of the Riversbend Upper Parking Lot at 35 Dodge Street, public address

announcements to be kept applicable to event and kept to a minimum, at an appropriate sound level to reach event attendees.

Mr. Bergeron thanked the Board and left the meeting with Lindsay Bergeron, Maureen Flatley, and Robyn Lafata.

Chairman Spinney entertained a motion to table the Board's review of whether and how the Board will institute a policy with respect to outdoor entertainment noise, including consideration of recent input from local business owners, a recent letter from a resident, and from a review of the Town of Rockport's policy and program, pending a recommendation on the matter from the Economic Development Committee.

Mr. Zubricki said that he and Town Building Committee Chair O'Donnell will be attending a cable television taping on September 4th regarding the proposed Public Safety Building Special Town Meeting taking place on September 23 and Chairman Spinney and Selectman Phippen said that one of them would also attend.

Chairman Spinney decided to move Public Comment forward and Bob Jerin, Tom Beale, Helen Brown, and Gerard Hayward spoke again about the need for a noise policy and their right to peaceful enjoyment of their property. Helen Brown presented a letter advocating strict control over outdoor entertainment which was signed by the Citizens for a Peaceful Essex. Chairman Spinney thanked those present for their comments and Tom Beale, Helen Brown, Jodi Harris, Gerard Hayward, Bob Jerin, Kristen Walker, and others left the meeting.

Mr. Zubricki reviewed the first draft of possible warrant article topics for the November 18, 2019 Fall Town Meeting and future Town Meetings. The Board worked with Mr. Zubricki to prioritize certain articles and made a few suggestions regarding the addition of others.

The Board agreed to take no action regarding the question of whether residents would be allowed to remove individual plants from 11 John Wise Avenue prior to site work for the proposed public safety facility at that site.

The Board reviewed a letter from a Lakeshore Drive resident regarding the need for a leash law. It was noted that the Town already has a dog waste pickup law and the Board was not inclined to initiate a proposal for a leash law at Town Meeting.

A motion was made, seconded, and unanimously voted to sign a Memorandum of Understanding with the Metropolitan Area Planning Council for a portion of the grant funding necessary to upgrade the Town's streetlights to LED lamps. The Chairman also signed a subscription form that allows the Town to work with one of several consulting firms that the Metropolitan Area Planning Council has pre-screened for assistance with LED retrofit assessment and design. The Board agreed that Tanko Lighting was the best fit for the Town's project.

Selectman Pereen abstained from the following discussion and the remaining Board members reviewed a quote for landscaping maintenance work at Conomo Point in the amount of \$2,333. The quote includes cleanup of the beds and plantings at the new Conomo Point waterfront park. The two Board members were in agreement that the filming company for the recently completed summer filming should pay a fee of \$2,667 plus \$2,333 for the landscaping for a total rental cost of \$5,000. Mr. Zubricki will inform the film company.

A motion was made, seconded, and unanimously voted to approve a request for the non-exclusive use of portions of Conomo Point by license for future filming of a movie in September and to set this rental fee at \$5,000, which may include monetary assistance with continued maintenance of landscaping at the Conomo Point waterfront park.

The Board reviewed correspondence from a Conomo Point resident concerning an infestation of the parasitic vine known as Dodder in the Robbins Island area. The resident is willing to take responsibility for obtaining all permitting and incurring all costs to remove the vine, but needs the Town to sign off as landowner. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to sign off for the Town in this matter.

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

One-Day Entertainment License:

- Essex County Greenbelt Association, Jane Rumrill, for use on Saturday, September 21, 2019, between the hours of 11:00 a.m. and 3:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.

One-Day Wine & Malt License:

- Essex County Greenbelt Association, Jane Rumrill, for use on Saturday, September 21, 2019, between the hours of 11:00 a.m. and 3:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Woodman's Inc., Steve Woodman, for use on Wednesday, August 28, 2019, between the hours of 12:00 noon and 4:00 p.m., within the confines of the Salt Marsh Tent at 121 Main Street.

After a short review, a motion was made, seconded, and unanimously voted to approve a request from Woodman's to amend their one-day entertainment license and their one-day wine and malt license for the movie night planned for July 31 that was cancelled due to inclement weather, to now be held on Wednesday, August 21, 2019; and, to change the location for the movie night licenses for 8/14 and 8/21 to the back of Woodman's parking lot.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 27th, 2019 through August 9th, 2019, regarding the following:

Kickoff Meeting for Downtown Line Striping and Signage Project: Mr. Zubricki reported that the first meeting for Striping and Signage had been attended by himself; TEC, our engineering firm; Board of Selectmen Chair Andrew Spinney; Police Chief Francis; and Officer Davis. The

group is planning two public forums, one in September and a later one, to both give and receive input about the project.

Consideration of Complete Streets Town-wide Assessment: Mr. Zubricki said that TEC has also recommended initiating a Complete Streets Town-wide Assessment, which could be funded by a State grant in the amount of \$30,000. The group would work extensively with the Board of Public Works to complete the project. The Board and Mr. Zubricki were in agreement that they would like to postpone this project to a later date.

Finalization of Fixed-Price Natural Gas Contract: Mr. Zubricki reported that natural gas prices are the lowest they have been in two years. A motion was made, seconded, and unanimously voted to authorize Chairman Spinney to sign a fixed rate contract with Constellation under the auspices of the Massachusetts Municipal Association's MunEnergy Program locking in the low rate for as long as possible.

Regulation or Bylaw Concerning Banning of Certain Plastics: Mr. Zubricki reported that the Board of Health is not interested in creating a regulation regarding the banning of certain plastics and would like the Board to formulate and seek approval for a bylaw regarding this matter.

Sale of Sumac Drive Lot and Development of Associated Documents: Chairman Spinney reported that Daniel Mayer has offered to purchase the Town property at 0 Sumac for \$27,500 and he has not yet received a higher bid from the other two interested parties. The Board agreed to postpone a decision on the matter until their next meeting on August 26.

Further Review of Senior Center Property Line: Mr. Zubricki reported that the owner of the property abutting the Senior Center has not provided the additional information that she promised, therefore Mr. Zubricki had not been able to move forward with this matter.

The Board was reminded that they will meet with the Manchester Board of Selectmen at the Manchester Town Hall on Monday, August 19, 2019, at 7:30 p.m.

The Board will also meet with the Conservation Commission on Tuesday, August 20, 2019, at 7:30 p.m. in the second floor Stage Conference Area of the Town Hall.

The Town Building Committee and the Board of Selectmen will meet on Wednesday, August 21, 2019, starting at 7:00 p.m. in the Town Hall Auditorium.

The next regular Board of Selectmen's meeting will take place on Monday, August 26, 2019, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Essex Town Hall.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:36 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen