

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

August 26, 2019

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Pereen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Also Present: Mark Brewer, Dawn Burnham, Amanda Davis, Scott DeWitt, Dr. Driscoll and Ginger Driscoll, John Filias, Sergeant Paul Francis, Michael Galli, Erin Kirchner, Tina Lane, Paul Rullo, John Tremblay, Theresa Tremblay, and the Tremblay's Vice President of Product, Daniel.

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. No one offered any comment.

Dawn Burnham, Chair of the Bicentennial Committee, came before the Board to say that one of the Bicentennial events, Family Day at Centennial Grove, is taking place on Saturday, September 7, 2019, and to request that parking be allowed on Harry Homans Drive and Centennial Grove Road on that day. After a short discussion, a motion was made, seconded, and unanimously voted to permit parking on Harry Homans Drive and Centennial Grove Road on one side only during the event. Dawn Burnham thanked the Board and left the meeting.

Police Sergeant Paul Francis and Mark Brewer joined the Board. Sgt. Francis introduced Mark Brewer to the Board and said that he would like to highly recommend that Mr. Brewer be appointed to the position of Part-Time Patrolman. Mr. Brewer had served the Town as a Part-Time Patrolman in the past. The Sergeant reviewed Mr. Brewer's impressive background and the Board asked him a few questions. Subsequently, a motion was made, seconded, and unanimously voted to appoint Mr. Brewer to the position of Part-Time Patrolman. The Board congratulated Mr. Brewer and signed his appointment card. Mr. Brewer left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$135,596.01.

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 8/22/2019 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	8/22/2019	\$ 1,011.19	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 14, 2019, Open Meeting.

The Board reviewed a suggestion by a resident that vacant land on Grove Street, which is eventually destined for tax title auction, be instead retained by the Town for open space preservation. After discussion, the Board was in agreement that they were not inclined to retain the parcel.

The Board discussed who would like to serve as one of the judges at the October 26, 2019, Clamfest, and it was agreed that Selectman Phippen would represent the Board.

A motion was made, seconded, and unanimously voted to approve a \$1,250 contract amendment with Johnson Roberts Associates to perform hydrant flow testing for fire protection design considerations associated with the proposed public safety facility.

The Board was in agreement regarding scheduling a Special Town Meeting to vote for the public safety building, and the following motions were made, seconded, and unanimously voted:

- To hold a Special Town Meeting on Monday, September 23, 2019, at 7:30 p.m. at the Essex Elementary School;
- To open the warrant for the September 23, 2019, Special Town Meeting;
- To add articles to the warrant for the September 23, 2019 Special Town Meeting per the draft warrant presented at this meeting, or as revised (which is attached hereto);
- To close the warrant;
- To approve the warrant;
- And, to sign the warrant.

Concerning Conomo Point matters, Chairman Spinney reported that the parties involved were still talking and there was no update on the status of offers to purchase the Town's vacant lot at 0 Sumac Drive (Map 110, Lot 7).

Mr. Zubricki said that the Youth Director has requested permission to allow businesses to hand out glow sticks, which would be marked as having been donated by the businesses, during the holiday festival at the arrival of Santa. The Youth Director also asked whether sponsors could have booths at the site. The Board was in agreement, and a motion was made, seconded, and unanimously voted to deny both requests. Mr. Zubricki will inform the Youth Director of the Board's decision. The Board was fine with passing reference being made to sponsors in social media.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve a Commercial Shellfish Permit and Waiver of the Filing Deadline for Arthur Weaver.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 10th, 2019 through August 23rd, 2019, regarding the following:

Possible Future Reallocation of MBTA Assessment to CATA: Mr. Zubricki informed the Board that the new CATA Administrator may be interested in helping to provide transportation for seniors to medical appointments. Funding for this could be provided by reallocating part of the Town's State local aid assessment that is allocated to the MBTA to increase the amount that goes to CATA. After a discussion, the Board was in favor of authorizing Mr. Zubricki to continue discussions with CATA regarding the reallocation. CATA is also beginning a pilot program using other funding that may assist workers to travel into Town for their jobs.

Town Building Committee Summary: Mr. Zubricki reported that the committee is working with the consultants on the final design for the proposed public safety facility and will be receiving cost estimates for the project from two different firms. Once the estimates are available, the committee will work with the Finance Committee to determine the best method for funding the project, and to develop tax impact estimates.

Possible Grant for Customized Accounting Software: Mr. Zubricki reported that the Collins Center study of possible areas for collaboration has suggested that Manchester and Essex apply for a State IT Grant to fund the purchase of new accounting software, which would include some customization for each Town, and training. The Board was in favor of the idea and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to apply for the grant, after the accountants from both communities arrive at mutual goals.

Possible Amendment of Solid Waste Contract with Covanta: Mr. Zubricki reported that he had again contacted Covanta to ask about extending the Town's contract at present rates if the Town hires its own employee to run the transfer station and Covanta has refused. The Board agreed to seek further comment from the Board of Public Works regarding this matter, after Covanta puts the proposal it had outlined conceptually into a formal proposed contract.

State Funding for a Portion of Town's Bicentennial Celebration Cost: Mr. Zubricki reported that Bicentennial Committee Chair Dawn Burnham has submitted a request for reimbursement from the State for various bicentennial costs in the amount of \$35,000 and expects to receive a contract agreement in the near future. A motion was made, seconded, and unanimously voted to authorize Chairman Spinney to sign the contract outside of a meeting when it becomes available.

Consideration of Possible Revision to Town Landing Use Regulations: Mr. Zubricki reported that he has researched fees charged in other towns for boat launching by non-residents and that Essex charges the highest fee (\$20). The Board briefly discussed ways to eliminate the need for an attendant at the Town Landing and ways to collect fees on the weekdays. Selectman Preen agreed to gather information regarding the purchase, use, and operating costs of a parking kiosk. Mr. Zubricki will ask the Harbormaster to begin tracking the number of non-residents/residents using the landing during the weekends and on weekdays.

Continued Review of Draft Fall Town Meeting Article Topic List: Mr. Zubricki reviewed each of the items on the recently updated list of possible articles to be voted at the Fall Town Meeting which is tentatively scheduled for November 18, 2019.

Finalization of Municipal Collaboration Report: Mr. Zubricki reported that the Board and the Manchester Board of Selectmen met jointly last week to review the workshop draft of the Collins Center's report regarding possible areas of collaboration between the two towns. The Center will discuss input from that meeting with the two town administrators and will then issue the final report by the end of September.

Culvert Replacement Municipal Assistance Grant Award: Mr. Zubricki reported that the Town has been awarded \$41,050 from the Massachusetts Division of Ecological Restoration's Culvert Replacement Municipal Assistance Grant Program. The funding will be used to conduct a study regarding possible improvements that could be made to the roadway and the culvert under the Southern Avenue end of Apple Street in an effort to prevent future closures of Apple Street during tidal surges, storm events, etc. The project would also improve the ecological value of the stream crossing. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the necessary grant paperwork when it becomes available outside of a meeting.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 9, 2019, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Essex Town Hall.

There will be a joint meeting of the Town Building Committee and the Board of Selectmen on Wednesday, September 11, 2019, in the Town Hall Auditorium, starting at 7:00 p.m.

There will be a Public Forum concerning the proposed public safety building on Thursday, September 12, 2019, in the Town Hall Auditorium, starting at 7:00 p.m.

There will be a second Public Forum concerning the proposed public safety building on Tuesday, September 17, 2019, in the Town Hall Auditorium, starting at 7:00 p.m.

There will be a Special Town Meeting held in the gymnasium at the Essex Elementary School on Story Street on Monday, September 23, 2019, starting at 7:30 p.m.

The Fall Town Meeting will be held in the gymnasium at the Essex Elementary School on Story Street on Monday, November 18, 2019, starting at 7:30 p.m.

At 7:00 p.m., the Board and those present were joined by John and Theresa Tremblay, the owners of BB Botanics, and their Vice President in charge of Product, to discuss their proposal to locate a recreational marijuana dispensary at 166 Eastern Avenue in the Town of Essex. They have a Purchase and Sale Agreement for the site and discussed their plans with Town Counsel, Mr. Zubricki, and the Board. They plan to remove the present buildings located there and replace them with one new building. Discussion followed and it was agreed that the Tremblays would work with Town officials to schedule a public outreach meeting in the Town Hall Auditorium and would also prepare for review by Town Counsel and the Board, a draft host community

agreement between their company and the Town. The Board thanked the Tremblays and they left the meeting with their associate.

At 7:30 p.m., citing the need to discuss pending litigation concerning the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C, the Chairman entertained a motion to move to Executive Session. He stated that discussing this matter in Open Session would be detrimental to the Town's litigating strategy and invited Superintendent Michael Galli, Board of Public Works members Paul Rullo, Scott DeWitt, and John Filias, and their Assistant Amanda Davis, as well as Town Counsel and the Town Administrator to attend the Session. He said that the Board would be returning to Open Session only to adjourn the meeting. The motion was moved and seconded. The Board of Public Works entertained a similar motion which was also moved and seconded. Following a unanimous Roll Call Vote by both boards, the Select Board, their Assistant, the Board of Public Works, their Assistant, Superintendent Galli, Town Counsel, and the Town Administrator moved to Executive Session.

Dr. Driscoll and Ginger Driscoll, Sergeant Paul Francis, Erin Kirchner, and Tina Lane left the meeting.

The Select Board and their Assistant, the Board of Public Works and their Assistant, Superintendent Galli, Town Counsel, and the Town Administrator returned to Open Session at 8:23 p.m.

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

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen