

**Selectmen's Minutes**  
**Faculty Room, Essex Elementary School, Story Street**

**November 18, 2019**

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

Also Present: Virginia and Michael Antell, Guy Bradford, Benjamin Buttrick, Michael Cataldo, Rob Fitzgibbon, Michael Flynn, Britton Hall, Jeffrey Jones, Antonella Muniz, Lisa O'Donnell, Stephen Poulos, Richard Ross, Jeffrey Soulard, and Alison Williard.

Chairman Spinney called the meeting to order at 6:00 p.m. in the Faculty Conference Room at the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$127,933.07.

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 11/14/2019 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	10/24/2019	\$ 592.00	Police
Ernie Nieberle	Nieberle's	10/24/2019	\$ 108.00	Fire
Ernie Nieberle	Nieberle's	10/24/2019	\$ 3,400.26	Snow Removal
Ramie Reader	Reader Electrical	08/20/2019	\$ 618.00	Snow Removal
Ramie Reader	Reader Electrical	10/08/2019	\$ 160.00	Wastewater
Ramie Reader	Reader Electrical	10/21/2019	\$ 160.00	Wastewater

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 4, 2019, Open Meeting and Executive Session.

Upon consideration, a motion was made, seconded, and unanimously voted to approve a request from the Essex PTO to support their Polar Plunge at Conomo Point Front Beach fundraising event on January 12, 2020. The Board noted that the PTO should make arrangements to have an ambulance standing by and be responsible for its expense and any Police details. The Board will also notify the Fire and Police Departments that the non-resident parking ban will be lifted from 6:00 a.m. to 12:00 noon on that day.

It was agreed to postpone discussion concerning the automated collection of boat launching fees on weekdays for non-residents and whether the existing fee should be changed until the next meeting.

Mr. Zubricki said that a group of college students is interested in utilizing Centennial Grove for the one-day production of a film as a senior thesis project. If the group decides to use the Grove, they would be there from daylight through dusk. The Board was in favor of approving the

request and asked Mr. Zubricki to let the Fire Department and the Police Department know if the group decides to film at the Grove.

The Board acknowledged a letter announcing the retirement of Westley Burnham from the Fire Department after 47 years of service and commended him for his many years of service.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to deny a request from Jean C. LeRoyer to change the term of her one-year lease for 159 Conomo Point Road, Map 108, Lot 39, to twenty years. The Board cited its past discussion of wanting to be sure that individual parcels are not needed for improved public access before any lease duration increases are granted. This status will likely remain in place until at least the completion of the Conomo Point Seawall Replacement Project.

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

Request to Close for Cleaning & Repairs:

- JT Farnham's, 88 Eastern Avenue, to close on December 22, 2019 through March 6, 2020 for cleaning and repairs.

Antiques License Renewal:

- Joseph Danna, Conomo Point Antiques, 166 R Eastern Avenue
- Michael March, Blackwood March Antiques, 3 Southern Avenue
- Prezona Design, Shelagh Schylling, 72 Belcher Street
- Andrew Spindler Roesle, Andrew Spindler Antiques, 163 Main Street
- A.P.H. Waller & Son, A.P.H. Waller, 140 Main Street

Class II License Renewals:

- Steven Pascucci, Cape Ann Auto Body, Inc., 19 Grove Street
- Scott Woodward, Pike Marine, Inc., 80 Main Street
- Scott Savory, Scott's Auto Clinic, Inc., 6 Scot's Way

All Alcoholic Beverage Package Store License Renewal:

- Bhavikaben Patel, Fenisha Corp, d/b/a Schooners Market, 121 Eastern Avenue

One-Day Entertainment License:

- The Farm Bar & Grill, Ben Wilcox, for use on Sunday, December 22, 2019, between the hours of 4:00 and 7:00 p.m., within the confines of the restaurant at 233 Western Avenue.

The Board was reminded of the following events and meetings:

- The Economic Development Committee will host its Business Breakfast Roundtable at 8:00 a.m. in the 3<sup>rd</sup> Floor Auditorium of the Town Hall at 30 Martin Street on November 20, 2019.
- The next regular Board of Selectmen's meeting will take place on Monday, December 2, 2019, at 6:00 p.m. in the 2<sup>nd</sup> floor Stage Conference area of the Town Hall on Martin Street.

- Mass Bays Barrier Mitigation Workshop will be held on Thursday, November 21, 2019, in the Town Hall Auditorium, starting at 10:00 a.m.
- The North East Coastal Coalition will meet in the Town Hall Auditorium on Friday, November 22, 2019, starting at 10:00 a.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 2<sup>nd</sup>, 2019 through November 15<sup>th</sup>, 2019, regarding the following:

Initial Meeting of the Host Community Agreement Advisory Committee: Mr. Zubricki reported that he had recently met with the Clerk of the newly appointed Host Community Agreement Advisory Committee to review the Open Meeting Law and administrative guidelines for committee meetings. The Committee will have their first meeting on Wednesday, December 4 in the 1<sup>st</sup> Floor Conference Room at the Town Hall, starting at 7:30 p.m.

Status of Scope of Work for Downtown Parking Striping and Signage: Mr. Zubricki said that he has been informed that any striping done on the State road must be done with thermoplastic material which is expensive and will not last through the year. The material is thick and snow plows will scrape it off the roadway in one season. Mr. Zubricki also said that the Economic Development Committee has decided not to support this project, since it would reduce the current number of parking spaces available. Also, the Select Board believes that erecting large wayfinding signs throughout town would be detrimental to the present atmosphere/ambience of a small coastal town. The Board decided to table discussion of this project for the time being.

Head Assessor Stephen Poulos and his fellow Board members Michael Cataldo and Britton Hall joined the Board. A motion was made, seconded, and unanimously voted by the Board of Assessors to convene their meeting and a motion was made to open the Board of Assessors Classification Public Hearing. The motion was moved, seconded, and unanimously voted by both boards. Mr. Poulos reviewed the Classification Report for the FY2020 Property Tax Rate Classification Hearing and explained how different factors affect the tax rate. Following the presentation, Mr. Poulos responded to questions from the Board. The Chair then asked if anyone present had any other questions and no one did. A motion was made, seconded, and unanimously voted by both boards to close the hearing. Everyone was in agreement and a motion was made, seconded, and unanimously voted to set the residential factor at one. Separate motions were made, seconded, and unanimously voted: 1) to not approve an Open Space Discount, 2) to not approve the granting of a Residential Exemption, and 3) to not approve the granting of a Small Commercial Exemption. A motion was also made, seconded, and unanimously voted to grant authority to Head Assessor Poulos to sign on behalf of the Select Board on the Department of Revenue's Gateway. The Select Board signed the DOR Form LA-5. The Assessors thanked the Selectmen and left the meeting.

Status of LED Street Light Conversion Project: Mr. Zubricki reported that Ipswich has provided a cost estimate in the amount of \$13,000 for the conversion project, which has been reviewed by the project consultant. The project consultant found the estimate to be high and will ask Ipswich

if it fully understands the scope, in hopes of getting a revised proposal in an amount under \$10,000.

Public Safety Facility Construction Project Update: Mr. Zubricki said that the first construction meeting was held last week and the second one will be held tomorrow. Those present at the meeting will be joined by some of the project abutters, who will be encouraged to voice their opinions at the commencement of the project, rather than waiting until later. The group plans to meet once a week for updates. Also, a ground-breaking ceremony will be scheduled to formally mark the commencement of the project.

Fall Town Meeting Motions: Town Moderator Jeff Jones joined the Board and Mr. Zubricki briefly reviewed each motion to be made and it's designated presenter at tonight's Town Meeting. Mr. Jones left the meeting.

Amendment of Solid Waste Contract with Covanta: Covanta, the Department of Public Works, Town Counsel, and the Selectmen have agreed on an amendment to the Town's solid waste contract with Covanta and the contract has been signed by Covanta. Mr. Zubricki recommended that the Board vote to countersign the amended contract, which will not go into effect unless a financial transfer proposal gets approval at tonight's meeting, and a motion was made, seconded, and unanimously voted to that effect.

Finance Committee Chair Benjamin Buttrick and members Guy Bradford, Rob Fitzgibbon, Michael Flynn, Richard Ross, and Alison Williard; Town Accountant Virginia Antell; Treasurer/Collector Jeffrey Soulard; along with Lisa O'Donnell and Michael Antell, joined the Select Board for discussion of tonight's Fall Town Meeting Articles and financing options for the Public Safety Building. A motion was made, seconded, and unanimously voted by the Finance Committee members to convene their meeting with the Selectmen. The Finance Committee briefly reviewed the current status of proposed funding for the Public Safety Building project which is composed of \$1,000,000 from Free Cash, \$2,000,000 from the Sale of Real Estate at Conomo Point, and \$12,500,000 to be borrowed. The winning bid for the project came in at approximately \$860,000 below the projected construction cost of \$13,287,944, and discussion followed regarding whether or not it would be more advantageous to borrow \$860,000 less. Those present also wondered if there might be other sources of funding available to help with the cost. Discussion ensued concerning the unknown risk of encountering significant site work problems versus the relatively small benefit to taxpayers if less money is borrowed. Site work issues, should they occur, will not be known to the Board at the time that the bond note will be signed. Following a lengthy discussion, the six Finance Committee members voted 5 to 1 to approve financing in the total amount of \$12,500,000. Subsequently, the Select Board voted unanimously to approve financing in the amount of \$12,500,000 and to authorize the Treasurer/Collector to seek favorable financing of that amount for their approval at a future meeting.

At 7:17 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 the Town Administrator and Town Counsel to attend the Executive Session. He said that the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session. All others left the meeting.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 7:26 p.m.

A motion was made, seconded, and unanimously voted to adjourn to the Fall Town Meeting commencing at 7:30 p.m. in the cafetorium.

Documents used during this meeting include the following: None.

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

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