

Selectmen's Minutes
Town Hall, 3rd Floor Auditorium, 30 Martin Street

January 6, 2020

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

Also Present: Virginia and Michael Antell, Tom Beale, Curt and Lindsay Bergeron, Alden Blodget, Sergeant Dan Bruce, Vincent Caravella, Brian DesRossiers, Nelson and Madelyn Emmons, Dan Fialho, Maureen Flatley, Chief Paul Francis, Michele and Michael French, Michael and Jane Ginn, Jodi Harris, Gerard Hayward, Lori Henderson, Mary and John Hickey, Bob Jerin, Joe and Robyn LaFata, Tina Lane, Tom Lang, Betsy Madsen, Gayle McKinley, Charles McNeil, Antonella Muniz, Kevin Oyer, Leo Perim, Steve Poulos, Attorney Edward Prisby, Ken Riehl, Richard Ross, Donna Roy, Sergeant Tom Shamshak, Patrick Shea, Jeffrey Souldard, Pamela Thorne, Kristen Walker, Josh Webber, Officer Robert Wheway, Scott and Lori Woodward, and several others.

Chairman Spinney called the meeting to order at 6:00 p.m. in the 3rd floor auditorium of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. Bob Jerin announced that he would be recording the meeting. 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 \$116,077.26.

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 12/19/2019 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>
Scott DeWitt	Perkins Marine	12/09/2019	\$ 1,980.00	Selectmen
Ernie Nieberle	Nieberle's	11/24/2019	\$ 290.00	Snow Removal

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 12/26/19 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>
Jim McNeilly	McNeilly EMS	12/18/2019	\$ 54.00	Police
Jim McNeilly	McNeilly EMS	12/18/2019	\$ 145.00	Fire
Jim McNeilly	McNeilly EMS	12/18/2019	\$ 648.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 16, 2019, Open Meeting.

A motion was made, seconded, and unanimously voted to accept the following gifts to the Police Department:

- Helen & David Tory \$ 20

- Ed & Pat Marchetti \$300
- Catherine Palmer \$200
- Estate of Di Athans \$250

A motion was made, seconded, and unanimously voted to approve and sign the State contract for a \$5,000 grant that has been awarded to the Essex River Cultural District.

Town Clerk Pamela Thorne came before the Selectmen to discuss her recommendation to adopt an Electioneering Policy with respect to early and absentee voting. The policy would prohibit electioneering within 150 feet of the Town Hall. A motion was made, seconded, and unanimously voted to adopt this policy. A motion was also made, seconded, and unanimously voted to designate the Essex Town Hall, 30 Martin Street, Essex, as the official polling location for early voting for the March 3, 2020 Presidential Primary Election.

A motion was made, seconded, and unanimously voted to countersign the water pipe easement releases from one of the two owners of 7 John Wise Avenue concerning an easement over 11 John Wise Avenue. Town Clerk Thorne notarized the document and left the meeting.

A motion was made, seconded, and unanimously voted to accept the resignation of Stacy Capotosto from the Youth Commission.

The Board considered a resident's request to add a zoning bylaw proposal to the annual Town Meeting warrant regulating where retail marijuana establishments may be located and a motion was made, seconded, and unanimously voted to add a retail marijuana zoning bylaw proposal to the Annual Town Meeting warrant. The Board reserved comment on whether they will support the passage of the article.

The owners of the Riversbend Restaurant, Curt and Lindsay Bergeron, and their attorney Edward Prisby, came before the Board. Attorney Prisby discussed the Bergerons' concerns regarding the Board's proposed entertainment licensing policy. The Board thanked Attorney Prisby for his comments.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period December 14th, 2019 through January 3, 2020, regarding the following:

Review of Possible Local Licensing Process for Retail Marijuana: Mr. Zubricki said that he had been asked at the last Board meeting by the Host Community Agreement Advisory Committee's Clerk to find out if the Town could adopt a local marijuana licensing process, and if so, what the benefits to the Town might be added to the current process. The Board had asked Mr. Zubricki to follow up on this request, which he did between meetings. Mr. Zubricki said that a bylaw could be proposed at a future Town Meeting. Town Counsel has provided a sample bylaw and a list of possible regulations. The Board agreed to table further discussion of this matter until their meeting.

Josh Webber came before the Board to request an annual weekday entertainment license for the Great Marsh Restaurant at 99 Main Street. He said he would like to have a live entertainment group of 2 to 3 members provide lightly amplified music, inside the restaurant, Monday through Thursdays between the hours of seven and eleven p.m. The Board asked a few questions and inquired about providing additional parking for the restaurant. Subsequently, a motion was made, seconded, and voted 2 to 1 to approve Mr. Webber's request for an annual weekday entertainment license for lightly amplified music indoors, with doors and windows closed, between the hours of 7 and 11 p.m., Monday through Thursday. Mr. Webber left the meeting.

Harbormaster Initiatives Update: Mr. Zubricki reported that there is enough money in the Conomo Point Management Account to purchase the kayak racks recommended by the Harbormaster. The Board needs to formulate regulations governing the use of the racks and the fee structure. Also, Harbormaster Fialho would like to be able to withhold mooring permits for those with unpaid fines. The Board was in agreement and Mr. Zubricki said he would work on an article for the Annual Town Meeting to update the existing bylaw. Mr. Fialho will work to recommend kayak rack regulations to the Board.

Chief of Police Recommendations for Downtown Parking Prohibition: The Board reviewed with Chief Francis and Town Administrator Zubricki a set of maps depicting existing parking in Town that should be prohibited due to safety concerns. The Board was in agreement with the spaces cited and Mr. Zubricki will ask the Town's design consultant on this project to prepare a cost estimate to change the design plan from depicting areas where parking is allowed to areas where it will be prohibited..

The Board took a short recess.

When the Board reconvened, Chairman Spinney announced that the Board would continue their review of entertainment license application forms, process, and the potential adoption of a Town noise policy. He asked Selectman Phippen to begin tonight's discussion. Selectmen Phippen said that this matter has been talked about a lot and would like to suggest the formation of a committee to recommend a policy. The committee could be composed of a representative from the Planning Board and a representative from the Police Department, as well as members selected from the business community and residents. Chairman Spinney said he was not in favor of an advisory committee and he felt it was the Board's responsibility to determine and formulate the policy directly. Selectman Preen agreed.

Following the Board's comments, Betsy Ridge Madsen, Lori Henderson, Patrick Shea, Jane Ginn, Vincent Caravella, Kristen Walker, Mary Hickey, Kevin Oyer, Bob Jerin, Alden Blodget, and Nelson Emmons spoke on the subject.

Town Counsel Gregg Corbo also offered his comments on the subject.

Someone from the audience asked if the recent emails and letters sent to the Selectmen on this matter were public documents and could be made available for review. All letters and emails are public record and copies may be requested from the Selectmen's office.

The Board agreed to take this matter under advisement for discussion on February 10, 2020. Most of those present left the meeting.

At 8:00 p.m., the Town Accountant, the Treasurer/Collector, and the Chief of Police joined the Board to review their proposed goals for the next fiscal year. The Board asked questions of each of the three and discussed some of the plans and proposals for the coming year. Following the discussion, the Board voted to approve the goals for the Town Accountant and the Treasurer/Tax Collector. The Police Chief is waiting for additional information before he can finalize one his goals and the Board will vote to approve all his goals pending receipt of that information.

Town Accountant Antell, Police Chief Francis, and Treasurer/Collector Soulard left the meeting.

Mr. Zubricki said that he would be attending the annual MMA trade meeting in January and asked if anyone on the Board would also be attending. No one was and a motion was made, seconded, and unanimously voted to designate Mr. Zubricki as the Town's representative to both MIIA and the MMA and authorize him to vote at the meeting on the Town's behalf. The Chairman signed the documents.

Continued Discussion of Town Administrator's Calendar Year 2020 Goals: Each of the three Board members said that they had reviewed the FY2020 goals suggested for the Town Administrator and a motion was made, seconded, and unanimously voted to approve the list.

Public Safety Facility Project Update and Potential Change Order: Mr. Zubricki reported that the Board might like to consider the Town's architect's suggestion for a change order to move the HVAC equipment, which is currently situated on the ground outside the Police Department windows, up to the roof. He explained that the equipment had been located on the ground in order to help bring the project in on budget. The Board said that they had not been aware that the plans for the location of the equipment had been changed and asked Mr. Zubricki to work with the Project Manager to provide more detail.

Final FY21 Operating and Capital Budget Request Documents: Mr. Zubricki provided the Board with updated operating and capital budget request documents, based on their comments from the last Board meeting. A motion was made, seconded, and unanimously voted to approve and submit the documents to the Finance Committee.

Further Review of Possible Annual Town Meeting Article Topics: Mr. Zubricki provided the Board with an updated list of possible topics for future Town Meetings.

Quarterly Review of Executive Session Minutes for Potential Release: Mr. Zubricki announced that following a discussion with Town Counsel, they had decided to recommend that it would be

premature to release the Executive Minutes regarding the Gloucester Sewer Dispute at this time. The Board agreed.

The Board was reminded of the following events and meetings:

- The Town Hall will be closed on Monday, January 20, 2020, in honor of Martin Luther King Day.
- The Economic Development Committee will be hosting an Open House in the Town Hall Auditorium on Wednesday, January 8, 2020, at 7:00 p.m.
- The Essex Housing Coalition will be hosting an Open House in the Town Hall Auditorium on Wednesday, January 22, 2020 at 7:00 p.m.
- The next regular Board of Selectmen's meeting will take place on Monday, January 27, at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:30 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen