

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

February 24, 2020

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Peraan, Town Administrator Brendhan Zubricki, Special Counsel James B. Lampke and Daniel Lampke, and Selectmen's Assistant Pamela J. Witham.

Also Present: Virginia Antell, Michael Antell, Tom Beale, Guy Bradford, Christina Bruce, Dawn Burnham, Ben Buttrick, Sheila Carter, Dr. Dave Driscoll, Dan Fialho, Rob Fitzgibbon, Paul Francis, Michele French, Michael Ginn, Jodi Harris, Robyn Januszewski, Bob Jerin, Erin Kirchner, Kelsey Liakos, Tina Lane, Antonella Muniz, Lisa J. O'Donnell, Steve Poulos, Donna Roy, Kristen Walker, Alison Williard, 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 at 30 Martin 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 \$809,401.86.

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 2/13/2020 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	12/24/2019	\$ 82.00	Police
Ernie Nieberle	Nieberle's	01/24/2020	\$ 79.35	Fire

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 2/20/2020 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>
Ramie Reader	Reader Electrical	1/16/2020	358.00	Police

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 10, 2020, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve the Health Insurance renewal for FY21, for which the rates have only increased from the previous year by 1.84%.

The Board considered a request from the Village Restaurant to landscape and maintain the small green space on public land adjacent to Route 133, at its own expense; and, a motion was made, seconded, and unanimously voted to approve the request.

MassDOT has agreed to conduct a traffic study along Route 22. During their preliminary review of the Town, they noticed that three speed limit signs (one on Southern Avenue and two on Western Avenue) may need to be changed to correspond to the Town's approved speed regulations under the Chapter 90 local road maintenance aid program. The current signs reflect local speed limits from the 1950's and 60's. Chief Paul Francis said that he had reviewed the signs and agreed that the one on Southern Avenue should be changed. However, for the ones on Western Avenue, near the school, he is not in favor of increasing the posted speed limit. The Board agreed with Chief Francis and Mr. Zubricki will inform MassDOT and will ask how to get the speed regulations lowered in those two zones, to match the signs.

Dawn Burnham, Chair of the Bicentennial Committee, joined the Board. She showed the Board a picture of the clock that the Committee would like to purchase for the Town Hall auditorium and the Board liked the style and voted unanimously to authorize her Committee to make the purchase. She also showed the Board a picture of an exterior sign to be placed between the pillars of the Town Hall portico that reads "Essex Town Hall". The sign was designed by Jim Witham and will be carved by Bob Brophy. The Board voted to approve the design of the sign. Bicentennial Chair Burnham thanked the Board and left the meeting.

Harbormaster Dan Fialho joined the Board to discuss the reasons for the mooring season dates currently defined in the Harbormaster Regulations. He said that he had contacted Ipswich and Newburyport and others. All of the towns had definite reasons why their mooring seasons do not include the winter months. Harbormaster Fialho stated that he agreed with the other towns and he does not intend to change the dates. Michael Ginn said that he would like to continue to keep his boat at Woodman's landing since he uses it every day for clamming and he would prefer not to trailer the boat to a launch site each day. All agreed that the Harbormaster has sole discretion when it comes to the creating and enforcing the regulations. Harbormaster Fialho said that if Mr. Ginn removes his boat by the end of the week, he will use his discretion regarding any fines that would have been due for failure to remove the boat at the proper time.

Harbormaster Fialho said that he intends to charge a \$50 permit fee for each of the eight tie-ups at the Conomo Point dinghy dock for the season. The season for the dock will be from April 15 through October 15, after which the dock is removed for the winter. This season, the tie-ups will be offered to those that had them last year, but next year the Harbormaster will use a lottery system to award the spaces.

A motion was made, seconded, and unanimously voted to approve a request from Harbormaster Fialho to name the rowing craft storage area that is contemplated for Clammers' Beach at Conomo Point after David Mears. It will be officially called the David Mears Rowing Storage Area. The area will consist of racks for forty-eight kayaks, paddleboards, and/or other rowing craft, and Harbormaster Fialho said he is still looking at racks available to determine the best and most affordable system for the Town.

Mr. Zubricki reviewed a revised draft of the proposed Conomo Point Commissioners' Regulations regarding the public storage of rowing craft at Conomo Point. After a short

discussion, it was agreed that the Regulations should be adopted as presented, with the addition of a provision allowing Essex residents to apply for up to two additional berths per household, if space is available after April 30th in a given year. Residents would be competing with non-residents for space available at that point. A motion was made, seconded, and unanimously voted to that effect.

Harbormaster Fialho left the meeting.

A motion was made, seconded, and unanimously voted to approve and sign a successor employment agreement with the Town Accountant.

A motion was made, seconded, and unanimously voted to approve and sign a successor employment agreement with the Treasurer/Collector.

Selectman Preen said that she is working on a revised and more comprehensive entertainment application form and it was agreed to continue the discussion of this matter to the Board's March 23 meeting.

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

Commercial Shellfish Permit:

- Zach Appelftoft
- Keith Carter
- Sheila Carter
- Kelly Corrao
- Jeff Fraser, Jr.
- Jackson Friedman
- Judson Lane
- Josephine MacDougall
- Phillip MacDougall
- Barry Mears
- Dean Rossi
- John Ytzen-Handel

Non-Resident Shellfish Permit (Annual):

- Michael Rogers, sponsored by Trescott DeWitt, Jr.
- William J. Woitunski, sponsored by Noah Kellerman

Senior Shellfish Permit:

- Sefton Earl
- Dennis Henderson

Student Commercial Shellfish Permit:

- Michael Loebelenz

The Board was reminded that the Planning Board is hosting a public hearing on March 4, 2020, beginning at 7:45 p.m. in the 3rd floor auditorium at the Town Hall, regarding the proposed retail marijuana bylaw changes placed on the warrant by citizens petition to be considered at the annual Town Meeting 05/04/2020.

The next regular Board of Selectmen's meeting will take place on Monday, March 9, 2020, at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall on Martin Street.

Michael Ginn left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 8, 2020 through February 21, 2020, regarding the following:

Public Safety Building Construction Project Update: Mr. Zubricki reported that the project is progressing and the contractor is presently working on the foundation.

Change Order - Relocation of HVAC Condensers to Public Safety Bldg. Roof: Mr. Zubricki conceptually reviewed a proposed change order to relocate certain HVAC equipment to the roof. It is estimated that the relocation will cost approximately \$15,000 to \$18,000. The Board will review the actual change order for approval at a future meeting.

Change Order - Installation of Bottle Filler in Physical Training Room: Mr. Zubricki said that a bottle filler for the training room was not part of the original plan for the Public Safety Building and it is estimated it would cost over \$7,000 to add one to the project. The Board was not in favor of this proposed change order and Chief Francis agreed.

Change Order - Time Extension for Public Safety Building Project: It was reported that originally, a change order to extend the completion date for the project from mid-January to the end of January would give the contractor more time to cope with any unforeseen events, resulting in a cost savings to the Town by avoiding numerous, small delay claims. Recently however, the contractor has indicated that a more realistic completion date would be mid-March. A small delay would not adversely affect the Town. However, a longer delay could result in additional carrying costs. Mr. Zubricki, Chairman Spinney, and the rest of the Team will push for the contractor's absorption of carrying costs in exchange for the requested additional time.

Exploration of Moving to a Different Veterans' Services District: Mr. Zubricki said that the City of Gloucester would like Essex, along with Wenham and Hamilton, to join their existing Veterans' Services District. The cost to Essex would be about \$2,000 per year less than the amount that Essex now pays. The switch-over would likely occur July 1. Mr. Zubricki said that he had informed Karen Tyler, the Director of the Eastern Essex Department of Veterans' Services, that Essex was considering this offer. The Board agreed to take the matter under advisement and will review a future agreement when Gloucester provides one.

Apple Street Culvert Replacement Design Grant Update and Application: Mr. Zubricki said that a new round of grants will be available soon and he will be working with our engineering consultant, TEC, on an application for a new grant in the amount of \$80,000 to \$100,000 to fund the next phase of this project. A motion was made, seconded, and unanimously voted to approve and sign the application, outside of a meeting, when it becomes available.

Chairman Spinney entertained a motion to move into Executive Session to discuss the purchase, exchange, lease or value of real property regarding the Manchester Essex Regional School District. He said that discussing this matter in Open Session could have a detrimental effect on the Town's negotiating position. He invited the Town Administrator and Attorney James Lampke and Attorney Daniel Lampke to attend the Executive Session and said the Board would be returning to Open Session to finish the remaining items on the agenda later in the evening. The motion was moved and seconded. Chairman Spinney said that he, Chairman Spinney voted aye in favor; followed by Selectman Phippen, who said that he, Selectman Phippen, also voted aye in favor; and Selectman Preen also said her name and that she voted in favor of moving to Executive Session. The Board, their Assistant, the Town Administrator, and Attorney Daniel Lampke and Attorney James Lampke moved to Executive Session in the Town Administrator's office at 7:00 p.m.

The Board, their Assistant, the Town Administrator, and Attorney Daniel Lampke and Attorney James Lampke returned to Open Session on the Stage at 7:46 p.m. Attorney Daniel Lampke and Attorney James Lampke left the meeting.

Continued Review of Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed each of the proposed warrant articles. The warrant will be revised based on tonight's comments for review again at the next Board meeting on March 9. Final review of the warrant will be on March 23, when the warrant is closed and signed.

At 8:00 p.m., those present were joined Finance Committee Chairman Ben Buttrick, FinCom members Guy Bradford, Rob Fitzgibbon, and Alison Williard, along with Town Accountant Virginia Antell, Board of Health Agent Erin Kirchner, Board of Health Chair Dr. Driscoll, Youth Commission Chair Christina Bruce, and Board of Assessors Chair Steve Poulos.

Also joining those present were two representatives from the Northeast Massachusetts Mosquito Control District: Field Technician Kelsey Liakos and Biologist Robyn Januszewski, who gave a powerpoint presentation regarding the services offered by their organization. Following the presentation and discussion, there was agreement among those present that an article should be added to the May 4, 2020 Annual Town Meeting Warrant to purchase a membership in the mosquito program. The Town already participates in the Greenhead program offered by the NMMCD.

Dr. Driscoll, Erin Kirchner, Kelsey Liakos, and Robyn Januszewski left the meeting.

The Board discussed with the Finance Committee, the FY21 operating budget and possible FY21 capital projects.

Mr. Zubricki reminded those present that six new and/or expanded employee positions had been requested by various departments. Since then, the Finance Committee discouraged the Board of Public Works against adding another full-time equipment operator position, and the Fire Department has withdrawn its request to move to a full-time Fire Chief. The Council on Aging would like to hire a clerk, the Harbormaster would like more hours, and the Library Trustees would like to change one of their part-time positions to a full-time one and to grant a market-rate wage adjustment to the Library Director. Those present also discussed the possibility of combining the two part-time positions of Youth Director and the Library Teen Librarian, to create a full-time position. The Finance Committee at this time favors the Council on Aging and the Harbormaster proposals and agrees with the wage increase for the Library Director. All agreed that discussion between the Youth Commission and the Board of Library Trustees will be necessary to determine what the combined youth/teen position would look like and which board would supervise the employee. The Selectmen reserved its own commentary on all of the various requests until the next meeting.

The Board of Public Works is seeking to purchase a few replacement grinder pumps now and the remaining +/- 150 in the near future. Those present considered the advisability of purchasing all the replacement pumps versus spreading the purchase.

The Board will meet with the Finance Committee again on March 9 to finalize the proposed budget.

The Finance Committee and Virginia and Michael Antell left the meeting.

Lisa O'Donnell took a seat at the table to share her thoughts with the Board regarding some of the current issues:

Retail Marijuana Host Community Agreement: Ms. O'Donnell said this is an excellent opportunity for the Town to receive additional revenue in the form of fees charged to the establishment and she warned against the Advisory Committee impeding the timely negotiation of a Host Community Agreement, possibly resulting in the loss of this opportunity.

Regulation of entertainment noise: She said she has already sent the Board a multiple page letter regarding this matter and that she would be happy to review it with anyone or share it with anyone who hasn't seen it.

Finalization of Exterior Colors and Materials, Public Safety Building (in her capacity as Town Building Committee Chair): TBC Chair O'Donnell said she has discussed the Board's preferences with the project architect, who has agreed to the black windows. However, the architect believes that the unpainted trim boards would be too starkly white and show every nail hole and seam. The architect is also not in favor of white sally port doors for the police

department. And lastly, the architect agrees with gray hardy clapboards and recommends that the Board use the cedar shingles specified in another section so that the building blends in with the neighborhood. At the next construction meeting, Chairman Spinney and Ms. O'Donnell and Mr. Zubricki will: a) verify the continued specification for cedar shingles, b) verify the use of soft gray hardy clapboards, c) direct that all white PVC trim and other PVC features remain unpainted, d) verify all black window frames, e) verify black entry doors and main bay garage door frames, and f) opt for white police bay doors.

Town's potential participation in the Northeast Massachusetts Mosquito Control District: She is very much in favor of this.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:46 p.m.

Documents used during this meeting include: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen