

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

March 9, 2020

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

Also Present: Virginia Antell, Michael Antell, Guy Bradford, Christina Bruce, Beth Cairns, Mike Cronin, Officer Ryan Davis, Dominic and MaryEllen DeLacy, Brian DesRosiers and his attorney, Scott DeWitt, John Filias, Rob Fitzgibbon, Michael Flynn, Debbie French, Dave Frithsen, Michael Galli, Peter Hoare, Jeff Jones, Diane Kotch, Tina Lane, Jen Mayer, Antonella Muniz, Lisa O'Donnell, Paul Rullo, Pamela Thorne, John and Theresa Tremblay, Karen Tyler, Alison Williard, and others.

Chairman Spinney called the meeting to order at 6:00 p.m. 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 \$92,212.97.

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 02/27/2020 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>
Jim McNeilly	McNeilly EMS	02/12/2020	\$ 266.00	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 3/5/2020 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>
Jim McNeilly	McNeilly EMS	02/19/2020	\$ 155.00	Fire
Ernie Nieberle	Nieberle's	01/24/2020	\$ 494.95	Snow Removal
Ernie Nieberle	Nieberle's	01/24/2020	\$ 131.00	Snow Removal

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 24, 2020, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to acknowledge the disclosure of an appearance of conflict of interest by Town Accountant Virginia Antell.

A motion was made, seconded, and unanimously voted to approve the request to appoint Michael Antell to the Finance Committee for a partial 3-year term, ending 6/30/2022. The Board signed his appointment card and Town Clerk Pamela Thorne swore him into office and also signed his appointment card.

A motion was made, seconded, and unanimously voted to approve a request to appoint Lisa O'Donnell to the post of Essex Representative to 1623 Studios for a term of 2 years, ending 6/30/22. The Board signed his appointment card.

A motion was made, seconded, and unanimously voted to acknowledge and accept the resignation of Richard Ross from the Community Preservation Committee.

A motion was made, seconded, and unanimously voted to approve the proposed FY21 Enterprise Fund Budgets.

Mr. Zubricki informed the Board that a movie company is interested in maybe filming parts of their new movie at Centennial Grove, and asked the Board if they would be interested. The Board was in favor of the idea, and Mr. Zubricki will work with the company on a filming agreement for Board review if the company chooses to use the Grove site for parts of their movie.

Eastern Essex Veterans' District Director Karen Tyler joined the Board for a presentation of a war medal to the surviving spouse (Cynthia Leveille) of a Korean War Veteran, Francis Leveille. However, Mrs. Leveille did not appear, and it was agreed to present the award at a later date, possibly April 13.

On a related matter, Mr. Zubricki said that the City of Gloucester has asked Essex to consider joining the Gloucester Veterans' Services District. The cost to Essex would be approximately \$2,000 less per year. If the Board decides to join the Gloucester District, 60 days' notice would have to be given to the Eastern Essex Veterans' Services District. Mr. Zubricki has asked Town Counsel to review the proposed agreement between Essex and the District. The Board said they would like to continue this discussion later in the evening with the Finance Committee and asked Director Tyler if she would stay for the discussion.

Antonella Muniz, the liaison from the Host Community Agreement Advisory Committee, HCA member Brian DesRosiers and his attorney, and John and Theresa Tremblay, the principals of BB Botanics, joined the Board for an update. Mr. Tremblay announced that he is currently looking at a site on John Wise Avenue, which he believes is better suited for his proposed business than his original choice on Eastern Avenue. Ms. Muniz reported that two Selectmen had attended the HCA Committee's last meeting, and had voted unanimously to authorize the HCAC to re-focus the Host Community Agreement they are developing on the new site. Those present discussed at length different amendments to the bylaws to limit the number of establishments and/or types of establishments, as well as creating a 400 to 500 foot buffer zone between establishments and residential properties. A joint meeting of the Selectmen and the Planning Board was suggested. There could be as many as four articles on the Annual Town Meeting Warrant concerned with the regulation of marijuana retail shops and growing facilities. The Board will be advised by Town Counsel on all of the ideas and questions discussed at the present meeting and desires to take any next steps only after careful review and study.

Following the discussion, Dominic and MaryEllen DeLacy, Brian DesRosiers and his attorney, and John and Theresa Tremblay left the meeting.

Town Building Committee Chairman Lisa O'Donnell joined the Board. Recently, the Board and Chair O'Donnell had discussed exterior finishes for the new Public Safety Building, and tonight, she brought a large poster board exhibit showing the paint colors and siding treatments under consideration. She also brought a section of unpainted PVC trim board. Following the discussion, the Board voted 2 to 1 to approve painting all PVC "vanilla cream" in most areas and barn red in the barn section of the building. The Board approved all of the colors and materials presented and all other past decisions with respect to the building's exterior remain unchanged.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to ratify the Board's approval on March 2, 2020, of a One-Day Wine and Malt License to the Essex Historical Society & Shipbuilding Museum, for use on Saturday, March 7, 2020, between the hours of 4:00 p.m. and 8:00 p.m., within the confines of the Waterline Center at 66 Main Street.

A motion was made, seconded, and unanimously voted to approve a request for a Commercial Shellfish Permit from April 1 through June 30, 2020, for Robert Amero, and to approve his request to prorate the fee for this permit.

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

Commercial Shellfish Permit:

- Nicholas Amero
- Clifford Baker
- Kenneth Baker
- Julian Balili
- Yllka Balili
- David Earl
- Robert Fitzgerald
- Scott Hamlen
- Michael W. Jacobs, Jr.
- Merqes Kuca
- Vogelushe Kuca
- Wayne Leveille
- Ian Lewiecki
- Ian MacDougall
- Steven MacDougall
- Peter Marshall
- Bruce Mello

- Glenn Pike
- Scott Reed
- Joseph Rizzo
- Erjol Shtraza
- Paul Tofuri
- Arthur Weaver
- Kyle Woodman
- Anida Xhalia
- Eugen Xhalia

Non-Resident Shellfish Permit (Annual):

- Cliff Bathalon, Hudson, NH, sponsored by Anthony Rainone
- Michael Dolliver, S. Hamilton, sponsored by Mark Lane
- Paul Dredge, Arlington, sponsored by Barry Richards
- Christian P. Frey, Danville, NH, sponsored by Anthony Rainone
- Ed Kawczynski, Salem, sponsored by Richard Pierro
- Wayne Kinney, Kingston, NH, sponsored by Anthony Rainone
- Scott McKenna, Ipswich, sponsored by Thomas Prentiss
- Thomas Morse, Marblehead, sponsored by Leo Provost
- Robert Normand, Beverly, sponsored by Leo Provost
- Kerilee Pelletrino, Beverly, sponsored by James Ansara
- Shelly Peper, Gloucester, sponsored by James Ansara
- Mary Picariello, Boxford, sponsored by Scott DeWitt
- Philip Picariello, Boxford, sponsored by Scott DeWitt
- Daniel Provost, S. Hampton, NH, sponsored by Leo Provost
- Jennifer Servizio, Beverly, sponsored by Winnie Rennie
- John Standley, Brentwood, NH, sponsored by Leo Provost
- Chet Sullivan, Methuen, sponsored by Scott DeWitt

Senior Shellfish Permit:

- Richard Buczko
- Peter Ferriero
- Michael Ginn
- Dale Lowry
- Richard Pascucci
- William Pascucci
- Leonard Woodman

Student Shellfish Permit:

- Ariana Baker
- Alden Burnham
- Katherine Dench

- Colby Doane
- Liam Hemeon
- Amanda Loebelenz
- Ross MacDougall
- Todd Rogers
- Charles Rousmaniere
- Izabela Xhalia

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, March 23, 2020, at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall on Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 22, 2020 through March 6, 2020, regarding the following:

Change Order: Relocation of HVAC Condensers to Public Safety Building Roof: Previously, the Board had expressed interest in moving the HVAC equipment at the new Public Safety Building to the roof. However, the official change order documents were not available by meeting time and this matter will be placed on the next agenda.

Change Order: Time Extension for Public Safety Building Project: The Contractor continues to ask for a time extension and those present discussed the possible effects of a completion delay. Presently, it appears that carrying costs for Project Management and architectural services extensions may be as high as \$100,000. The project did carry a built-in contingency of \$125,000 for soft costs. Town personnel will continue to discuss the potential extension with the contractor and with the Town's professional representatives.

Change Order: Additional Bedrock Removal Work at Public Safety Site: Initially, an engineering study had detected boulders which would have to be removed before the foundation for the building could be laid. But, since then, it has been determined to be hard ledge, in some areas, which will be more labor intensive and time consuming to remove. No formal change order proposal will be developed until all bedrock has been removed. This matter will be presented to the Board at that time.

Change Order: Miscellaneous Public Safety Facility Construction Changes: Mr. Zubricki listed various credits that have been issued for items such as a deleted hydrant, some deleted ductwork fire dampers, deleted ceiling painting, a deleted window, a deleted power supply, some deleted variable refrigerant flow equipment, a cabinet unit heater modification, some light framing deletions, a change to the entry vestibule ceiling construction, and modifications to one door. These items will eventually be presented to the Board in a net credit change order proposal.

Lisa O'Donnell left the meeting.

Route 133 Bridge Replacement Utility Coordination Meeting Summary: Mr. Zubricki provided an update on the 133 bridge project based on his attendance at a recent utility coordination meeting. The project is at 25% design stage and is currently on track. Project bidding is presently expected for May of 2021.

A motion was made, seconded, and unanimously voted to approve a request by a group of students to film at Centennial Grove on Sunday, March 22 as part of a school project.

Mr. Zubricki said that he had received a request from the Council on Aging for permission to apply for a First Jobs Program Grant for the Senior Center. The grant would not require a Town match. The Board agreed and a motion was made, seconded, and unanimously voted to permit the Council on Aging to apply for the grant.

Finance Committee members Guy Bradford, Rob Fitzgibbon, Michael Flynn, Alison Williard, and new member Michael Antell joined the meeting. Also joining the meeting were Town Accountant Virginia Antell, Veterans' Services Director Karen Tyler, Library Trustees Beth Cairns, Diane Kotch, and Jen Mayer, Library Director Debbie French, Youth Commission Chair Christina Bruce, Board of Public Works members Scott DeWitt, John Filias, and Paul Rullo, Superintendent Mike Galli, and Chief Operator Dave Frithsen joined the Board to discuss the addition and/or expansion of personnel roles for FY21.

Mr. Zubricki reviewed the Town's offer from the City of Gloucester to join their Veterans' District. Finance Committee member Michael Flynn, who is also the Town's representative to the Eastern Essex Veterans' District (EEVD) reported that the EEVD has always done a superb job and that no one has ever been dissatisfied. Director Tyler has been extremely supportive, caring, and helpful to the veterans in her District. Those present asked Mr. Flynn to contact the Gloucester Director and meet with him regarding the services that they intend to offer. In the meantime, Mr. Zubricki will ask Town Counsel to review the proposed agreement with the Gloucester District. Those present will make a final decision at the next Selectmen's meeting. District Director Karen Tyler left the meeting.

The Selectmen asked if any of the BPW's men would be available to help with weeding, grounds maintenance at Conomo Point, etc. Superintendent Galli said that there was no one he could spare, especially since the department was also thinking of cutting back on their part-time summer help.

Peter Hoare left the meeting.

The Library Trustees have requested that the salary for their Library Director be brought up to market rate and everyone present was in agreement that it was presently below market rate and should be brought up. Also, it had been suggested that the Library combine their part-time position of Teen Librarian with the Youth Commission's part-time position of Youth Director to create a full-time Youth Librarian. Many questions would need to be resolved before the positions could be combined, such as who would supervise the position, duties, etc. Selectman

Pereen was not in favor of the idea and Selectman Phippen said he was not inclined to be in favor, but would like more information. The Youth Commission and Library Trustees agreed to schedule a joint meeting to discuss the concept. The Finance Committee will meet with the Selectmen again on March 23 and the Trustees and Youth Commission will also be invited to discuss their recommendations for structuring this combined position. Christina Bruce, Debbie French, Beth Cairns, Diane Kotch, and Jen Mayer left the meeting.

Board of Public Works Chairman Paul Rullo said that his Board would like to request \$800,000 for FY21 to begin to buy and install replacement grinder pumps for the entire Town. After a discussion by those present, it was agreed that the BPW would complete the replacement project in phases and would ask at Town Meeting for \$400,000 from the Sewer Enterprise Fund's interest surplus within the Fund's Free Cash reserved for debt service in their FY21 budget to be spent on an engineering specification, bidding assistance, and the first large batch of replacement pumps. Mike Galli, Scott DeWitt, Paul Rullo, John Filias, and Dave Frithsen left the meeting.

Continued Review of Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed each of the articles on the latest draft of the warrant, which were discussed by those present.

Town Moderator Jeff Jones and Gloucester Times Reporter Mike Cronin left the meeting.

Selectman Pereen provided a summary of the presentation by the Northeast Massachusetts Mosquito Control District Representatives at the Board's last meeting. All agreed that the question of whether or not to join the District should be placed on the Town Meeting Warrant, which has been done.

The Board reviewed a request from a resident for them to voluntarily place a noise bylaw proposal on the Annual Town Meeting Warrant and the members were in agreement that they did not support this addition to the warrant in its present form. It is likely that the resident will use the citizens' petition process to get the proposal on the warrant.

Virginia and Michael Antell, Rob Fitzgibbon, Guy Bradford, Michael Flynn, Alison Williard, Pamela Thorne, and Officer Ryan Davis left the meeting.

Selectman Pereen said she is almost finished redesigning the applications for the various entertainment licenses that the Town offers. She has also reviewed again the informal study compiled by the Board of entertainment fees charged by other Massachusetts towns. She said that she would like to recommend increasing the fees charged by Essex. The fee for an annual weekday (Monday through Saturday) license would be increased from \$100 to \$200; an annual Sunday license from \$50 for the Town/\$100 for the State to \$300 for the Town/\$100 for the State; and, a one-day entertainment license from \$25 to \$100. The other two Selectmen were in favor of the increases and the matter will be taken under advisement and voted at the next Selectmen's meeting on March 23, when the Board will also take up approval of the new application forms.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:56 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen