

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

April 8, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.essexma.org. For this meeting, members of the public who wish to listen to the meeting may do so via Conference Call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. **The call-in number will be: 717-275-8940. The access code is: 8378315.**

Present: Board of Selectmen Chair Ruth R. Pereen, Board of Health Chair Dr. Dave Driscoll, Board of Health Agent Erin Kirchner, and Selectmen's Assistant Pamela J. Witham.

Also Present via Telephone Conferencing: Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Board of Health member Alison Roderick, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Police Chief Paul Francis, Board of Public Works Chair Paul Rullo, Harbormaster Dan Fialho, Conomo Point Association Chair Robert Sisk, Bob Denton, Leah Maher, Dan Mayer, Susan Mears, Ed Neal, Amy Robinson, and many others.

Chairman Pereen and Chairman Driscoll called the meeting to order at 6:30 p.m. in the 2nd Floor Stage Conference Area of the Town Hall at 30 Martin Street. Chairman Pereen stated that the Board would take Public Comment at the end of tonight's meeting. She asked Conomo Point Association Chair Robert Sisk to update those present regarding the Association's recent executive board meeting and the Association's position that had been established by the board.

Mr. Sisk reported that the Association was not in favor of delaying the date to turn on the summer water to residents at the Point and adjacent areas. The Association is in favor of delaying occupancy of the seasonal residences until May 4, but only as an Association-brokered, voluntary measure. The Association also agrees that based on the increased traffic that they are seeing at the Point due to the closure of neighboring beaches and trails, that access to the Point should be limited to Essex residents only. Mr. Sisk said that the Association would be happy to distribute any notices or announcements to its members regarding the restrictions voted by the Boards.

Attorney Corbo reminded everyone of the current world-wide COVID -19 pandemic and listed numerous reasons why the Point should be closed to residents only and occupancy by seasonal residents delayed. These reasons were part of a draft ORDER that the two Town boards were convened to consider issuing.

Chief Francis said that his department has noticed a marked increase in traffic at the Point and its beaches. He said that he would like to see all street parking prohibited at the Point. Residents who are already occupying the Point as year-round occupants would be required to park in their driveways and resident commercial clammers would be allowed to park at Clammers' Beach, across from Clammers' Beach, and on Front Beach. He also recommended closing the beaches at the Point (excepting the resident commercial clammer parking). Centennial Grove and Memorial Park have already been closed.

Dr. Driscoll also voiced his many concerns for safeguarding people during this pandemic and said he felt it was not unreasonable to delay occupancy by seasonal residents at the Point by two and a half weeks. He was in favor of also delaying the turning on of the summer water at the Point. Board member Alison Roderick agreed with him.

Robert Sisk said that he agreed with others that access to the Point should be restricted (voluntarily, as noted above), but was very much not in favor of delaying activation of the summer water.

Harbormaster Dan Fialho expressed his concerns regarding the ability of people, especially non-residents, to access their moorings. However, after asking Mr. Sisk about whether the Conomo Point docks were going to be installed on time and learning that this process will be significantly delayed, his concerns waned.

Department of Public Works Chairman Paul Rullo stated the he was opposed to delaying turning the seasonal water on at the Point. The Water Department sees the provision of water as a fundamental service and does not want to set any type of precedent with respect to withholding that service, even at a time such as this.

Other Point residents also voiced their opposition to delaying the summer water.

The Board of Health and the Select Board were in agreement and Chairman Pereen moved that the Boards vote to allow seasonal water to be turned on April 15, 2020 and that the Boards further order that no person shall return to, enter into or occupy any structure within the area known as Conomo Point where occupancy of such structure is limited to seasonal use only by deed restriction or lease until May 4, 2020, or such other date that the Governor's state-wide State of Emergency is extended to, that the Boards adopt the findings set forth in the document prepared by Town Counsel and that the Boards authorize the chairs to sign on our behalf. The motion was seconded by each Board. Chairman Pereen said that she, Chairman Pereen voted aye in favor; followed by Selectman Phippen, who said that he, Selectman Phippen, also voted aye in favor; and Selectman Spinney also said his name and that he voted in favor of the motion.

Chairman Driscoll said the he, Dr. Driscoll, voted in favor, and BOH member, Alison Roderick, said, she, Alison Roderick, voted in favor of the motion.

There followed a lengthy discussion period regarding who would be allowed to access the Point and when. Subsequently, both Boards agreed, and moved that, effective immediately, and until May 4, 2020, or such other date that the Governor's state-wide State of Emergency is extended to, the following emergency order shall be in effect for the entirety of Conomo Point, beginning at the junction of Conomo Point Road and Harlow Street:

1. Conomo Point as described above is hereby to be closed to all parties except Essex residents, year-round Conomo Point residents, and guests of year-round Conomo Point residents, any Essex residents lawfully occupying property on Lufkin Point Road and/or Ralston Drive (and their invited guests), Gloucester commercial shellfish harvesters with a valid Gloucester shellfish license, and out-of-Town contractors working on projects with valid building or on-site wastewater disposal system permits issued on or before April 8, 2020; and
2. Even for the above-permitted parties, all public areas at Conomo Point, including the small parking lot across from Front Beach, the large parking lot on Conomo Lane, the Conomo Point Park, Front Beach (excepting parking of resident commercial shellfish harvester vehicles), Clammers' Beach, and roadside parking on any road (including the non-resident designated area along Conomo Point Road, except that Gloucester shellfish harvesters may park in that area) shall be closed and off-limits to all persons. The ONLY exception shall be for parking in the small parking lot immediately adjacent to Clammers' Beach and the small parking lot immediately across the street from Clammers' Beach for persons permitted to be in the area pursuant to paragraph 1. If available parking is full, a motorist must move along and attempt to return at some other time.

It was acknowledged that this order has the general effect of encouraging only moving vehicular, bicycle, and pedestrian traffic for most permitted people and their pets on all streets at Conomo Point, with proper social distancing, and, generally, with no other activities allowed during the pendency of the order. The motion was seconded by each Board. Chairman Pereen said that she, Chairman Pereen voted aye in favor; followed by Selectman Phippen, who said that he, Selectman Phippen, also voted aye in favor; and Selectman Spinney also said his name and that he voted in favor of the motion. Chairman Driscoll said the he, Dr. Driscoll, voted in favor, and BOH member, Alison Roderick, said, she, Alison Roderick, voted in favor of the motion.

At this juncture, Chairman Pereen entertained a period public comment. Some speakers criticized the action of the board (some sharply), principally related to the delayed re-occupancy order, and others praised the boards for trying to balance competing factors in the face of the ongoing COVID-19 pandemic. Mr. Sisk reiterated that he had been hopeful that delayed re-occupancy could have been achieved voluntarily but the various board members respectfully disagreed.

Following public comment, members of both boards felt that it was appropriate to make certain changes to the ORDER that had been duly-voted earlier in the meeting. After much discussion, a motion was made and seconded by members of both boards as follows:

That the ORDER be amended to instead read - I move that the Boards vote to allow seasonal water to be turned on April 15, 2020 and that we further order that no person shall return to, enter into or occupy any premises within the area known as Conomo Point where occupancy of such premises is limited to seasonal use only by deed restriction or lease until May 4, 2020, or such other date the Governor's state-wide State of Emergency is extended to, that we adopt the findings set forth in the document prepared by town counsel and that we authorize the chairs to sign on our behalf. Notwithstanding this vote, contractors working pursuant to open building or on-site wastewater disposal system permits may continue and complete the work provided that the minimum number of workers are present and social distancing requirements are met.

Chairman Pereen said that she, Chairman Pereen voted aye in favor; followed by Selectman Phippen, who said that he, Selectman Phippen, also voted aye in favor. Chairman Driscoll said the he, Dr. Driscoll, voted in favor, and BOH member, Alison Roderick, said, she, Alison Roderick, voted in favor of the motion. Selectman Spinney was no longer on the call, likely due to technical difficulties.

There being no further business before the Boards, a motion was made, seconded, and unanimously voted by the Select Board to adjourn their meeting at 8:59 p.m. Similarly, a motion was made, seconded, and unanimously voted by the Board of Health to adjourn.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen