

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

April 13, 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, and Selectmen's Assistant Pamela J. Witham.

Present by Telephone Conferencing: Selectman Andrew C. Spinney, Selectman Peter D. Phippen, and Town Administrator Brendhan Zubricki.

Also Present by Telephone Conferencing: Harbormaster Dan Fialho, Greg Foster, Police Chief Paul Francis, Mary Lewis, Leah Maher, Craig Markiewicz, Antonella Muniz, Ed Neal, Donna Roy, Robert Sisk, Maureen Woodman, Vanessa Woodman, and many others.

Chairman Pereen called the meeting to order at 6:02 p.m. in the 2nd floor Stage Conference Area of the Town Hall and announced that anyone wishing to comment should send the comment in an email to Mr. Zubricki, who will then relay it to the Board.

Mr. Zubricki announced that Treasurer/Collector Jeffrey Soulard had asked to postpone his meeting with the Board until April 27.

Instead, Mr. Zubricki asked Harbormaster Dan Fialho for an update. Harbormaster Fialho reported that the channel markers will be going in a little later this year due to the pandemic. He is working with the Coast Guard to coordinate placement of the buoys, etc. Everything may go in as early as May 4th. The new docks are ready to be placed. Marine 1, the Harbormaster's boat, will be available for emergency use by May 1st. The new software for mooring renewals is working well, although he would like to make some adjustments. The deadline for renewals has been extended to May 1st. Harbormaster Fialho also said that he would like to recommend that purchase and placement of new boat racks be deferred until next year and the Board was in agreement. The Board agreed with his recommendations.

Chairman Pereen announced that she was postponing discussion of entertainment licenses until the next Board of Selectmen's meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 21, 2020 through April 10, 2020, regarding the following:

Public Safety Facility Project Update: Mr. Zubricki reported that the Public Safety Building is still under construction. It has been deemed an essential project. Presently, they are working on finishing up the foundation and footing work, concrete support columns, preparation for both on-grade and suspended concrete slabs, and underground conduits, both outside of and beneath the building footprint.

Change Order: Relocation of HVAC Condensers to Public Safety Bldg. Roof: Mr. Zubricki reviewed change order #1, which includes deletion of a fire hydrant, relocation of the condensers, deletion of the fire dampers, credit for DCU power split units, and deletion of light gauge framing at the elevator shaft. Subsequently, a motion was made, seconded, and unanimously voted to approve change order #1 in the amount of \$5, 631. The relatively low amount of the change order is due to the fact that all items beyond the HVAC relocation were credit items.

Change Order: Time Extension for Public Safety Building Project; Change Order: Additional Bedrock Removal Work at Public Safety Site; Change Order: Miscellaneous Public Safety Facility Construction Changes; and, Change Order: Ejector Pump for to Replace Lower Oil/Water Separator: Mr. Zubricki briefly reviewed these proposed change orders which are not yet ready to be finalized. The time extension will end up being a product of extra time spent on surplus bedrock removal (likely carrying a cost of about \$70,000), possible COVID-related delays, and miscellaneous, smaller items. The ejector pump on the lower level will replace the originally-designed oil/water separator since bedrock removal in that area would cost far more than the pump option (which will send police vehicle wash water to the Fire Department oil/water separator on the upper level.

Mr. Zubricki reported that he had received two emails. One, was from Leah Maher, suggesting relief from rent for seasonal residents and that the summer water at the Point be available from 4/1/2021 through 11/1/2021. The second email from Vanessa Woodman asked if seasonal residents who are part of the Beverly Hospital system could be allowed to occupy their seasonal residences at the Point. Chairman Pereen said these emails would be addressed later in the evening.

MassDOT Approval of Permit for Downtown Line Striping and Signage: Mr. Zubricki reported that MassDOT has completed their review and approved the Town's request for a permit to install pavement markings and signage prohibiting parking in some downtown areas along route 133. However, due to the COVID-19 pandemic, MassDOT has suspended all roadwork for the time being. Mr. Zubricki recommended not putting the project out to bid until the moratorium is

over. However, in the meantime, he will continue to work with the Town's traffic engineer to package the project for bidding.

Chairman Pereen thanked Antonella Muniz and her Host Community Agreement Advisory Committee members for their hard work on the project to date.

Antonella Muniz reported that Dr. Fares Mouchantaf would like to resign from the HCAA Committee and Chairman Pereen requested that he send an email or resignation letter to the Board. The Committee now has only six members. Ms. Muniz said that the Tremblays of BB Botanics have asked the Committee to work on a cultivation host community agreement (HCA) and the Committee was uncertain whether that fell within their scope of work. The Select Board members assured her that it did. The Board also asked the Committee to address ways to mitigate environmental concerns, such as consumption of large amounts of water by the marijuana growing facility, etc. Ms. Muniz said that the Tremblays may sponsor a virtual public outreach meeting sometime in May. Chairman Pereen reviewed various comments on the draft host community agreement prepared by the Committee. The entire body of Town officials and Town department comments concerning the first draft of the retail sale HCA at 242 John Wise Avenue will be considered by the Committee at an upcoming meeting and a revised draft will be produced for review by Town Counsel.

Mr. Zubricki resumed discussion of his report topics.

School Budget Collaboration Virtual Meeting: Mr. Zubricki and Selectman Phippen had attended the recent virtual school budget meeting and he reported that due to the pandemic, the committee is considering reassessing the proposed FY21 budget and trying to reduce the apportionment. The Memorial School construction project has been slowed by the pandemic. The interior spaces of the building still need to be finished. However, the construction workers are adverse to working in confined spaces with others. There has also been discussion about completing replacement of the Eagle's Nest playground in Essex in phases.

Control of Municipal Spending: Due to the anticipated decrease in revenue to the Town as a result of the pandemic, the Board may want to add to the usual operating budget motion at Annual Town Meeting (for FY21) wording pointing out the likely need to reduce or freeze certain expenditures, as allowed in Chapter 41, Section 52 of the Massachusetts General Laws. The Board may have to take a similar tactic to responsibly close out FY20. Any reductions or spending freezes will come with ample warnings to all Town departments and will be made in conjunction with the Finance Committee.

Signature of Election Warrant for Annual Town Election: A motion was made, seconded, and unanimously voted to approve and sign the Annual Town Election Warrant which will take place on June 22, one week after the Annual Town Meeting. A motion was also made, seconded, and unanimously voted to set the hours that the polls will be open. They will open at 12:00 noon and close at 6:00 p.m.

Preliminary Review of Draft Annual Town Meeting Motions: After a very cursory review and limited discussion, the Board agreed to postpone discussion of this item until their next meeting.

Initial Draft of Essex Economic Development Plan: Mr. Zubricki said that the first draft of the Economic Development Plan is available for review. The Board agreed to ask Town Planner Matt Coogan to provide his comments on the document before their review. The document will then also be forwarded to the Economic Development Committee, the Essex Merchants Group, and the Chamber of Commerce, for additional review.

Review and Update Concerning Management of COVID-19 Pandemic: Mr. Zubricki reminded everyone that some of the Town Hall employees are working from home, while others are at the Town Hall to convey information to those at home and answer calls, as well as perform their daily duties.

Chairman Pereen said that discussion of the Class II License requirements for 147 Eastern Avenue will be postponed, pending receipt of additional information.

Chairman Pereen also tabled discussion of entertainment licenses until 4/27, as well as discussion regarding whether rent and/or the occupancy period for seasonal Conomo Point residences, whether leased or owned, could or should be adjusted this occupancy season since seasonal re-occupancy of seasonal Conomo Point residences will not be allowed this year until later in the season. The Board was in agreement that this Conomo Point discussion was premature, since we are still in the middle of the pandemic and more information is needed about the expected and/or actual duration of the crisis before any suitable remedy may be credibly discussed. This type of information may be at least partially available for the next Board meeting.

Regarding an email received by Mr. Zubricki suggesting that the Board allow essential persons to access seasonal properties at Conomo Point for routine, daytime preparation of cottages for the season, Chairman Pereen was not in favor of this. Selectman Phippen and Selectman Spinney agreed with the Chair.

Chairman Pereen responded to another email that asked for rent relief per diem for seasonal residents, saying that it was too soon to have the discussion, as noted earlier. The Board agreed.

A suggestion to have the summer water turned off later than usual (November 1, 2020) and to be turned on next season early (April 1, 2021), was also deemed premature by the Board.

The Board was not in favor of two other emails suggesting that seasonal residents of the Point that live in Essex County and are part of the North Shore medical system and/or seasonal residents that are part of the Beverly Hospital system be allowed to occupy their seasonal residences.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$611,420.99.

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 03/26/2020 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 EMB	03/06/2020	\$ 1,550.00	Fire

A motion was made, seconded, and 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 04/02/2020 warrant pursuant to subsection (d) of said Section. Chairman Pereen recused herself from this vote.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ramie Reader	Reader Electrical	12/07/2019	\$ 388.00	Highway
David Pereen	Pereen Plumbing	02/15/2020	\$ 458.00	Water

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 23, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to authorize a Line Item Transfer request to the Finance Committee from Blanket Insurance to Town Property Expense in the amount of \$5,000.

A motion was made, seconded, and unanimously voted to ratify the Chairman's approval of the FY2020 Pedestrian and Bicyclist Safety Grant Application in the amount of \$4,000.

A motion was made, seconded, and unanimously voted to approve a request to pass over town roads from Rich Morrell during their annual YuKanRun Road Race on Sunday, September 13, 2020 from 9 a.m. through 12:00 noon.

A motion was made, seconded, and unanimously voted to approve a request from the American Diabetes Association to pass over roads in Essex during their annual North Shore Tour de Cure on Sunday, August 16, 2020, between the hours of 10:00 a.m. and 2:00 p.m.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on the Department of Public Health Grant Agreement for COVID-related expenses, including housing for affected first-responders, if necessary.

A motion was made, seconded, and unanimously voted to approve the recommendation from MERHS for this year's nomination to receive the 2020 Selectmen's Citizenship Award. The Board signed the proclamation. Selectman Phippen volunteered to present the award on Thursday evening, May 28, 2020 (subject to change).

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

Gasoline-Fuel Storage Permits:

- Nieberle's Service Station, 8 Main Street
- Gaybrook Garage, 152 Western Avenue
- Energy North, Inc., 156 Main Street

Gravel Pit Permit Renewal:

- Judson A. Lane, Curlew Cove Realty Trust, 53-59 John Wise Avenue.

Commercial Shellfish Permit:

- David Burnham
- Benn Ferriero
- Hali Ferriero

Non-Resident Shellfish Permit (Annual):

- Michael Symonds, Gloucester, sponsored by Eian Woodman

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, April 27, 2020, at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall on Martin Street.

The Town Hall Offices will be closed on Monday, April 20, 2020, in celebration of Patriots' Day.

The Annual Town Meeting will be held on Monday, June 15, 2020, in the gymnasium of the Essex Elementary School on Story Street, starting at 7:30 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:29 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen