

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

April 27, 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. Please mute your phones. If you do not have a mute button, press *6 (star 6) to mute and unmute from a landline phone.**

Present: Chairman Ruth R. Pereen, Selectman Andrew C. Spinney, Selectmen's Assistant Pamela J. Witham, and Treasurer/Collector Jeffrey Soulard.

Also Present via Telephone Conferencing: Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Board of Health Chair Dr. Dave Driscoll, Board of Health Agent Erin Kirchner, Board of Health member Alison Roderick, Board of Health Clerk Ann White, Conomo Point Association Chair Robert Sisk, Harbormaster Dan Fialho, Planning Board Chair Kim Drake, Police Chief Paul Francis, Sergeant Dan Bruce, Town Accountant Virginia Antell, Town Clerk Pamela Thorne, Susan Abis, Richard Denton, Mary Jane Given, Tina Lane, Martha Mazzarino, Ed Neal, Judy Riggs, and several others.

Chairman Pereen called the meeting to order at 6:02 p.m. and asked anyone wishing to make a public comment to email their comments to Town Administrator Brendhan Zubricki at bzubricki@essexma.org. Comments will be read from time to time throughout the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$795,087.76.

A motion was made, seconded, and voted by Selectman Andrew Spinney and Selectman Peter Phippen to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 04/16/2020 warrant pursuant to subsection (d) of said Section. Chairman Pereen recused herself from voting.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Jim McNeilly	McNeilly EMS	04/03/2020	\$ 306.00	Fire
Ernie Nieberle	Nieberle's	03/24/2020	\$ 1.97	Highway
Ernie Nieberle	Nieberle's	03/24/2020	\$ 571.00	Snow Removal
Ernie Nieberle	Nieberle's	03/24/2020	\$ 51.00	Water
David Pereen	Pereen Plumbing	03/29/2020	\$ 945.00	Water

Treasurer/Collector Jeffrey Soulard joined the meeting to discuss tax relief provisions in the Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19. He explained the different options available to Towns and residents under the Act and whether or not each option was or was not appropriate for Essex. Mr. Soulard said that he would like to recommend that the Board vote to extend the deadline for exemption and deferral applications from April 1 through June 1, 2020. The Board was in agreement and a motion was made by the Chair that the Select Board, in accordance with Section 10(a) (iv) of Chapter 53 of the Acts of 2020, extend the deadline for Exemption and Deferral Applications from April 1, 2020, to June 1, 2020. The motion was seconded and unanimously voted.

Mr. Soulard announced that the Town's agreement with Unibank for fiscal advisory services is due to expire and asked that the Board approve the Chairman's signature on the renewal document. Subsequently, a motion was made, seconded, and unanimously voted to approve the Chairman's signature on the Municipal Advisory Agreement between the Town and UniBank Fiscal Advisory Services, Inc.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 8 and April 13, 2020, Open Meetings.

A motion was made, seconded, and unanimously voted to acknowledge the resignation of David Gabor from the Strategic Planning Committee.

A motion was made, seconded, and unanimously voted to accept a donation in the amount of \$1,000.00 to the Police Gift Account from Mr. Jeffrey Allsopp.

Town Moderator, Jeff Jones, has nominated Paul Rullo, a current member of the Board of Public Works, to be re-appointed to another 3-year term upon the expiration of his current appointment on June 30, 2020. The Board was in agreement and a motion was made, seconded, and unanimously voted to reappoint Paul Rullo to a 3-year term on the Board of Public Works, ending 6/30/2023. The Board signed his appointment card.

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

- Tomaz Tofuri
- Keith Woodman

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, May 4, 2020, at 6:00 p.m.

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.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 11, 2020 through April 24, 2020, regarding the following:

Public Safety Building Construction Project Update: Mr. Zubricki reported that work continues on the public safety building. Delivery of the steel from Canada has been held up due to COVID-19. The contractor has been able to assign more workers to the project since some of the contractor's other projects were cancelled.

Change Order: Bedrock Removal for Public Safety Building: As Mr. Zubricki mentioned in previous BOS meetings, the construction team has encountered more bedrock at the site than was anticipated. The site was believed to contain large boulders and limited bedrock and the cost estimate to remove those materials was based on that. Bedrock is more labor intensive and more costly to remove. The additional bedrock was found in an area of the building layout that was not able to be drilled during the field evaluation phase of the project since that area was thick with trees and vegetation and was on a steep slope that the drilling rig could not navigate. It is estimated now, that approximately \$68,504 will be added to the cost of the project to pay for removal of the bedrock.

Change Order: Public Safety Building HVAC System Credit: Mr. Zubricki said that the designers have determined that certain elements included in the original estimate for the HVAC System are not necessary. Mr. Zubricki asked the Board to approve Change Order #2 which includes the additional cost for bedrock removal and an approximately \$1,600 cost savings on the HVAC System. A motion was made, seconded, and unanimously voted to approve Change Order #2 and the Chairman signed the document.

Town Hall Heat Pump/AC System Repair, Funding Authorization: Mr. Zubricki reported that recently the Heat Pump/AC System at the Town Hall had stopped working and a repair man had been called. The Town Hall is heated using a separate, high-efficiency gas system and, although the HVAC system is also capable of generating heat, it is really only used for air conditioning, and that season will soon be upon us. The system consists of two parts: the original installation in 2015 during the first Town Hall restoration and the additional units that were installed during the second Town Hall restoration. The repair man determined that the original system (which serves as the lead unit in a series of three), which has been repaired twice before, had failed, and he recommended that the Town replace the original unit with a new one. The other two units, which were installed in 2017, are functioning properly but are not able to start since they are beholden to the lead unit. The repair man is currently preparing an estimate for the new replacement equipment. Subsequently, at Mr. Zubricki's recommendation, a motion was made, seconded, and unanimously voted to approve a line item transfer and/or a reserve fund transfer to pay for the replacement of the failed unit and to contract with the HVAC contractor for the replacement work.

Update with Respect to COVID-19 Crisis and Response: Mr. Zubricki briefly reviewed the measures being taken by the Police and Fire Departments, the Department of Public Works, the Senior Center, and the Town Hall employees to safeguard each other and Town residents during the COVID-19 pandemic.

At 6:33 p.m., Board of Health Chair Dr. Dave Driscoll joined the meeting by telephone and called the Board of Health meeting to order. Board member Alison Roderick and Board of Health Agent Erin Kirchner were also present via telephone. Dr. Driscoll reviewed the history of the COVID-19 world pandemic to date and explained the Board's reasons for limiting access to Conomo Point, beginning April 8, 2020. Town Counsel Gregg Corbo followed Dr. Driscoll's remarks with further clarification regarding statements from Governor Baker. All agreed that the order issued on April 8 had been predicated on not knowing how badly the COVID surge might overwhelm our regional hospital system. It has become evident that social distancing has slowed the rate of hospitalizations and officials no longer need to guess at hospital capacity, which has turned out to be quite adequate. Following a short discussion, Chairman Pereen moved, that based on evolving data and circumstances concerning the COVID-19 pandemic, that the Board vote, effective immediately, to rescind its April 8, 2020 Emergency Order titled "Temporary Moratorium on Seasonal Occupancy at Conomo Point During State of Emergency Due to COVID-19"; and, that the Board authorize the Health Agent to work with the Conomo Point Association to issue guidance suggesting that any person who did not reside in Essex County between October 15, 2019 and April 8, 2020, self-quarantine on their premises for a period of fourteen (14) consecutive days from the date of their arrival at their Essex residence, or if any such person is diagnosed with COVID-19, such person shall remain in isolation until a public health authority (the Massachusetts Department of Public Health or your local Board of Health) states they may leave their home. The motion was seconded and both Chairman Pereen and Chairman Driscoll called for Roll-Call votes. Selectman Spinney said that he, Andrew Spinney, approved the motion; Selectman Phippen said that he, Peter Phippen, approved the motion; and, Chairman Pereen said that she, Ruth Pereen, approved the motion. Chairman Driscoll said that he, Dr. Dave Driscoll, approved the motion; and, BOH member Roderick said that she, Alison Roderick, approved the motion. The motion carried.

Chairman Pereen also moved that the Board vote to reaffirm its April 8, 2020 order limiting access to public areas at Conomo Point and to amend such order by adding the following provision: "Any person with an Essex mooring permit may park a motor vehicle in the Conomo Lane Parking lot for the purpose of accessing their mooring, subject to issuance of a vehicle and mooring specific parking permit that must be displayed at all times." The motion was seconded. And, again, a Roll Call Vote was taken: Selectman Spinney said that he, Andrew Spinney, approved the motion; Selectman Phippen said that he, Peter Phippen, approved the motion; and, Chairman Pereen said that she, Ruth Pereen, approved the motion. Chairman Driscoll said that he, Dr. Dave Driscoll, approved the motion; and, BOH member Roderick said that she, Alison Roderick, approved the motion. The motion carried.

A motion was made, seconded, and unanimously voted by the Board of Health to adjourn their meeting at 7:07 p.m.

Town Counsel left the conference call.

Mr. Zubricki announced the start of the Quarterly Department Head Meeting which will focus on questions regarding the Annual Town Meeting Warrant and/or issues arising from the COVID-19 pandemic.

Planning Board Chair Kim Drake announced that a joint meeting of the Planning Board and the Board of Selectmen is scheduled for next Wednesday, May 6 at a Public Hearing regarding regulation of proposed marijuana establishments. She asked that someone from the Board be available on the public hearing call to present this proposed zoning article. On another matter, she said her Board has had calls from residents asking about a proposed cell tower to be erected on Eastern Avenue. She said that to date, no one has approached the Planning Board requesting permission for a cell tower. When and if someone does apply, the process would include a public hearing and vote at Town Meeting.

Police Chief Paul Francis reported that the schedule for the Police Academy has been delayed, freeing up some officers who were scheduled to attend the academy, to help with the additional work resulting from the COVID-19 outbreak. Police training has also been put on hold, although one or two courses are being offered on-line.

Town Accountant Virginia Antell announced that she had attended a municipal webinar discussing various accounting measures that may be helpful to municipalities during the pandemic crisis. She has also set up two new funds for grants that may be received to help pay for COVID-19 related expenses, such as overtime, disinfection, etc.

Treasurer/Collector Jeff Soulard reported that the pandemic has impacted cash receipts which are coming in much slower than usual. Also, the Town had planned to finance the public safety building, in part, with the sale of bonds this spring. Now, it is doubtful that the bonds will sell, and Mr. Soulard is considering seeking short-term financing until the bond market comes back.

Town Clerk Pamela Thorne reported that a drop box has been installed in front of the Town Hall entrance which is working out well. She said that the Town had instituted a late fee for dog licenses, but she was wondering whether she should enforce it due to the pandemic. Mr. Zubricki said that she was allowed to use discretion in the matter.

Dan Fialho reported that the two smaller docks have been put in and he waiting to put the big dock in. He said he hopes to have it installed by early May and the buoys will be placed in the River by May 2. There will be a ramp attendant beginning Memorial Day.

There followed some discussion with the Harbormaster with respect to the possible establishment of a future, seasonal Town Landing boat launching pass for non-residents and a

possible recommendation to close the boat launching ramp at the Town Landing to non-residents during the COVID-19 crisis. It was agreed to table these matters for discussion at the next Board meeting.

A motion was made, seconded, and unanimously voted to defer discussion of the Town's possible participation in the Massachusetts Bay Oyster Project until the next Board of Selectmen's meeting on May 4.

Chairman Pereen read a report by the Building Inspector regarding the number of vehicles that are now present on the property at 147 Eastern Avenue and also read the conditions attached to the Class II License for that property. A motion was made, seconded, and unanimously voted to schedule a license review hearing on Monday, May 18, since it appears that the licensee has a much-larger-than-permitted number of vehicles on the premises.

It was agreed that, based on the two motions made earlier regarding Conomo Point, the request from Scott Reed regarding his residency at Conomo Point in relation to a commercial shellfish license has been resolved. Mr. Zubricki will reach out to him to be sure he is clear on the issue.

The Board discussed the possibility of extending this year's seasonal lease season from October 15, 2020 to November 1, 2020, in light of the fact that seasonal leaseholders had lost twelve occupancy days because of the April 8 non-re-occupancy order (which was lifted earlier in the meeting). Chairman Pereen stated that she had discussed with each of the 3 Board of Public Works Commissioners, the possibility of leaving the summer water turned on at Conomo Point past the usual shut-off date of October 15 until November 1 this year to make up for the delayed summer occupancy. She said none of the BPW Commissioners had any objection to the idea. Therefore, a motion was made, seconded, and unanimously voted to allow the summer water to stay on and seasonal occupancy to extend until November 1, 2020.

Further Review of Draft Annual Town Meeting Motions: Mr. Zubricki reviewed each of the proposed warrant articles and their designated presenters. He will clarify the intent of some motions with some motion readers and various boards and committees.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:16 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen