

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

May 4, 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 Shellfish Constable William Knovak.

Also Present Via Telephone Conferencing: Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, Police Chief Paul Francis, Town Accountant Virginia Antell, Finance Committee member Michael Antell, Curt and Lindsay Bergeron, Jodi Harris, Tina Lane, Antonella Muniz, Kristen Walker, and others.

At 6:00 p.m., Chairman Pereen called the meeting to order.

Chairman Pereen said that, considering the ongoing pandemic, it would be premature to approve requests for One-Day Licenses at this time and moved to table discussion of the following requests for One-Day Licenses until the next Selectmen's meeting on May 18, at which time more information regarding the pandemic may be available. The motion was seconded and unanimously voted. Mr. Zubricki announced that he had received 5 email comments regarding the Bergerons' request for licenses and those will be available at the May 18 meeting.

One-Day Entertainment License:

- Riversbend, Curt Bergeron, for use on Saturday, September 19, 2020, between the hours of 4:00 and 10:00 p.m. within the confines of the tented area at 35 Dodge Street.

One-Day Wine & Malt License:

- Riversbend, Curt Bergeron, for use on Saturday, September 19, 2020, between the hours of 4:00 and 10:00 p.m. within the confines of the tented area at 35 Dodge Street.

Shellfish Constable William Knovak said that he would like to recommend that the Town participate in the Massachusetts Bay Oyster Project. He said the oysters are being cultivated in Marblehead Harbor and will be ready for relocation in October 2020. Oysters filter water and are used to improve water quality, mitigate the effects of climate change – such as stabilizing banks, and also provide many other environmental benefits. The project is run by an all-volunteer group whose goal is to restore native shellfish populations; recycle shells; educate school groups, scout troops, and environmental organizations; as well as advocate for changing Commonwealth law to promote restoration practices. After a short discussion, the Board directed the Shellfish Constable to contact the Division of Marine Fisheries for their comments on the program. The Board said it is important to coordinate the Town's proposed participation in the project with both the DMF and the MBOP. It was agreed that DMF will require a plan to show where the oysters would be relocated in Essex and Mr. Zubricki will work with the Shellfish Constable to complete any necessary application paperwork for the Board's approval. The Constable agreed to do more research on the project and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$184,332.82.

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 04/30/2020 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	04/15/2020	\$ 150.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 27, 2020, Open Meeting.

The Board acknowledged a letter of resignation from Dr. Fares Mouchantaf from the Host Community Agreement Advisory Committee.

Selectman Peter Phippen said that he was in favor of limiting the use of the Town Landing Boat Ramp to residents-only during the pandemic to help with social distancing. After the pandemic crisis has abated, the ramp could be open for use by anyone. Selectman Spinney agreed with the limitation to residents-only. The Harbormaster was not present to offer an opinion. Police Chief Paul Francis said that the Police force is spread very thin now due to the crisis and it is difficult to monitor all areas all the time. Following the discussion, a motion was made, seconded, and unanimously voted to close the ramp to non-residents until further notice. The Board will reassess the closure at each new Board meeting, the next of which is May 18.

Based on the Board's decision to limit the boat ramp to residents-only, the Board agreed to table discussion of seasonal passes for non-residents to launch boats at the Town Landing, until after the pandemic crisis is over.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 25, 2020 through May 1, 2020, regarding the following:

Public Safety Building Construction Project Update: Mr. Zubricki said that steel for the project that was expected to be delivered on May 11 has now been postponed until May 18. Mr. Zubricki is working with National Grid to expedite two work orders for the site. One is for a new utility pole and one is for removal of the old service. National Grid had sent out work orders for each, but they had been directed to the wrong persons. He asked Chairman Preen to line out the names on each order and write in her own and initial the changes. Subsequently, a motion was made, seconded, and unanimously voted to approve the line outs and authorize the Chairman's signature on the work orders, which include specific fees to be paid to National Grid (all of which are part of the project budget).

Change Order: Replacement of Public Safety Building Oil/Water Separator: The Project Manager is recommending the elimination of one of two oil/water separators planned for the building. Due to the discovery of a large amount of bedrock at the site and the resulting cost to blast, it is now considered to be more cost effective to install a pump to pump wash water up to the second level to the oil/water separator in the Fire Department area of the building, rather than have a second oil/water separator on the Police level. Mr. Zubricki is waiting for the Project Manager to submit a final cost estimate for the Board's review. This change order item will likely be included as part of Change Order 4.

Change Order: Public Safety Building Window Changes: Change Order 3 includes making changes to some of the windows called for in the original plan. Some windows will become fixed, others will be able to be opened, and one will be eliminated. The entire body of change order documents is available but the contractor had not had a chance by meeting time to sign and forward the change order cover sheet.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on Change Order 3 when the cover sheet becomes available.

Town Hall Roof Wind Damage, Funding Source: During a recent storm, several roof shingles were blown off the Town Hall. This is not covered by warranty. There are also leaks over the third floor staircase landing area and over at least one of the Assessors' windows, but these are covered by warranty. The contractor will fix all the leaks when circumstances permit pending the COVID-19 crisis. A motion was made, seconded, and unanimously voted to authorize the Town Administrator to sign a line item transfer and/or a reserve fund transfer to fund the completion of the necessary repairs.

Continued Review of Annual Town Meeting Draft Motions: Mr. Zubricki asked if Antonella Muniz was on the conference call and she was. She reported that the Host Community Agreement Advisory Committee had met last Thursday and had edited the draft agreement based on the comments received from Town Boards, Committees, and Departments. She also reported that John Tremblay of BB Botanics had contacted the Committee to say that the State has

approved an order to allow him to conduct a virtual public outreach program using ZOOM. The Committee is meeting again this Thursday to begin work on a host community cultivation agreement.

Mr. Zubricki reviewed, and the Board discussed, the marijuana articles that Antonella will present at Town Meeting.

A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to forward the current draft of the Host Community Agreement to Town Counsel for comment, per the process that the Board had agreed to at a past meeting.

Mr. Zubricki resumed his review of the other articles on the Town Meeting Warrant.

Request for Extension, MVP Action Grant – Sediment Transport: This project has not been able to be fully implemented due to the pandemic's closure of Boston University sediment testing labs. The current grant expires at the end of the fiscal year, June 30, 2020. Mr. Zubricki said that the State has just offered a one-time blanket extension. The extension period will commence July 1 and will run through December 31, 2020. A motion was made, seconded, and unanimously voted to authorize the Town Administrator's signature on application documents requesting the extension of the Town's grant.

Exploration of Design Grant to Elevate Apple Street in Second Low Area: Mr. Zubricki reported that there is a second low area on Apple Street that needs attention which is not funded by the current DER grant funding for the Apple Street culvert. Mr. Zubricki has been searching for other sources of grant funding that could help with the second area and asked the Board to authorize him to start the design process with the Town's consultant, TEC. The Massachusetts Office of Coastal Zone Management's Coastal Resilience grant program that may be applicable will require a 25% Town match. A motion was made, seconded, and unanimously voted to approve Mr. Zubricki's request.

The next regular Board of Selectmen's meeting will take place on Monday, May 18, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall, 30 Martin Street.

The Town Hall will be closed Monday, May 25, 2020, in celebration of Memorial Day.

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

The Town's election will be held on Monday, June 22, 2020, at the Essex Fire Station on Martin Street.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:04 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen