

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

**June 15, 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](http://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, Selectman Peter D. Phippen, Selectmen's Assistant Pamela J. Witham, Shellfish Constable William Knovak, and Treasurer/Collector Jeff Soulard.

Present via Telephone Conferencing: Town Accountant Virginia Antell, Finance Committee member Michael Antell, Harbormaster Dan Fialho, Police Chief Paul Francis, Board of Health Agent Erin Kirchner, Building Inspector Bill Sanborn, and Town Administrator Brendhan Zubricki.

Also Present via Telephone Conferencing: Lindsay Bergeron, Mary Brown, Mark Gallagher, Lauren Muise, Tina Lane, Antonella Muniz, Donna Roy, Josh Webber, Eian Woodman, Maureen and Doug Woodman, and others.

Chairman Pereen called the meeting to order at 6:00 p.m. and asked anyone wishing to make a Public Comment to email their comments to Town Administrator Brendhan Zubricki: [bzubricki@essexma.org](mailto:bzubricki@essexma.org) The comments will be read from time to time throughout the meeting.

Those present began their joint review of each of the five town restaurants that have requested an Alteration Of Premises to provide seated outdoor food and alcoholic beverage service. The Board of Selectmen, acting in their capacity as Licensing Board will sign off on each restaurant's alcohol license. The Board of Health Agent will sign off on the food service permit. The Building Inspector, the Police Chief, and the Fire Chief will consider and sign off on safety requirements for each location.

- Riversbend: Riversbend plans to have deck seating and to erect a tent which will have additional seating. The current Riversbend license limits their seating capacity to 98, distributed between the inside dining room and the deck. Therefore, they are limited to 98 seats between the deck and the tent. Traffic flow on the ramp to the deck was discussed. A motion was made, seconded, and voted by the Board of Selectmen to approve alcoholic beverage service outdoors, contingent upon sign offs from the other departments. The Building Department said they will require the restaurant to submit a tent permit application, to install emergency lighting, and to post signs on the ramp directing the traffic flow. Owner Lindsay Bergeron thanked everyone for approving their request.
- Shea's Riverside: Following a review of Shea's request documents, those present asked owner Mary Brown to adjust the table spacing, install emergency lighting, install barriers to separate the parking area from the dining area, add a table/tables that are handicap accessible, and provide a plan for monitoring patrons entering or leaving the service area. Board of Health Agent Erin Kirchner also said that the chairs and tables can be placed on the sand as long as the sand is sprayed down with water often to keep the dust from rising to the tables. The Building Inspector agreed, since chairs in sand may also pose a safety hazard if chair legs unevenly settle into the sand. The Board of Selectmen made, seconded, and unanimously voted to approve outdoor alcoholic beverage service for Shea's Riverside, contingent upon approval from the Board of Health, the Building Inspector, the Police Chief, and the Fire Chief.
- Woodman's Lobster Pool: Woodman's application was complete and the only additional requirements were that they install emergency lighting and a fire extinguisher. A motion was made, seconded, and unanimously voted by the Board of Selectmen to approve alcoholic beverage service outdoors, contingent upon sign offs from the other departments.

At 6:33 p.m., Chairman Pereen entertained a motion to reopen the Public Hearing regarding Possible Modification, Suspension, or Revocation of a Used Car Dealer's Class II License held by Dynamic Auto Brokers, 147 Eastern Avenue. The motion was moved, seconded, and unanimously voted. Earlier in the day, Mr. Gallagher had delivered two documents to the Town Hall. The first document, dated 6/15/20, gave permission to the Building Inspector to perform announced quarterly inspections at 147 Eastern Avenue for unregistered vehicles. The second document was a memorandum to employees and staff stating that no personal unregistered vehicles were allowed on the property. The Board was in agreement that these two documents did not provide the information that was requested at the hearing on May 18, 2020.

Chairman Pereen read the following excerpt from the Board of Selectmen's minutes for May 18:

"Mr. Gallagher was instructed to provide, in advance, the following information for the continuation of the hearing on June 1st:

1. A company memo signed by all employees acknowledging that it is against company policy for any employee to bring unregistered vehicles onto the property.
2. A business plan outlining policies of operation and methods that will be employed to prevent and ensure that the number of unregistered vehicles on the property will not at any time exceed the number allowed under the Class II License.
3. A letter from Mr. Gallagher agreeing to quarterly inspections of his property by the Building Inspector.
4. A written assurance from Mr. Gallagher that he will not accept donor cars or salvage cars on the property to be used for spare parts, under any circumstances."

The Board discussed these four items with Mr. Gallagher. They also said the inspections would be unannounced. Following the discussion, Chairman Pereen asked if Mr. Gallagher or anyone on the conference call had questions. No one did. A motion was made, seconded, and unanimously voted to suspend the license as of July 1, 2020 if Mr. Gallagher does not supply the Board with the necessary paperwork by June 24, 2020. Discussion on this matter continued. Subsequently, a motion was made to amend the previous motion to say that the hearing would be continued until June 29, unless Mr. Gallagher supplied all of the requested documents by June 24, 2020, in which case the hearing would be considered closed, without reconvening it; and if, on 6/24, the documents delivered are insufficient or not what has been requested, Mr. Gallagher's Class II License could still be suspended, effective July 1, 2020, as a result of the June 29<sup>th</sup> hearing. The motion was seconded and unanimously voted.

Shellfish Constable Knovak joined the Board to review a letter from the Massachusetts Oyster Project. The letter outlines a plan to introduce oysters into areas of the Essex River in Essex (off Island Road, Dean's Island, Joe's Creek, Dilly's Island, and Corn Island). About 60,000 oysters will be relocated from Marblehead to Essex. A motion was made, seconded, and unanimously voted to approve the project, contingent upon Mr. Knovak providing to the Town Administrator written approval of the project from the Division of Marine Fisheries, before the project is allowed to proceed. Mr. Knovak left the meeting.

Those present resumed their review of restaurant applications for outdoor service.

- C.K. Pearl: C.K. Pearl was asked to move the handicap parking across the street, to relocate their planters surrounding the dining area, to install emergency lighting, and to also install Jersey barriers next to the planters. A motion was made, seconded, and unanimously voted by the Board of Selectmen to approve alcoholic beverage service outdoors, contingent upon receipt of a completed short form application and sign offs from the other departments.
- Great Marsh Restaurant: There were many questions regarding the application from Great Marsh Restaurant and it was agreed to try to contact Josh Webber this evening for more information.

Treasurer/Collector Jeff Soulard reported that on June 10, there was a bond offering in the amount of \$11,700,000 for a 30-year term to provide funding for the Public Safety Building. Selectman Peter D. Phippen, the Clerk of the Board of Selectmen made the following motion:

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Essex, Massachusetts (the "Town"), certify that at a meeting of the board held June 15, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$11,700,000 General Obligation Public Safety Building Bonds of the Town dated June 24, 2020 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$12,573,841.50 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on March 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2021	\$350,000	5.00%	2034	\$400,000	2.00%
2022	350,000	5.00	2035	400,000	2.00
2023	350,000	5.00	2036	400,000	2.00
2024	350,000	3.00	2037	400,000	2.125
2025	390,000	5.00	2038	400,000	2.125
2026	390,000	5.00	2039	400,000	2.125
2027	390,000	5.00	2040	400,000	2.25
2028	390,000	5.00	2041	400,000	2.25
2029	390,000	5.00	2042	400,000	2.375
2030	390,000	5.00	2043	400,000	2.375
2031	400,000	4.00	2044	400,000	2.375
2032	400,000	3.00	2047	1,190,000	2.75
2033	400,000	2.00	2050	1,170,000	2.75

Further Voted: that the Bonds maturing on March 1, 2047 and March 1, 2050 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due March 1, 2047

<u>Year</u>	<u>Amount</u>
2045	\$400,000
2046	400,000
2047*	390,000

Term Bond due March 1, 2050

<u>Year</u>	<u>Amount</u>
-------------	---------------

2048	\$390,000
2049	390,000
2050*	390,000

\*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 1, 2020, and a final Official Statement dated June 10, 2020 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Dated: June 15, 2020

\_\_\_\_\_  
Clerk of the Board of Selectmen

The motion was seconded and unanimously voted by the Board of Selectmen. The Board signed the Bond documents.

The Board consulted with Police Chief Francis and Harbormaster Fialho about whether any changes to parking or launching restrictions that have been put in place due to the ongoing COVID-19 crisis should be altered in any way. Harbormaster Fialho said that the landing attendants have been turning away more and more people seeking to use the launch site. Following a short discussion, all agreed, and a motion was made, seconded, and unanimously voted to open the public ramp to everyone starting Friday, June 19.

A motion was made, seconded, and unanimously voted to approve a request from the Chief of Police to carry over 80 hours of vacation time into FY21, due to inability to take time off during the COVID crisis.

A motion was made, seconded, and unanimously voted to open up the ballfields, tennis courts, and play grounds for practice and training only, to groups of 10 or less, with no sharing of equipment, and use at the user's own risk, in accordance with the Governor's orders for phase 2 on Wednesday, June 17. Manchester Essex Little League will be allowed to practice on the fields, but no games will be permitted during this phase of COVID-19. Mr. Zubricki will inform Manchester Essex Little League of the Board's vote.

Chief Francis, Harbormaster Fialho, and the Board agreed to wait on reorganizing parking and launching at Conomo Point for the time being. More discussion will be held at the next meeting.

The Board considered whether permission for an overdraft to pay for certain, COVID-19 emergency expenses should be sought from the Department of Revenue. The Town has thus far managed such expenses within its budget but may seek this authority out of an abundance of caution. A motion was made, seconded, and unanimously voted to approve and authorize the Chairman's signature on a letter to the DOR requesting permission for a cash flow deficit of up to \$250,000, as of June 30, 2020.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$1,537,056.30.

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 6/11/20 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>
Ernie Nieberle	Nieberle's	05/24/2020	\$ 910.18	Police
Ernie Nieberle	Nieberle's	05/24/2020	\$ 249.02	Fire
Ernie Nieberle	Nieberle's	05/24/2020	\$ 118.40	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 1, 2020, Open Meeting and for the June 10, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to approve the following appointments:

Action, Inc. Board of Directors for 3 years: Courtney Lane

ADA Coordinator for 1 year: William Sanborn

Board of Appeals for 3 years: Keith Carter

Board of Appeals Alternate for 2 years: Ed Perkins

Board of Registrars for 3 years: Vickie Cataldo

Building Inspector for 1 year: William Sanborn

Building Inspector's Assistant for 1 year: L. William Holton

CATA Representative for 1 year: Laurel Eisenhauer

Community Preservation Committee for 3 years:

- Michael Burke
- Gregg Cooper
- Kim Drake
- Dave Frithsen
- Richard Stevens

Conservation Commission for 3 years:

- Cliff Ageloff
- Tom Barrieau
- Michael Burke

Council on Aging for 3 years:

- Richard Denton
- Beverly Dolinsky
- Michelle French

Electrical Inspector for 1 year: Ramie Reader

Electrical Inspector's Asst. for 1 year: John Shields

Fence Viewers for 1 year: Board of Selectmen

Harbormaster's Assistant for 3 years:

- Paul Albani
- Bruce Lipinski
- Troy Perry
- Cooper Riehl

Local Emergency Planning Committee for 1 year:

- Dan Doucette
- Paul Francis
- Michael Galli
- Erin Kirchner
- Ruth R. Pereen

Plumbing & Gas Inspector for 1 year: Richard Corriere

Plumbing-Gas Inspector's Assistant for 1 year: David Pereen

Police Officer, Part-Time for 1 year:

- Mark Brewer
- Ryan Devaney
- David Landry

- Brittney Lazarides
- Chad Lipinski
- Lauren Pereen
- David J. Vangelist
- Robert Wheway
- Michael Harrell
- Justin Symonds

Shellfish Deputy for 3 years:

- Peter Wilson

Strategic Planning Committee for 1 years:

- John Bediz
- Michael Burke
- Westley Burnham
- Annie Cameron
- Robert Coviello
- Michelle French
- Michael Galli
- Charles McNeil
- Julie Scofield

Town Clerk, Assistant 2 for 3 years: Dottie Elwell

Town Counsel for 1 year: KP Law

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

Annual Non-Resident Shellfish Permit:

- Mike Maguire, Hamilton, MA, sponsored by Kristen Bixby.

Commercial Shellfish Permit:

- Katherine Bernier

The Board was reminded that the next regular Board of Selectmen's meeting will take place on Monday, June 29, 2020, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area of the Town Hall, 30 Martin Street.

A motion was made, seconded, and unanimously voted to approve an MGL Chapter 44, § 33B Transfer in the amount of \$4,000 from Gloucester Sewer to Sewer Overtime.

A motion was made, seconded, and voted by Chairman Pereen and Selectman Spinney to approve and sign the contract with Patriot Properties for FY 2021. Selectman Phippen recused himself.

Mr. Zubricki reported that the Board of Public Works has been informed that they should not have their administrative office, which is open to the public, at the Water Filtration Plant. The BPW has inquired about the possibility of moving their administrative offices in the future from



the Water Filtration Plant to what will soon be the former fire and police headquarters at 24 Martin Street, or perhaps utilizing the police administrative trailer at that site or at some other site. The Board agreed to take the matter under advisement and consider it with the various other proposals that have been made for this site.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 30, 2020 through June 12, 2020, regarding the following:

Review of MassDOT Plans for Route 22 Speed Study and Route 133 Parking/Speed: The Board reviewed possible changes to the lane striping on Eastern Avenue next to J.T. Farmham's. MassDOT had provided two possible suggestions for consideration. The Board was undecided and authorized Mr. Zubricki to solicit comments on the two proposals from the Celluccis, the restaurant owners, and to show the proposals to Chief Francis. Chairman Pereen was in favor of Option #2.

Mr. Zubricki also reported that MassDOT hopes to complete the Route 22 Speed Study in the near future.

Public Safety Building Construction Project Update: Even though there has been a slight delay due to ledge removal and steel delivery date slippage, the project is moving along and Mr. Zubricki reported that the contractor is setting parking lot light pole bases and a number of other items, including grading of the parking lot and erection of the steel building frame. Please see the Town Administrator's report for June 15 for a more detailed description of the progress to date.

Annual Town Meeting Follow-up: Mr. Zubricki reported that the Essex North Shore Agricultural and Technical School District has informed him that they will be decreasing the apportionment for FY2021. Article 14, proposing to amend the Town bylaws to include the creation of an Essex Downtown Zoning District, was defeated at the Town Meeting last Saturday. There was a suggestion that if Maple Street, Winthrop Street, and Pickering Street were removed from the proposed District, the article would have a better chance of being approved in the future.

Negotiation of Host Community Agreements with BB Botanics: Town Counsel has provided her comments, which have now been included in the latest draft of the cultivation host community agreement which will be forwarded to BB Botanics for review. They have already provided comments on the retail host community agreement. Commencement of negotiations will be scheduled in the near future, after the negotiation group discusses all matters internally, one more time.

COVID-19 Response Update and Status Report: Mr. Zubricki reported that the Town continues to deal with the various aspects of the pandemic and work towards gradually reopening areas of the Town as discussed earlier in this meeting.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:26 p.m.

Documents used during this meeting include the following: None.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Peter D. Phippen