

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

**July 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](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 Peter D. Phippen, Selectman Guy Bradford, Chief Paul Francis, Treasurer/Collector Jeff Soulard, and Selectmen's Assistant Pamela J. Witham.

Present via Telephone Conferencing: Town Administrator Brendhan Zubricki.

Also Present via Telephone Conferencing: Virginia and Michael Antell, Annie Cameron, Dan Fialho, Jodi Harris, and Tina Lane.

Chairman Pereen called the meeting to order at 6:00 p.m. in the second floor stage conference area of the Town Hall at 30 Martin Street, and asked that anyone wishing to make a Public Comment to please email the comment to Town Administrator Brendhan Zubricki ([bzubricki@essexma.org](mailto:bzubricki@essexma.org)). The 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 FY21 weekly warrant in the amount of \$198,710.15 and the FY20 weekly warrant in the amount of \$4,428.60.

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 6/30/2020 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>
Ramie Reader	Reader Electrical	06/03/2020	\$ 765.00	Wastewater

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 06/30/2020 warrant pursuant to subsection (d) of said Section. Chairman Pereen recused herself from voting on this item.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
David Pereen	Pereen Plumbing	06/26/2020	\$ 337.25	Selectmen
Jim McNeilly	McNeilly EMS	06/30/2020	\$ 155.00	Fire
Scott Dewitt	Perkins Marine	06/30/2020	\$ 236.43	Harbormaster

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 29, 2020, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a line item transfer request in the amount of \$20.00 from Blanket Insurance to VOIP Telephones.

A motion was made, seconded, and unanimously voted to approve a line item transfer request in the amount of \$500 from Ordinary Benefits to Regional Assessment.

Treasurer/Collector Jeff Soulard appeared before the Board to request approval and signature of the refunded \$41,000 Bond for the Water Department. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve and sign the refunding document. Mr. Soulard left the meeting.

The Board and Chief Francis reviewed the current parking and access restrictions at Conomo Point. Everyone was in agreement that no modifications would be made at this time and parking at the Point would continue to be for residents only and/or mooring permit holders.

On a related matter, parking for those using the Town Landing was also discussed. Striping of the parking spaces, charging for parking, the installation of a kiosk for collection of the parking fees, and possibly limiting parking to residents only were discussed. It was agreed to take the matter under consideration for the time being. At the next meeting, the Board will consider whether the Town Landing ramp should become a "residents-only" facility.

The Board discussed the revised one-day entertainment application. The form is four pages long. A motion was made, seconded, and unanimously voted to ask Mr. Zubricki to send the draft application form to the Cape Ann Chamber of Commerce and the Essex Merchants Group for comment. The form will be reviewed again at the next Selectmen's meeting on July 27 and any pending fee increases that have not already been adopted will be considered as well.

Mr. Zubricki reported that he had received an email as part of tonight's "public comment" from Christina Bruce stating that there should continue to be no charge for parking. Her concern is that paid parking will discourage visitors who frequent local establishments, supporting the local economy.

On another matter, Mr. Zubricki said that he had received an inquiry asking if the flag could be lowered in recognition of a recently deceased past Town employee. The flag has not been lowered for other Town employees or officials. After considering the matter, the Board was in agreement that they were not inclined to approve this request.

Chairman Pereen informed everyone that the request for an Alteration of Premises by J.T. Farnham's had been withdrawn.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, July 27, 2020, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area of the Town Hall, 30 Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 17, 2020 through July 10, 2020, regarding the following:

Change Order - Miscellaneous Credits & Irrigation Sleeves Public Safety Facility: Mr. Zubricki reviewed various items in Change Order #5 which will result in approximately \$11,967 in credits.

Change Order - Proposed Extension of Time of Public Safety Facility Project: Mr. Zubricki also reminded the Board that the contractor has requested a time extension of the completion date of the Public Safety Building. The contractor would like to move the date from December 19, 2020 to March 5, 2021. While the contractor has agreed not to increase its general conditions overhead fees to the Town for extending the completion date, the Town will have to pay the Project Manager and the Architect for an additional seven weeks (current contracts run through January 31, 2021). The future cost of carrying our design professionals will be on the order of \$50,000 or less. A motion was made, seconded, and unanimously voted to approve and sign Change Order #5.

Public Safety Facility Construction Project Update: Mr. Zubricki reported that the weather has been good and the project continues to move along. The binder paving coat is down and they are installing the roof decking and beginning to frame the exterior walls.

Annie Cameron joined everyone at 6:45 p.m. She presented her perspective on the recent protests and events in the nation. She asked how the Essex Police Department may be able to evaluate and possibly improve its present policies and practices to ensure fair treatment of all citizens. She also wanted to know what could be done to promote anti-racism and anti-bias throughout the town. Discussion followed. Chief Francis reminded everyone that the Essex Police Department is accredited and noted that only 25% of the departments in the State are accredited. The Essex Police Department already has several policies in place that will become required practice in the Commonwealth. Ms. Cameron indicated that she was interested in an ongoing conversation about the above issues, both for the Police Department and all other aspects of Town government, including an analysis of spending on police services versus social services. Chief Francis indicated that the Department is already a member of a collaborative that brings social

services to residents during and after contacts with police, if such services are deemed to be necessary. She wondered what we can be doing at the Town level to become more just and equitable toward all current and prospective residents. The Board agreed to begin looking at the Police Department's public contact data on a quarterly basis, in an effort to flag any trends of concern and agreed to take up the conversation with Ms. Cameron again after the new officer certification requirements are finalized by the Commonwealth.

Chairman Pereen read the following letter to the Select Board from Tina Lane:

BOS 7/13/20

Dear Ruth, Peter and Guy,

I saw that Annie Cameron was on the agenda to discuss the police and race issues in the news. I want to thank her for motivating me to share my perspective to the board.

I would like to state my appreciation and support for our police. Along with clean water, safety and protection of property and rights for all our citizens is the most important use of our tax dollars. All the rest is extra.

The town has entrusted Chief Paul Francis with this responsibility. I have seen him at meetings and feel that he understands the tight financial situation of our town. I hope that he can be confident that his budget is secure to train and equip his officers, as he feels is appropriate, and that the town has his back.

Like many in town I am overwhelmed by the stories of racism and violence in the news over the past few months. Combined with the COVID-19 crisis it makes it very hard to sleep some nights.

Apparently I am a BIPOC - a term I discovered recently on the Essex Notices page. As one, I hope that the town does not fight racism with racism by developing policies based on one's race and skin color. I want to be regarded as an equal citizen of Essex, I don't want to be "more" equal, singled out, or accommodated. That should be reserved for the old and disabled when necessary.

This board represents all the citizens of the town, not just the loudest. I will be disappointed if the town spends time or money on feel good displays, artwork or programs trying to appease those who resent what our founding fathers have done in the past based on the practices of the time. Anyone with a spouse knows that it is unproductive to constantly bring up mistakes from the past. It does not achieve harmony, balance or equality.

I do not need confirmation that the town is not racist. If a citizen feels the need to apologize for what they perceive as offenses, so be it, but let Essex be the Cape

Ann town that does not cave to pressure by outside groups who do not care which "problems are solvable but what is fundable". Please trust that our citizens, with guidance from God and family, will do the right thing.

Respectfully,  
Tina Lane  
21 Lanes Road

It was agreed to table the discussion for the time being.

At 7:25 p.m., citing the need to discuss possible contract negotiations between the Board and the Essex Police Benevolent Association (EPBA), the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Board's negotiating strategy and invited the Town Administrator and the Police Chief to attend the Executive Session. She also stated that the Board would be returning to Open Session following the Executive Session to complete the remaining items on the agenda. The motion was seconded and Selectman Phippen said his name and voted to move to Executive Session; Selectman Bradford stated his name and voted to move to Executive Session; followed by Chairman Pereen stating her name and voting to move to Executive Session. Following this unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and the Police Chief moved to Executive Session.

The Board, their Assistant, the Town Administrator, and the Police Chief returned to Open Session at 7:30 p.m.

A motion was made and seconded to accept a proposed Memorandum of Agreement (side letter) regarding the designation of and operating conditions and benefits for a daytime Administrative Sergeant. Chairman Pereen explained how moving to having a ranking officer on each of the three work shifts was part of Chief Francis' original goals and that this change to the Union contract will fairly usher in the position, with minimal added cost (due to other restructuring and cost cutting in the Department. Creation of the day Sergeant position is expected to move an existing Sergeant from the night shift, leaving the other Sergeant on nights and freeing up the ability to promote an officer to the vacant night shift. The motion was unanimously voted.

**APPOINTMENTS:** A motion was made, seconded, and unanimously voted to approve the reappointment of Robert Coviello and Nat Crosby to the Historic Commission for 3 years. The Board signed the appointment cards.

Chairman Pereen said it gave her great pleasure to make a motion to approve the promotion of Police Officer Ryan Davis to Sergeant for a partial 3-year term. The motion was seconded and unanimously voted. Sergeant Davis will serve in a night shift capacity, along with existing Sergeant Shamshak. It is expected that the Chief will assign existing Sergeant Bruce to the day Administrative role.

Mr. Zubricki announced that the Economic Development Committee will be meeting on Wednesday to review the Town's Economic Development Plan and invited the Board to join the meeting.

Memo to Advise Departments Regarding Fiscal Year 2021 Spending: The Board reviewed a memo to be sent to all Town departments advising careful spending in FY2021 due to unforeseen increased expenditures as a result of the COVID-19 pandemic. A motion was made, seconded, and unanimously voted to approve the memo to be sent jointly by the Chair of the Select Board and the Finance Committee Chair to all departments.

Draft List of Potential Fall Town Meeting Topics: The Board and Mr. Zubricki reviewed the latest draft of possible items to be included on the Fall Town Meeting Warrant and future town meetings. Mr. Zubricki will revise the document in accordance with the Board's guidance and will bring it back for further discussion at the next meeting.

Promulgation of Regulations Associated with Local Marijuana Licensing: The Board agreed to review examples of marijuana regulations and bylaws from other towns for discussion at their next meeting. In the meantime, the notice will be left on the Town's website asking for public input regarding the proposed marijuana facility on John Wise Avenue and Mr. Zubricki will collect the comments for the Board's review on July 27. The Gloucester Times also recently ran a brief indicating how the Town was soliciting public input.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:10 p.m.

Documents used during this meeting include the following: None.

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

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