

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

July 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 Peter D. Phippen, Selectman Guy D. Bradford, Police Chief Paul Francis, Board of Public Works Commissioner Scott DeWitt, Board of Public Works Superintendent Michael Galli, Dawn Burnham, Carling Audette, and Shellfish Constable William Knovak.

Present via Telephone Conferencing: Town Administrator Brendhan Zubricki, Board of Health Agent Erin Kirchner, Fire Chief Dan Doucette, Harbormaster Dan Fialho, Library Director Deb French, Planning Board Chair Westley Burnham, School Committee member Annie Cameron, School Committee member Sarah Wolf, Town Clerk Pamela Thorne, Curt and Lindsay Bergeron, Anneliese and Dominic Brosch, Jodi Harris, Antonella Muniz, Donna Roy, John Tremblay, and others.

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

Dawn Burnham and Acting Manager, Carling Audette, came before the Board to discuss a request for an ALTERATION OF PREMISE for the Village Restaurant, at 55 Main Street. Dawn Burnham would like to hold her annual fundraiser "Shave to Save" which will benefit cancer research, at the restaurant on August 10 between the hours of 5 and 8 pm. An Alteration of Premise is necessary in order to conform to the State guidelines to prevent the spread of the COVID-19 virus. Both the Board of Health Agent and the Police Chief had reviewed the application documents, and were satisfied that the Village was in compliance with the requirements. The Board was in agreement, and a motion was made, seconded, and unanimously voted to approve the request. Dawn Burnham and Carling Audette left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$246,267.84.

A motion was made, seconded, and voted by Selectman Phippen and Selectman Bradford 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 this vote.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
David Pereen	Pereen Plumbing	06/26/2020	\$ 1,112.05	Transfer Station
Ernie Nieberle	Nieberle's	06/24/2020	\$ 142.50	Fire
Ernie Nieberle	Nieberle's	06/24/2020	\$ 201.00	Police

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 07/23/2020 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>
Scott Dewitt	Perkins Marine	07/07/2020	\$ 900.00	Selectmen
Jim McNeilly	McNeilly EMS	07/13/2020	\$ 155.00	Fire
Jim McNeilly	McNeilly EMS	07/01/2020	\$ 180.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 13, 2020, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve carrying over three days of unused vacation time, beyond the five-day limit, for a total of eight days, from FY20 to FY21 for Library Director Deborah French.

The Board discussed the proposed purchase of a new ambulance and a motion was made, seconded, and unanimously voted to approve and sign the order for the new vehicle. The purchase is being made from a Metropolitan Area Planning Council group purchase agreement that had already been bid in accordance with Massachusetts procurement standards.

A motion was made, seconded, and unanimously voted to approve the Community Preservation Grant Agreement between the Town and the First Congregational Church of Essex in the amount of \$100,000 and the Historic Preservation Restriction for the Paul Revere bell which were approved at the Annual Town Meeting on 6/13/20. The paperwork will now be forwarded to the Essex Historical Commission for approval.

Mr. Zubricki reported that there was an oversight in the construction of the new public safety building and the project manager would like the Board to consider a change order to substitute board and batten fiber cement siding at the Police Department sally port section of the rear of the new public safety building for the originally-proposed brick-face siding - resulting in a credit to the project. The Board was in agreement and a motion was made, seconded, and unanimously

voted to approve the change order for the substitution when it becomes available, so long that it results in a credit to the project.

The Board reviewed an updated design of the dedication plaque for the Public Safety Building and a motion was made, seconded, and unanimously voted to approve the changes made to the design of the plaque.

The Board began a discussion regarding whether to make the boat launch ramp at the Town Landing a residents-only ramp. The past few weekends, the ramp had to be closed early. The parking lot behind the Police/Fire Station and the Town Hall were completely full and people were parking illegally on Main Street and other streets. Instead of having only one patrolman on duty, Chief Francis had had to have three or four in order to control the traffic and parking. The Board agreed to continue discussion of this matter later in tonight's meeting.

At 6:45 p.m., citing the need to discuss charges of misconduct against a public officer, the Chairman entertained a motion to move to Executive Session pursuant to the provisions of M.G.L. Chapter 30A § 21 (a)(1). She stated that the Board would be returning to Open Session to finish the business remaining on the agenda and invited the Town Administrator to attend the session. The motion was moved and seconded. Selectman Phippen said that he, Peter Phippen, voted to move to Executive Session; Selectman Bradford said that he, Guy Bradford, voted to move to Executive Session; and, Chairman Preen said that she, Ruth Preen, voted to move to Executive Session. Following the Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session.

The Board, their Assistant, and Mr. Zubricki returned to Open Session at 7:15 pm. Chairman Preen noted that Selectman Phippen had participated in the Roll Call Vote to move to Executive Session inadvertently and had meant to recuse himself from the Session, which he did do after entering Executive Session, physically leaving the meeting room.

Chairman Preen announced the start of the Quarterly Department Head Meeting and Department of Public Works Superintendent Michael Galli reported that his department is continuing to cope with the effects of the COVID-19 pandemic as best they can. Usually they employ four to five summer laborers and this year they have only one. Also, they have no control over weather or equipment failure. There have been several grinder pump failures lately. They are continuing to watch the department's expenditures.

Fire Chief Dan Doucette reported that this is generally the time of year that the Fire Department personnel receive additional training in various areas. That has been put on hold for this year due to the pandemic.

Harbormaster Dan Fialho stated that he is having a very busy year so far. He also said that he has several ideas for ways to improve the operations at the boat ramp. However, those present agreed that this discussion should take place over the winter months when things are quieter.

Planning Board Chairman Westley Burnham said his Board was very disappointed that their articles on the warrant for the Annual Town Meeting failed. The Planning Board will make a few modifications and try again in the Fall. The Planning Board is anticipating hearings in the near future for a Spring Street subdivision, a cell tower, a mixed-use bylaw, and marijuana regulations. Mr. Burnham said he would like to increase the fees that the Planning Board charges for legal notices since the fees charged do not cover the cost charged by the paper to run the notices..

Police Chief Paul Francis reported that as of July 13, 2020, a new position had been created called Administrative Sergeant, and Sergeant Dan Bruce had been promoted to that position. He also announced that Officer Ryan Davis has been promoted to Sergeant. Chief Francis said the new Police cruiser has arrived.

School Committee member Annie Cameron reported that Sarah Wolf is the new Chair of the School Committee. The Committee continues to work on the budget. Sarah Wolf said the rebuilding of Memorial School remains on time and on budget and tours of the project will be offered in the near future. The Committee has been busy planning the students reentry into the school system. There will be two plans: the first includes part-time attendance by the students and some virtual instruction, and the second consists of all virtual instruction. They are anticipating that the school year will begin this August.

Shellfish Constable William Knovak reported that the truck and the boat are running fine. He needs to buy new bumpers for the boat and the trailer needs work. He reported that he has received a verbal OK from the Department of Marine Fisheries regarding the Town's participation in the Massachusetts Bay Oyster Project. The DMF said that they trust him to do the right thing and asked for a map of where the oysters will be relocated. Selectman Phippen asked if Constable Knovak could get an email from the DMF to that effect. Mr. Knovak will try. Selectman Phippen said he would like to be involved in the oyster project. The new Deputy Constable, Jude Seminara, is working out fine.

Library Director Deb French reported that the Library is offering curbside pick-up several days a week. Her Library Staff consists of only three people, since two others have decided to stay at home until the pandemic is over. The Library offered 14 virtual programs in May and 13 programs in June. All were well attended.

Town Clerk Pamela Thorne is busy getting ready for the primaries and has been organizing the various ways people may vote, which include in-person early voting and mail-in voting, as well as the usual way of voting (in-person at the Fire Station). She recently hosted a seminar in the Town Hall auditorium for her election assistants regarding how to operate the Town's new voting machine.

At 7:55 p.m. Curt and Lindsay Bergeron joined the Board via telephone to discuss their request to place a directional business sign on the Spring Street traffic island (Town property) and possibly another at the corner of Spring Street and Dodge Street. Mr. Bergeron said there are

four businesses at the end of Dodge Street: Essex River Cruises, the Essex Marina, the Riversbend Restaurant, and Cape Ann SUP. All four businesses said that they are suffering because their potential patrons have difficulty finding them. Also, residents of Spring Street are continually annoyed by lost people turning around in their driveways, etc. Mr. Bergeron said he would like to place a sign on the Spring Street/Main Street Island similar to the one on Route 133 for Russell Orchards. There was a sign on Spring Street for several years before it was taken down about four years ago. It was on Town property and no permit had been obtained. Mr. Zubricki said that article 4-7.1 of the Town Bylaws forbids the posting of signs on Town property unless a permit has been obtained from the Selectmen.

Mr. Zubricki read email from Kristen Walker, Maureen Flatley, Jodi Harris, and Bob Jerin. Planning Board Chair Westley Burnham and Merchants Group member Donna Roy also commented. It was noted that no signs can be posted on private property without the approval of the Building Inspector and possibly the Planning Board, pursuant to the sign provisions of the Town's zoning bylaw.

Discussion followed regarding the types and possible placement of signs and Mr. Zubricki said he would ask the Town Planner for pictures of examples to consider. This matter will be continued to the next Board of Selectmen's meeting on August 10 at 6:30.

Constable Knovak left the room.

The question about whether or not to restrict the use of the boat ramp at the Town Landing was brought back up, and after a lengthy discussion, it was agreed, and a motion was made, seconded, and unanimously voted to close the ramp at the Town Landing to all non-residents, effective this Friday, July 31. Anyone with any form of clam harvesting license, regardless of Town of residency, will still be allowed to use the Town Landing ramp. The Board will continue to review this situation from time to time.

The Board reviewed an inquiry regarding allowing commercial vessels, including amphibious passenger vessels, to launch and land at any Essex public landing. The Board advised that person to submit a written proposal to the Board for review at a later time.

Superintendent Galli and BPW Commissioner DeWitt left the meeting.

Mr. Zubricki said that he had received a communication from MassDOT regarding a recent traffic study in Town and stating that the Town needs to repost certain areas in Town for higher speed limits. The Board decided to table discussion of this matter.

The Board decided to table until their next meeting on August 10, the discussion as to whether the Board and/or Town Meeting should establish a separate licensing requirement for any commercial establishment/property to offer to organize and hold weddings and/or wedding receptions.

Those present in-person and via telephone discussed the proposed State legislation with respect to police officer and departmental proposed reforms. Everyone was advised to contact Senator Bruce Tarr and Representative Ann Margaret Ferrante regarding this matter, which will be brought back up at the Board's next meeting.

After review of a building permit to replace the existing back porch, sundeck, and railings, as well as, trim on the side of the house at 19 Middle Road, a motion was made, seconded, and unanimously voted to authorize Chairman Preen to sign off on the permit, with emphasis that the approval is for in-kind replacement only, with no additional area.

A motion was made, seconded, and unanimously voted to approve the following requests for appointments and the Board signed the appointment cards:

Finance Committee, for 3 years:

- Nina McKinnon
- Mark Renzi

Firefighter, Probationary, for 1 year, pending drug and medical testing:

- Cameron Ellis

Firefighter, Probationary, for 1 year:

- Mark Brewer

Harbormaster's Assistant, for 3 years, ending 6/30/23, contingent upon drug and medical screening:

- Casey Fackre
- Kevin Meagher

The Board was reminded that the next regular Board of Selectmen's meeting will take place on Monday, August 10, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall, 30 Martin Street.

Mr. Zubricki reported that the company that will be lining the pavement in Town marking places where parking is prohibited, has asked what times the Town would prefer that they paint the new lines. It was agreed that after 10 pm on a weekday next week would be preferable. Mr. Zubricki will try to arrange the work for the night of Thursday, August 6, 2020.

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

Economic Development Committee Meeting Summary: Mr. Zubricki reported that at their last meeting, the EDC reviewed the draft of the Town's Economic Development Plan that was prepared by the Metropolitan Area Planning Committee and Town Planner Matt Coogan. Based on input from the EDC members, Mr. Coogan and the MAPC will make adjustments to the plan, with more discussion and recommendations pertaining to COVID recovery, to be reviewed at the next EDC meeting.

Public Safety Facility Construction Project Update: Mr. Zubricki said that the project continues to move along. Interior framing is expected to begin soon. Currently, the contractor is working on the jail and sally port. Roofing materials are on site and roofing is expected to begin soon.

Continued Discussion Regarding Promulgation of Local Marijuana Licensing Regulations: The Board had reviewed templates provided by Town Counsel of regulations adopted by other towns and the Board was in favor of combining elements of the first and second template. They did not like the one from Weymouth. Mr. Zubricki agreed to merge the first two documents for the Board's further review and discussion on August 10.

Continued Discussion of Possible Article Topics for Fall Town Meeting: Those present briefly reviewed the proposed article topics and order of priority for the Fall Town Meeting.

Negotiation of Marijuana Retail & Cultivation Host Community Agreements: The first negotiation session with BB Botanics occurred on July 16. Most of the items in each of the documents (retail and cultivation) were accepted by BB Botanics. Antonella Muniz, the clerk for the Host Community Agreement Committee, reviewed her committee's comments on the amended documents and Mr. Zubricki also commented on the changes. The Board was not in agreement with some of the proposed changes. Chief Francis requested that there be a provision for Police training in the agreements. Mr. Zubricki will contact BB Botanics to review the Town's position on various revisions. BB Botanics was on the line during the present meeting and this will allow the company to already have a good understanding of the Town's position when Mr. Zubricki reaches out. The Board will review the documents again at their next meeting, with the possibility of a vote to approve.

Chief Francis left the meeting.

MAPC Climate Resilience Grant Webinar and Possible Application: Mr. Zubricki reported that he has found a new Metropolitan Area Planning Council grant that the Town is eligible for that would assist with the continuation of work that was started on the Southern Avenue side of Apple Street to guard against flooding of Apple Street. Subsequently, a motion was made, seconded, and unanimously voted to approve signature of the application documents by Mr. Zubricki as Grant Manager when they become available, and also, to designate TEC as the engineering contractor. Mr. Zubricki pointed out that the Town has also applied for two other design grants for the coming grant year (making a total of four grants, when the one that has already been discharged is counted).

Award of CDBG Business Microenterprise Grant: Mr. Zubricki announced that the Town has been awarded a grant in the amount of \$70,125 to assist small business owners with less than 6 employees to recover from the COVID-19 crisis and a motion was made, seconded, and unanimously voted to authorize the Chairman to sign the necessary paperwork when it becomes available.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:00 pm.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen