

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

August 10, 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 Guy D. Bradford, Chief Paul Francis, Board of Health Agent Erin Kirchner, Harbormaster Dan Fialho, and Selectmen's Assistant Pamela J. Witham.

Also Present via Telephone Conferencing: Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Virginia and Michael Antell, Michele French, Jodi Harris, Tina Lane, Antonella Muniz, Lisa O'Donnell, Donna Roy, Andrew Spinney, Kristin Walker, 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 the comment to Town Administrator Brendhan Zubricki: bzubricki@essexma.org The comments will be read from time to time throughout the meeting

Selectman Guy Bradford made a disclosure statement acknowledging that he keeps his boat at the Essex Marina, but that circumstance would not affect his objectivity in reviewing matters with respect to the Riversbend Restaurant. He also had an official Ethics Law disclosure document with him, which he had filed with the Town Clerk earlier in the day.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$374,987.03.

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 07/30/2020 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	07/20/2020	\$ 500.00	Fire

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 08/06/2020 warrant pursuant to subsection (d) of said Section.

NAME	VENDOR	DATE	AMOUNT	DEPT'S BILL
Ernie Nieberle	Nieberle's	07/24/2020	\$ 264.45	Fire

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

A motion was made, seconded, and unanimously voted to approve and sign the Warrant for the 2020 State Primary Election.

A motion was made, seconded, and unanimously voted to accept an AFG-S Grant in the amount of \$2,926.67 to the Essex Fire Department for emergency protective equipment and disinfection supplies, and the Board signed the document.

A motion was made, seconded, and unanimously voted to approve a Commercial Shellfish Permit for Taylor Burbine.

A motion was made, seconded, and unanimously voted to approve ratification of the appointment of Mark Renzi to the Finance Committee for 3 years, ending 6/30/23.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, August 24, 2020, at 6:00 p.m. in the 2nd 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 July 25, 2020 through August 7, 2020, regarding the following:

Public Safety Facility Construction Project Update: Mr. Zubricki said that the project continues to move along. Current activity includes finishing the roofing, installing a generator pad, and beginning the interior framing.

At 6:10 p.m., Chairman Pereen entertained a motion to move to Executive Session pursuant to M.G.L. c. 30A, §21(a)(3) to discuss potential litigation with respect to an event at the Riversbend Restaurant property on August 8, 2020. She stated that discussing this matter in Open Session would have a detrimental effect on the Town's litigating position, and that the Board would be returning to Open Session later this evening to finish tonight's business. She invited Town Counsel Gregg Corbo, Chief Paul Francis, Board of Health Agent Erin Kirchner, and Town Administrator Brendhan Zubricki to join the Executive Session. The motion was moved and seconded. Selectman Bradford stated the he, Guy Bradford, voted in favor of moving to Executive Session; and, Chairman Pereen stated the she, Ruth Pereen, also was in favor of moving to Executive Session. Following the Roll Call Vote, the Board, their Assistant, Town

Counsel Gregg Corbo, Chief Paul Francis, Board of Health Agent Erin Kirchner, and Town Administrator Brendhan Zubricki moved to Executive Session.

The Board, their Assistant, Town Counsel Gregg Corbo, Chief Paul Francis, Board of Health Agent Erin Kirchner, and Mr. Zubricki returned to Open Session at 6:49 pm.

Attorney Corbo announced on behalf of the Board that the Board had reviewed the Riversbend matter, which was based on complaints from various residents, including facts adduced from an investigation involving police visitation to the property, and had decided to take no action at the present time.

Attorney Corbo and Agent Kirchner left the meeting.

Harbormaster Dan Fialho joined the meeting.

Those present reviewed a preliminary draft of a Work Plan and Standard Operating Procedures List for the Harbormaster's Department. Chief Francis had met with the Harbormaster to review the initial draft and had prepared a list of additional items to possibly be added to the plan, which both Chief Francis and Harbormaster Fialho reviewed with the Board. It was agreed that Chief Francis would incorporate the additional items into the original base draft of the plan and present a red-lined version of it at the next Selectmen's meeting for review.

Town Accountant Virginia Antell reported that Harbormaster Fialho had asked for funding to erect a fence around the Harbormaster's dock to prevent non-harbormaster personnel from using it. She said that COVID funding will not pay for a fence and that she would not recommend either a line-item transfer or a Reserve Fund transfer to the Finance Committee, due to the uncertainties of the Town's revenue stream in the face of the ongoing COVID-19 crisis.

Harbormaster Fialho left the meeting.

Feedback from Departments with Respect to Budgetary Savings in FY21: Mr. Zubricki reviewed the responses from the various Town departments regarding possible ways to reduce their budgets. Those present agreed that it is too early in the fiscal year to determine whether any cuts will be necessary. This matter will be reviewed again after a revenue report for the first quarter is available, likely in October.

Those present discussed proposed State legislation with respect to police officers and departmental proposed reforms. There has been no new legislation enacted yet and this item will be discussed again at the next Selectmen's meeting, along with related discussion of how the whole Town (as opposed to just the police) can embrace necessary change.

Chief Francis stated that there should be an increase in the parking fine for parking illegally at Memorial Park during the prohibition of non-resident launching at the Town Landing. The current fine is \$25 and that is what the marinas charge for launching a boat. He suggested that

the fine be raised to \$100. The Board agreed and a motion was made, seconded, and unanimously voted to raise the fine to \$100, to be effective immediately.

On a related matter, Chief Francis said the fine for a standard parking violation is also \$25 and he would like to see that raised to \$50. The Board agreed to discuss this matter at their next meeting.

Everyone was in agreement regarding the prohibition of non-shellfish commercial launching at the Town Landing and Mr. Zubricki will draft language to be added to the regulations for the Town Landing to be reviewed at the next Selectmen's meeting.

Finalization of Marijuana Host Community Agreements with BB Botanics: Mr. Zubricki reported that both sides have reached agreement regarding the Host Community Agreements (one for retail sales and one for cultivation) and Mr. Tremblay has signed the documents for BB Botanics. A motion was made, seconded, and unanimously voted to approve and countersign the agreements.

Chief Francis left the meeting.

The Board reviewed various examples of signs, including wayfinding signs and directional signs. The Board had received numerous emails which were read. Only one was in favor of allowing signs on Town property. Antonella Muniz and Lisa O'Donnell were present via telephone and both spoke against the idea. The Board agreed to ask the Planning Board for their comments on permitting signage.

A motion was made, seconded, and unanimously voted to approve a request to add J.C. Devries to the lease for 17 Middle Road.

A motion was made, seconded, and unanimously voted to table a request regarding a deed conveying 96 Conomo Point Road (Map 110, Lot 27) to Alfred Landry, since the documents were not yet available. The Board was in agreement with draft deed language that Town Counsel had suggested and acknowledged that the final transaction may be delayed, due to the need for the buyer to conduct a Title 5 septic system inspection.

Chairman Pereen said she had received several documents this morning from the Essex Merchants Group regarding the proposed adoption of a new license application form. A motion was made, seconded, and unanimously voted to table discussion of this item until the Selectmen's meeting on September 14. At that time, longtime Selectman and present Planning Board member Lisa O'Donnell will discuss Essex entertainment license permitting history and pitfalls, with Board discussion to follow with respect to the development of new entertainment licensing forms for use in the Town, which would typically cover a range of special events, including weddings and other celebrations.

Continued Review and Crafting of Marijuana Industry Regulations: Mr. Zubricki reported that he has merged two documents to make the present document that the Board had received. He will now take all of the various public comments that were provided as part of the Board's appeal for such comments (advertised at the Town website and in the newspaper, along with social media) and place them in appropriate locations in the merged draft. The Board will review this new draft for consideration of the public comments at the next meeting.

Further Review of Potential Fall Town Meeting Topics: Mr. Zubricki continued his review of possible items to be included in the Fall Town Meeting Warrant. The Board agreed to drop the notion of speed boards near Farnham's, since the recent lane narrowing and shoulder widening appears to have greatly assisted in clearing up past speed and parking issues.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:37 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Guy D. Bradford