

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

August 24, 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, Selectmen's Assistant Pamela J. Witham, Police Chief Paul Francis, Harbormaster Daniel Fialho, and School Committee member Annie Cameron.

Present Via Telephone Conferencing: Town Administrator Brendhan Zubricki, Town Accountant Virginia Antell, Finance Committee members Michael Antell and Rob Fitzgibbon, Planning Board member Lisa O'Donnell, Host Community Agreement Committee Liaison Antonella Muniz, Conservation Commission member Tom Barrieau, Jodi Harris, Tina Lane, Ed Neal, Donna Roy, 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 that comment to Town Administrator Brendhan Zubricki at bzubricki@essexma.org The comments will be read from time to time throughout the meeting.

A motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$87,039.77.

A motion was made and seconded to approve the minutes for the Selectmen's August 10, 2020, Open Meeting and Executive Session. Selectman Phippen abstained from voting and the motion carried.

A motion was made, seconded, and unanimously voted to approve a request from the YMCA to extend the Camp Dory season at Centennial Grove from August 21 to September 11, 2020. Selectman Phippen remarked that he has been seeing more and more trash lying around at the

Grove. Selectmen Phippen also enquired about the status of the repairs to the Folsom Pavilion that the YMCA had agreed to make. Mr. Zubricki said he would ask about both items.

The Board agreed to postpone discussion regarding a possible increase in the fine for parking in a standard no parking zone. Town Meeting action will be necessary to achieve that.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 8, 2020 through August 21, 2020, regarding the following:

Public Safety Building Change Order: Transite Pipe and Kitchen Floor Quantity Reconciliation, Workshop Compressed Air, Sallyport and Radio Room Electrical Changes, Additional Bunker Gear Lockers, Traffic Signal Pre-empter Receiver: Mr. Zubricki reviewed the various items included in Change Order #6, which will result in a net cost increase of approximately \$3,891.90 to the project and will be paid from the 1.4 million dollar contingency budget. A motion was made, seconded, and unanimously voted to approve and sign Change Order #6.

Mr. Zubricki reported that there have been no developments regarding the anticipated State legislation with respect to proposed reforms to operational guidelines for police departments.

Chief Francis said he has been in contact with Senator Tarr's office regarding the proposed legislation and they have promised their support.

Selectman Bradford said he had asked Annie Cameron to attend the Board's discussion tonight concerning formulation of an anti-racism policy and/or a possible pledge or statement by the Board. Mr. Zubricki said that he had received two comments regarding this matter, one from Ed Neal and one from Tina Lane, and proceeded to read each one. Both comments are appended to these minutes.

Selectman Bradford said that three Towns near Essex (Salem, Newburyport and Beverly) had signed the pledge and that he had spoken with the Mayor of Salem and the Chief of Staff to the Mayor in Newburyport to learn more about why these Towns had signed the pledge and any further details. In each case, he was told there were specific incidents involving the Police and Town residents which had caused tension. It was also pointed out that none of the Towns were similar in size to Essex and that the closest comparison was about three times the size of Essex. Selectman Bradford said he was not concerned about our Police Department, since there have been no incidents, they are accredited and have to make annual reports, but wondered whether layers of institutional bias may have built up over time within other Town Departments which are affecting how we interact with, and are perceived by, our community and others outside of it. Selectman Bradford said that the Town of Newburyport had engaged with the Government Alliance on Race and Equity (GARE) for guidance in how to assess other Town Departments. Discussion followed. Both Annie Cameron and Rob Fitzgibbon thanked the Board for reviewing this matter. It was agreed that Selectman Bradford would contact GARE to find out more about the Alliance and the types of assistance that they offer.

Annie Cameron left the meeting.

Chief of Police Paul Francis and Harbormaster Dan Fialho and the Board agreed that the Chief, the Harbormaster, the Town Administrator, and the Chairman would meet next week to continue the review and update of a Work Plan and Standard Operating Procedural Guide for the Harbormaster's Department. This season is almost over. The Department will have the winter to consider and finalize any new procedures for the 2021 season.

Mr. Zubricki resumed his Town Administrator's report.

Planning Board Input Concerning Directional Signs on Town Property: Mr. Zubricki reported that the Planning Board unanimously recommends against permitting directional signs for private businesses on Town property. The PB feels that there are too many signs in Town already and that the signs detract from the Town's ambiance and safety. After a short discussion, the Board was in agreement and a motion was made, seconded, and unanimously voted to not support any signs related to private business on Town property.

Public Safety Building Construction Project Update: Mr. Zubricki commented that the masonry work on the prisoner detention area has been completed and the generator is expected to arrive on site any day. Work continues on the interior framing, exterior sheathing, and roofing.

The Board heard comment from Tom Barrieau regarding his request that non-residents be allowed to launch their kayaks at the Town Landing. Mr. Barrieau conducts water tours on the Crane Estate and many of his customers have expressed an interest in exploring the area on their own. Mr. Barrieau offered to help write a visitor's guide to Essex that would provide information on Town regulations and where people could launch their kayaks and park their cars. Following a discussion, a motion was made and seconded to permit non-residents to launch boats transported to the launch site by car-top at the Town Landing and Conomo Point after Labor Day, on weekdays only. Chairman Pereen abstained and the motion carried.

Mr. Zubricki will also amend the Town's shellfish regulations to prohibit the issuance of any additional annual non-resident mess licenses from September 15, 2020 to March 31, 2021, to be reviewed at the next meeting of the Selectmen.

The Board reviewed and discussed changes to the rules and regulations for the Town Landing. Mr. Zubricki will update the document for review again at the next Board meeting.

Harbormaster Fialho left the meeting.

Fall Town Meeting Warrant Potential Article Topics: Mr. Zubricki reviewed the updated list of article topics for the Fall Town Meeting. Discussion followed on where the meeting would be held and whether the elementary school could accommodate the number of people that might turn out for the meeting, given the necessity for social distancing.

Chief Francis left the meeting.

Revision of Draft Marijuana Establishment Local Regulations: The Board reviewed Mr. Zubricki's latest draft of the Rules and Regulations for an Adult Use Marijuana Establishment License which incorporates all the comments from residents received to date. Mr. Zubricki will

update the document based on the Board's comments. The Board also reviewed examples of marijuana use license and permit applications from three towns and was in agreement that they preferred the first example, which Mr. Zubricki will customize for Essex and include in Appendix A of the regulations.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 14, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall, 30 Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:20 p.m.

Documents used during this meeting include the following:

- Ed Neal Public Comment
- Tina Lane Public Comment

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen

To the Essex Board of Selectmen:

I see on the agenda that Annie Cameron will be appearing before the Board on August 24. Her purpose is to discuss an "Anti-Racism Policy and or Statement by the Board". I believe that I represent a large constituency that strongly opposes any such new policy or statement. To date, no one has presented any evidence of overt racial discrimination or racially based police abuses in Essex. Yet, a group is advocating and protesting as if racism is a major problem in our little Town. To make such a statement or require the Police Department to adopt new racism policies would be to tacitly agree with the false narrative that we as a Town have either engaged in or countenanced racist activities. I have read the statement from MAPC and find it to include more bureaucracy and burdensome requirements which will undoubtedly cost the Town a lot of money and make it difficult to hire police officers.

This is totally unnecessary. When Town elected or appointed officials take office, they take a pledge to uphold the Town Bylaws and General Laws of the Commonwealth. While the Town bylaws are silent on race, as they should be, the MGLs specifically make any type of discrimination illegal and punishable.

If anyone can produce evidence of racism, they should come forward with it and allow the existing, legitimate statutes to administer justice. Any further "Statement or Policy" would be toothless and therefore meaningless.

Please do not succumb to this pressure. I don't understand why some are so willing to place a cloud over their fellow citizens and loyal employees, but you should not aid and abet these activities.

Additionally, I downloaded and reviewed the 26-page document generated by the ad-hoc group SCAR (Student Coalition Against Racism) and submitted to the School Committee and I hope that the Selectmen will do nothing in support of the recommendations in this report. It contains "demands" regarding school culture, curriculum and discipline. Some of these are ill conceived and dangerous. They want to impose some kind of quota system of required reading to include a certain percentage of books by authors of color. Not based on the content, just more diverse authors. They want to eliminate the School Resource Officer (policeman) from the campus without explaining why the threats illustrated by shootings in numerous schools just like ours are no longer of concern. Or why it is unimportant to humanize our police officers by having them interact with our students on a regular basis, not just when they are confiscating their beer.

To support these demands, they present 19 pages of mostly negative anonymous anecdotes finding fault with the curriculum, culture and discipline. What is troubling about this is that, while they demand more instruction on racism, it is clear that every negative commenter knew exactly what racism consists of and that it is reprehensible. Unfortunately, what is missing is a description of a single incident where even one of the commenters had the courage to stand up personally and condemn the comments or actions of their fellow schoolmates to their face. They were apparently waiting for someone else to do the heavy lifting. Until that rebuke becomes the standard, top-down pressure will be in vain. I am not sure you can teach courage.

Additionally, the group admits that the school district has a robust bullying policy but want a specific one on racism. Bullying is bullying whether it is based on race, ethnicity, sex or social status. The District's policy is adequate to address any such discrimination and muddying up the water with potentially overlapping policies will simply create a two-tiered system where if you are bullied on race you have different treatment than other students. Martin Luther King would not approve. Please hold the line on these issues. We don't need to be addressing problems that don't exist or creating new ones.

Thank You. Ed Neal

8/24 comments

I am asking the Board of Selectmen not to sign the pledge presented by the Mass Municipal Leaders titled "Pledge, Principles, and Actions on Systemic Racism in our Communities and Violence in Law Enforcement". I am attaching a poster from the Smithsonian's African American History and Culture for reference. In this poster - every value and tradition that we were raised with is white culture. "Whiteness", illustrating our "Systemic Racism". Look at it. Nuclear family - racist. Math - racist. Christianity - racist. Private property - racist. Grammar - racist.

If you sign on to this pledge you are admitting that these values are now shameful and racist. It is a rhetorical trap. This pledge is a trick that will bind you to future demands on our police officers as new items will be termed racist, so the police will always be watching their back. It is no wonder why many experienced officers are choosing retirement and why it is difficult to recruit new officers. Why would anyone put themselves in this position?

Can you imagine being a teacher and being told that Reading 'Riting and 'Rithmetic are now secondary to Racial Equity curriculum? That is what I see in this pledge. That Policing, enforcing the law and protecting the safety and property of our citizens, is now secondary to Racial Justice. How many of these incidents of "police abuse" were due to a suspect being uncooperative? In this time of COVID I can draw an analogy between the mask mandates and accusations of police abuse. Just wear your mask and you will be safe. Just cooperate and you will be safe. You can't condemn someone for not wearing a mask and then excuse someone for resisting arrest (no matter the race), which is often the cause of excessive force by police claims.

Many big cities seem to have adopted the idea that if nothing is a crime, then there is less crime. Technically I guess that is correct, but it is also not safe and is why people are escaping the big cities to enjoy the safety and stability of towns like Essex. We need to protect the safety of Essex. Economically, safety secures neighborhood property values. We should not be ashamed that our rules are enforced in our town. Without safety and freedom I don't know what else matters.

This pledge is an insult to our police department, town officials and our citizens. It assumes the worse in all of us. It uses "our Black and Brown residents" as a source of income as described in

Principle #5, to get state and local funding in their name. It implies they need non BIPOC (aka white people) to solve their problems as if they are not capable, as if they are less. I prefer stressing empowerment over victimization.

Stand up for our town, stand up for our police. I encourage you to pass on this pledge from the Mass Municipal "Leaders". We are better than this. We are not followers.

Thank You,
Tina Lane

TALKING ABOUT RACE | NMAAHC

ASPECTS & ASSUMPTIONS OF WHITENESS & WHITE CULTURE IN THE UNITED STATES

White dominant culture, or **whiteness**, refers to the ways white people and their traditions, attitudes and ways of life have been normalized over time and are now considered standard practices in the United States. And since white people still hold most of the institutional power in America, we have all internalized some aspects of white culture — including people of color.

Rugged Individualism

- The individual is the primary unit
- Self-reliance
- Independence & autonomy highly valued + rewarded
- Individuals assumed to be in control of their environment, "You get what you deserve"

Family Structure

- The nuclear family: father, mother, 2.3 children is the ideal social unit
- Husband is breadwinner and head of household
- Wife is homemaker and subordinate to the husband
- Children should have own rooms, be independent

Emphasis on Scientific Method

- Objective, rational linear thinking
- Cause and effect relationships
- Quantitative emphasis

History

- Based on Northern European immigrants' experience in the United States
- Heavy focus on the British Empire
- The primacy of Western (Greek, Roman) and Judeo-Christian tradition

Protestant Work Ethic

- Hard work is the key to success
- Work before play
- "If you didn't meet your goals, you didn't work hard enough"

Religion

- Christianity is the norm
- Anything other than Judeo – Christian tradition is foreign
- No tolerance for deviation from single god concept

Status, Power & Authority

- Wealth = worth
- Your job is who you are
- Respect authority
- Heavy value on ownership of goods, space, property

Future Orientation

- Plan for future
- Delayed gratification
- Progress is always best
- "Tomorrow will be better"

Time

- Follow rigid time schedules
- Time viewed as a commodity

Aesthetics

- Based on European culture
- Woman's beauty based on blonde, thin – "Barbie"
- Man's attractiveness based on economic status, power, intellect

Holidays

- Based on Christian religions
- Based on white history & male leaders

Justice

- Based on English common law
- Protect property & entitlements
- Intent counts

Competition

- Be #1
- Win at all costs
- Winner/loser dichotomy
- Action Orientation
- Master and control nature
- Must always "do something" about a situation
- Aggressiveness and Extroversion
- Decision-Making
- Majority rules (when Whites have power)

Communication

- "The King's English" rules
- Written tradition
- Avoid conflict, intimacy
- Don't show emotion
- Don't discuss personal life
- Be polite