

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

September 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 Peter D. Phippen, Selectman Guy D. Bradford, Selectman's Assistant Pamela J. Witham, and Planning Board Chair Wesley Burnham.

Also Present via Telephone Conferencing: Town Administrator Brendhan Zubricki; Finance Committee members Michael Antell, Rob Fitzgibbon, Michael Flynn, Nina McKinnon, Mark Renzi, Alison Williard, and Chair Ben Buttrick; Town Accountant Virginia Antell; Shelley Bradbury; Host Community Agreement Committee Liaison Antonella Muniz; Donna Roy; Kristin Walker; and others.

Chairman Ruth Pereen called the meeting to order at 6:00 p.m. in the 2nd floor Stage Conference Area of the Town Hall and announced that anyone wishing to make a Public Comment, to please email their comment to Town Administrator Brendhan Zubricki at 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 exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 09-06-2020 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	08/26/2020	\$ 155.00	Fire

A motion was made and seconded to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 09-10-2020 warrant pursuant to subsection (d) of said Section. Chairman Pereen abstained from voting and the motion carried.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
David Pereen	Pereen Plumbing	08/18/2020	\$ 132.00	Selectmen
Ernie Nieberle	Nieberle's	08/24/2020	\$ 1,600.77	Police

Ernie Nieberle	Nieberle's	08/24/2020	\$ 2,811.68	Fire
David Pereen	Pereen Plumbing	08/27/2020	\$ 1,135.00	Highway
Ernie Nieberle	Nieberle's	08/31/2020	\$ 57.00	Highway
David Pereen	Pereen Plumbing	08/19/2020	\$ 210.00	Water

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 24, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to approve and sign forms for Federal reimbursement of eligible COVID-19-related costs thus far, in the amount of \$15,407.42.

The Board agreed to postpone discussion and approval of a deed conveying 96 Conomo Point Road (Map 110, Lot 27) to Alfred Landry until their next meeting on September 28, pending receipt of the necessary documents.

A motion was made, seconded, and unanimously voted to approve a Lease Addendum for a Tight Tank for 122 Conomo Point Road, Map 108, Lot 68.

A motion was made, seconded, and unanimously voted to approve and sign cover letters offering lease renewals for northern Conomo Point, Robbins Island, and Beach Circle as follows:

- Category 3: Accessory Lots without Building, 1-Year, Seasonal Leases:
 - 179 Conomo Pt Rd, Map 108, Lot 29 B Lane
 - 165 Conomo Pt Rd, Map 108, Lot 35 Walker
 - 159 Conomo Pt Rd, Map 108, Lot 38 Wendell
 - 162 Conomo Pt Rd, Map 108, Lot 44 B McKenzie
 - 170 Conomo Pt Rd, Map 108, Lot 47 Robinson/Woodward
 - 172 Conomo Pt Rd, Map 108, Lot 48 B Herrmann
 - 0 Conomo Pt Rd, Map 108, Lot 74 Sisk
- Category 4: Accessory Lots with Building(s), 1-Year, Seasonal Leases:
 - 9 Conomo Ln, Map 108, Lot 26 Lane
 - 173 Conomo Pt Rd, Map 108, Lot 31 Bryer
 - 163 Conomo Pt Rd, Map 108, Lot 36 Lane & Cushing
 - 21 Middle Rd, Map 108, Lot 49 B Holleran
 - 109 Conomo Pt Rd, Map 108, Lot 77B True
- Category 7: Seasonal 1-Year Lease for Property with Dwelling:
 - 11 Beach C, Map 108, Lot 79 Menges
- Category 8: Robbins Island Accessory Lots with Buildings, Seasonal 1-Year Leases:
 - 43 Robbins Island Rd, Map 108, Lot 15 1 Riggs
 - 44 Robbins Island Rd, Map 108, Lot 15 2 Winfrey
- Category 10: Lots with Building(s) and No Primary Dwelling Lot, 1-Year, Seasonal Lease:
 - 161 Conomo Pt Rd, Map 108, Lot 37 Conomo Point Association
 - 159 Conomo Pt Rd, Map 108, Lot 39 LeRoyer

- 155 Conomo Pt Rd, Map 108, Lot 40 Cottage Park
- Category 11: Accessory Lots with Building(s) and Septic System Components, 1-Year, Seasonal Lease:
 - 168 Conomo Pt Rd, Map 108, Lot 46 Robinson/Woodward

Mr. Zubricki briefly reviewed the procedures for nomination and election of board members to the Boston Metropolitan Planning Organization (MPO). The election is coming up this fall.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 28, 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 August 22, 2020 through September 11, 2020, regarding the following:

Review of Opportunities for Intermunicipal Collaboration: Mr. Zubricki reported that he had met recently with Selectman Phippen, Finance Committee Chair Ben Buttrick, and School Committee member Annie Cameron, to review and discuss a list of areas of possible collaboration with other towns that was generated by a grant-funded study in 2019. Some of the suggestions have already been implemented, resulting in cost savings to the collaborating towns. Mr. Zubricki suggested that the Essex Board of Selectmen, the Manchester Board of Selectmen, and the Manchester Essex Regional School District Administration review the list again for additional likely areas of collaboration. The review will begin within the School budget collaboration group. The Board agreed.

Public Safety Building Construction Project Update: Mr. Zubricki said that the project continues to move forward on schedule. In addition, he noted that he had met recently with the contractor and an abutter to discuss plantings and a fence to provide privacy for the abutter.

Additional Proposed Changes to Town Landing Use Regulations: The Board reviewed the updated Town Landing Use Regulations, based on previous discussions. A motion was made, seconded, and unanimously voted to approve the revised Regulations which will be posted on the Harbormaster's page of the Town website.

Amendment of Town of Essex Clamming Regulations for Mess Permits: The Board reviewed the proposed amendments to the Town's Clamming Regulations. The amendment will limit the number of annual non-resident licenses to those already issued for 2020, and, also limit the number of annual non-resident renewals for 2021. A motion was made, seconded, and unanimously voted to approve the changes which will be duly posted.

Finalization of Adult Use Marijuana Regulations: Mr. Zubricki reviewed the latest draft of the regulations and a motion was made, seconded, and unanimously voted to approve the regulations and application form contingent upon the approval of the new, enabling Town bylaw by the

Office of the Attorney General. The effective date of the new regulations will be the date of approval by the Office of the Attorney General.

Those present discussed alternative methods of teleconferencing, since the present system has limitations. Mr. Zubricki agreed to investigate the options available and report back to the Board. He will set up a test of the chosen platform and then offer it as a trial at the next meeting.

At 7:00 p.m., the Board was joined by the Finance Committee. Chairman Ben Buttrick called the Finance Committee meeting to order. Mr. Zubricki reviewed each of the proposed warrant articles for the Fall Town Meeting. There was lengthy discussion of each article.

Following the review and discussion a motion was made and seconded by the Select Board to schedule the date of the Fall Town Meeting for Saturday, October 3, 2020 at 1:00 p.m.; said meeting to be held outdoors on the Essex Elementary School grounds; and that the Board open the warrant for said meeting. A motion was made, seconded, and unanimously voted to include the articles as they appear on the draft of the warrant dated September 10, which is attached hereto. A motion was made, seconded, and unanimously voted to close the warrant. And, a motion was made, seconded, and unanimously vote to approve and sign the warrant.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:25 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen

2020
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Saturday, October 3, 2020 at 1:00 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to eliminate a deficit in the Fiscal Year 2021 Cemetery Flowers account; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to amend Section 2-7A of the Town's General bylaws by increasing the minimum fee for a building permit from \$35 to \$50; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for either a contracted vendor or a Town employee to provide custodial and other related services for Town buildings, including but not limited to the new public safety facility at 11 John Wise Avenue; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal water system, and anything incidental or related thereto; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to design, engineer and construct repairs, upgrades, improvements and/or replacements to any aspect of the municipal sewer system and anything incidental or related thereto; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to amend the Town's General bylaw, Section 4-17 MARIJUANA LICENSING, as adopted pursuant to Articles 15 and 16 at the June 13, 2020 Annual Town Meeting, to prohibit social consumption of all product containing marijuana or its derivatives within the Town as follows:

1. Add the following new section: **4-17.3.1. Social Consumption Prohibited.** No person shall consume or use or be permitted to consume or use any product containing marijuana or its derivatives on the premises of any Marijuana Establishment. Social Consumption Establishments as defined in 935 CMR 500.000, are hereby prohibited in the Town of Essex.
2. Amend the Table in Section 4-17.7 to add a new row to the end of the table as follows:

Type of Marijuana Establishment	Number Permitted
Social Consumption Establishment	0

; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to amend Chapter 4 of the Town's General Bylaws by amending Section 4-7.1 Signs and Obstructions Prohibited as follows, with additions shown in bold and deletions shown in ~~strikethrough~~:

4-7.1 SIGNS AND OBSTRUCTIONS PROHIBITED. No person shall place any post, pipe, pole, barrier, box, container, sign, article, or advertising matter, in any street, way or sidewalk, or annex or affix to any building, pole, street, or structure, any building material, advertising matter, or other material which extends over a street, way or sidewalk, ~~without first having obtained a permit from the board of selectmen. However, no permit shall be required to~~ **Residents may** place a barrel or container, with rubbish therein, at the edge of the sidewalk or street adjacent to the property of any owner for rubbish collection. ~~Neither shall a permit be required for~~ **or** an RFD mailbox at the side of a street or way.

; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to rescind the Town's acceptance of M.G.L. Chapter 90, Section 20A, relating to the maximum fine for a standard parking violation, thereby allowing Chapter 90, Section 20A 1/2 (which the Town had also adopted in the past) to control; resulting in authorization for the Board of Selectmen to increase the maximum parking fine from \$25 to \$50, and associated late fees, all in accordance with Section 20A 1/2; or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32, Section 4(2)(b ½), to allow permanent, intermittent or call firefighters to be credited with full-time service for the purpose of calculating retirement benefits in accordance with Chapter 32 of the Massachusetts General Laws and other applicable laws and collective bargaining agreements; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to establish a special stabilization fund in which will be deposited 25% of all marijuana-related local revenue; or take any other action related thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums of money to be added to the Town's building capital improvements fund, and/or recreational capital improvements fund, and/or purchase of vehicles and major equipment that qualify as capital purchases fund, and/or Town Hall/Library repair and maintenance fund, and/or Conomo Point Repair, Maintenance, and Improvement fund, and/or municipal street lighting repair and maintenance fund, and/or Public Safety Building repair and maintenance fund, an/or dredging match fund, and/or Town celebrations fund; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Sewer Maintenance line item in the Sewer Enterprise fund budget for fiscal year 2021; or take any other action relating thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Finance Committee's Reserve Fund for fiscal year 2021; or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Town's Stabilization Fund; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to amend any aspect of the fiscal year 2021 operating budgets (General Fund, Water Enterprise Fund, Sewer Enterprise Fund), and to raise and appropriate,

transfer from available funds, or borrow a sum of money to effectuate any amendments that are made; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for unpaid bills from a past fiscal year; or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote on the following citizen petition:

Six-Month Moratorium on the Town's Consideration of all Personal Wireless Communication Facilities (Cellular Towers)

We would like the Town's registered voters to vote in the Special Town Meeting on whether the Town should place a six-month moratorium on the Town's consideration of all Personal Wireless Communication Facilities (Cellular Towers). We are in the process of asking the Town to augment its current By-Laws regarding PWCFs (Personal Wireless Communication Facilities) to ensure the safety of our residents and preserve the aesthetic beauty of the town.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 10th day of September, two thousand twenty.

Ruth R. Pereen, Chairman

Peter D. Phippen

Guy D. Bradford

BOARD OF SELECTMEN
TOWN OF ESSEX