

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

November 16, 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 and/or view the meeting may do so via Video Call (with the option to show yourself on video or not and with the option to use a phone to call in, for audio-only). 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 using the tools discussed below, 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 link to get to the video conference is: <https://join.freeconferencecall.com/bzubricki>, and, if prompted, the on-line meeting ID is bzubricki. Depending on your device and software installed, you may be able to join directly, by web browser, or, you may have to download the application directly (you will be shown that choice when you go to the above link). You should be joined in mute mode. However, if that is not the case, please click on the audio icon to mute your microphone. You can choose to activate your camera to show yourself, or not. The camera should be off, by default, when you join.

If you do not have a digital device to join via the link above, you can also dial a telephone number and be directly connected to the meeting, via audio only. The call-in-only number is: (425) 436-6352 and the access code is 1729820.

Present: Chairman Ruth R. Pereen and Selectmen's Assistant Pamela J. Witham,

Also Present via Telephone Conferencing: Selectman Peter D. Phippen, Selectman Guy D. Bradford, Town Administrator Brendhan Zubricki, Assessor Stephen Poulos, Assessor Michael Cataldo, Assessor Britt Hall, Shellfish Constable William Knovak, C.K. Pearl Manager and owner Patrick Shea, Brenda Harrell, Virginia and Michael Antell, Erika Brown, Dan Fialho, Antonella Muniz, Holly and Tim O'Leary, Gabriel Rossi, Kevin Cooke, Bradley Cooke, Ruth Price, Julia Virden, Tyler Virden, and Tina Lane.

Chairman Pereen called the meeting to order at 6:00 p.m. in the 2nd floor conference room of the Town Hall at 30 Martin Street and asked anyone wishing to make a Public Comment to email

their comment to Town Administrator Brendhan Zubricki: 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 weekly warrant in the amount of \$1,381,522.50.

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 11/05/2020 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 | 10/18/2020 | \$ 464.00 | Harbormaster |

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 11/12/2020 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> |
|----------------|-----------------|-------------|---------------|--------------------|
| Ernie Nieberle | Nieberle's | 10/24/2020 | \$ 99.00 | Police |
| Ernie Nieberle | Nieberle's | 10/24/2020 | \$ 74.40 | Fire |
| David Pereen | Pereen Plumbing | 10/24/2020 | \$ 195.00 | Board of Selectmen |
| Ernie Nieberle | Nieberle's | 10/24/2020 | \$ 3,136.98 | Fire |

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 2, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the Community Letter of Support for the North Shore Alliance for Economic Development.

The Board reviewed a request from the Essex Fire Department to appoint Michael Puopolo to the position of Probationary Firefighter; and, a motion was made, seconded, and unanimously voted to approve the appointment contingent upon a CORI check and medical screening. The Board signed the appointment card.

The Board considered a request from the Essex Fire Department, the Police Department, the Youth Commission, and Light Up Essex to have a Santa Parade on Sunday, December 20, 2020, starting at 2:00 p.m. A motion was made, seconded, and unanimously voted to approve and sign the application to MassDOT requesting permission for the parade to pass over State roads, contingent upon Board of Health approval.

At 6:08 p.m., Board of Assessors' members Stephen Poulos, Michael Cataldo, and Britt Hall, and Assessors' Clerk Brenda Harrell joined the Selectmen via telephone conferencing. Chairman Pereen entertained a motion to open the Fiscal Year 2021 Property Tax Rate Classification Hearing. The motion was moved and seconded. Chairman Pereen said that she, Ruth Pereen, voted to open the hearing, followed by Selectman Phippen and Selectman Bradford. Head Assessor Stephen Poulos made a motion to open the hearing, which was seconded and voted by

each assessor (Assessor Poulos, Assessor Cataldo, and Assessor Hall). Assessor Poulos reviewed the changes to the Town's tax base since last year and reviewed the reasons for their recommendation to set the residential factor at 1. Mr. Poulos asked if anyone had any questions or comments. No one did. Subsequently, a motion was made, seconded, and unanimously voted by both boards to set the residential factor at 1. Mr. Poulos then covered several other items that the Selectmen needed to consider, providing an explanation for each. A second motion was made, seconded, and unanimously voted by all members of each board to not offer a special discount for property designated as Open Space. Again, no one on the video call had any questions or comments. A motion was also made, seconded, and unanimously voted to not offer a residential exemption (again, no questions or comments); and, a motion was made, seconded, and unanimously voted by each assessor and each selectman to not offer an exemption to small commercial businesses (no questions or comments). Lastly, a motion was made, seconded, and unanimously voted to authorize Board of Assessors' Chair Poulos to sign the report to the Department of Revenue on behalf of the Selectmen on the DOR Gateway. After all items had been voted on, both chairmen accepted motions to close the public hearing.

Shellfish Constable William Knovak joined the meeting via telephone conferencing. He reported some clambers had approached him and asked that Joe's Creek not be opened when the winter flats are opened on January 15, since the bed was full of small clams which would be destroyed by the digging. Mr. Knovak had since canvassed many of the other clambers, who were not in favor of the idea. Therefore, Mr. Knovak said he was not recommending that Joe's Creek remain closed in January when Jehu's Bank and America's Bank are opened.

Mr. Knovak also reported that the oysters that were being grown in Marblehead for dispersement in Essex had had to be euthanized because they had contracted neoplasia. Neoplasia is deadly to many kinds of shellfish, including clams. Mr. Knovak said that they will try again next year.

C.K. Pearl owner and manager Patrick Shea joined the Board. He said that, due to the COVID pandemic, he had rented, then purchased, barriers to define his outdoor seating area. In so doing, he had eliminated some parking for his restaurant on the restaurant side of the road, but he still has the parking lot across the street. He would like to keep this layout even after the COVID crisis has passed. Chairman Preen said that pursuant to Governor Baker's September 10th order, he could keep the present setup up to 60 days after the end of the State of Emergency. However, during the winter months Mr. Shea must be careful to keep shoveled/plowed snow off the road and sidewalk. Mr. Shea was advised to begin the process to obtain permanent approval from the Board and the Alcoholic Beverage Control Commission for an alteration of premises for his liquor license for the new setup. The entire process can take up to two months to complete and includes a detailed ABCC application form, advertising, and a hearing. The Board advised Mr. Shea to also get approval for the setup from the Building Inspector and the Police Chief. Mr. Shea thanked the Selectmen for their advice.

Continuing with Other Business, a motion was made, seconded, and unanimously voted to approve and sign the 2019 Emergency Management Preparedness Grant - Contract Amendment

and Extension of the existing \$2,700.00 award. This money will be used to purchase tables and chairs for the training room in the new public safety building.

A motion was made, seconded, and unanimously voted to approve and sign the 2020 Emergency Management Preparedness Grant Application in the amount of \$2,700.00. This money will be used, along with the money from the 2019 Grant, to purchase tables and chairs for the new public safety building training room.

A motion was made, seconded, and unanimously voted to approve and sign the 2020 Volunteer Fire Assistance Grant (VFA) Application for equipment gear in the amount of \$2,000.00. This funding will be used for the purchase of turnout gear.

A motion was made, seconded, and unanimously voted to confirm the Town's participation in the MIIA Property, Liability and Workers' Compensation programs for FY22 and FY23.

The Board reviewed a proposed Memorandum of Understanding between the Gloucester Board of Health and the Town of Essex for collaboration on senior citizen programs, and a motion was made, seconded, and unanimously voted to approve and authorize the Chairman's signature on the document.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve and sign the following requests for 2021 license renewals:

Antiques License Renewals:

- Joseph Danna, Conomo Point Antiques, 166 R Eastern Avenue
- Anna Hardy Builds LLC, d/b/a In Home Design Center, 117 Eastern Avenue
- Tom Lang, Perim Lang Antiques, 18 Eastern Avenue
- Michael March, Blackwood March Antiques, 3 Southern Avenue
- A.P.H. Waller, A.P.H. Waller & Son, 140 Main Street

Class II License Renewals:

- Steven Pascucci, Cape Ann Auto Body, Inc., 19 Grove Street
- Scott Savory, Scott's Auto Clinic, Inc., 6 Scot's Way
- Scott Woodward, Pike Marine, Inc., 80 Main Street

Common Victualler License Renewals:

- Clifford Amero, Essex River Cruises & Charters, 35 Dodge Street

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, November 30, 2020, at 6:00 p.m. in the 3rd Floor Auditorium at the Town Hall, 30 Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period October 31, 2020 through November 13, 2020, regarding the following:

Public Safety Building Construction Project Update: Mr. Zubricki reported that the public safety building is progressing as planned, although exterior work was slowed by about a week due to

bad weather (crews switched to interior work during that time). The exterior should be finished by early December and work continues on the interior.

Coordination of Chebacco Lake/Alewife Brook Environmental Issues: Mr. Zubricki said that Senator Tarr had hosted a virtual meeting that was attended by Essex officials, Hamilton officials, and private individuals to review and discuss environmental issues concerning Chebacco Lake and the Alewife Brook. See the Town Administrator's Report dated Nov. 16, 2020 for a more detailed report of the virtual meeting. Generally, the group agreed that regular clearing of the Alewife Brook is the place where effort needs to be initially focused.

Further Review of Draft Annual Town Meeting Topics: Mr. Zubricki reviewed the updated list of possible topics for warrant articles at the May 2021 Annual Town Meeting and the Board discussed the recent additions and ordering of the items.

Building Resilient Infrastructure and Communities Grant Application: Mr. Zubricki said that he has been working on a new grant application that would provide funding to assist in elevating the small section of Apple Street that floods from time to time during storms or unusually high tides. The application deadline is December 11, 2020. Chairman Pereen entertained a motion to authorize Mr. Zubricki and herself to submit the application when it is completed using the Federal Emergency Management Agency's electronic portal. The motion was seconded and unanimously voted.

Chairman Pereen announced that Alan McCoy was unable to attend tonight's meeting regarding his suggestion to consider acquisition of rights and the design and construction of a walking trail on the old railroad bed from Landing Road to the old Essex River crossing. His appointment has been rescheduled to December 14 at 6:05 pm. However, there were several people present via telephone conferencing who wanted to discuss the matter. Mr. Zubricki said that this idea was discussed a few years ago, by the Long Term Planning Committee. He explained that a decision was made in the past not to move forward. About one half of the land in question (the portion between Landing Road and Town Hall) is still owned by the railroad and by private parties. Chairman Pereen commented that she had heard from many abutters to that portion prior to the meeting and that none of them are in favor of a public path in that area. Given that the ownership of the railbed is presently split up, she suggested that perhaps the abutters could purchase the railroad-owned portion and add it to their respective, private properties. Mr. Zubricki said that he would look through his notes on the matter to find out the name of the railroad contact and the amount the railroad wanted for the land.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:25 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen