

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

December 14, 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 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.

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

Also Present via Video Conferencing: Selectman Peter D. Phippen, Selectman Guy D. Bradford, Town Administrator Brendhan Zubricki, Manchester Cricket Reporter Erika Brown, Finance Committee Chair Ben Buttrick, Kevin Cooke, Tina Lane, Susan Maniates, Alan McCoy, Finance Committee member Nina McKinnon, and Henry Peabody.

Chairman Pereen called the meeting to order at 6:00 p.m. in the 2nd floor Stage Conference Area of the Town Hall at 30 Martin Street and asked anyone wishing to make a Public Comment, to email their comments 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 \$1,259,447.19.

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 11/26/2020 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	11/18/2020	\$ 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 12/10/2020 warrant pursuant to subsection (d) of said Section. Chairman Pereen recused herself from voting. The motion carried.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
David Pereen	Pereen Plumbing	11/28/2020	\$ 162.00	Selectmen
David Pereen	Pereen Plumbing	11/28/2020	\$ 93.88	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 30, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to acknowledge the resignation of L. William Holton from his position as Assistant Building Inspector, effective 12/31/2020.

A motion was made, seconded, and unanimously voted to acknowledge the resignation of Patricia McGrath from the Council on Aging Board.

A motion was made, seconded, and unanimously voted to approve the appointment of Susan Lufkin to the Council on Aging Board for a partial term ending 6/30/21. The Board signed her appointment card.

Alan McCoy joined the meeting via video conferencing and presented his suggestion to consider property acquisition, design, and construction of a walking trail on the old railroad bed from Memorial Park to the old Essex River crossing. His *original letter to the Board* is attached to these minutes, and also included the old railroad bed from Landing Road to Memorial Park. Some of the land under consideration is owned by the Town, some by private residents, and some by the railroad holding company. The land owned by the holding company, which is part of the bed extending toward Landing Road, is for sale at the assessed value of \$40,000. Chairman Pereen said that the Town had considered buying the same railroad land in 2011 and had decided not to recommend its purchase, mostly due to the fact that the Town decided not to purchase the Lahey building property (which also contains part of the old rail bed in that area) for new Town offices. Kevin Cooke, Susan Maniates (whose family moved to Town in 1872), and Henry Peabody, owners of part of the trail from Landing Road, were in favor of keeping the trail as it currently exists, with no improvements or changes in ownership. They permit Town residents to use it, but were against turning it into a recognized public way, open to residents and non-residents. They all stated that numerous other abutters (who are their friends and neighbors) feel the same way. Mr. Zubricki read a public comment submitted by Ed Neal which advocated buying the parcel from the railroad holding company and selling part of it back to abutters, but keeping part of it to use for an alternate access path to the Town facility on Landing Road.

Discussion followed concerning the other portion of old railbed, extending from Memorial Park over the marsh, toward the Essex causeway, ending at the Essex River. The Board asked Mr. Zubricki to research several items, including the ownership of the land, possible conservation restrictions or requirements for a public trail in that location, Americans with Disabilities Act requirements for a public trail, and the estimated cost of design and construction. The Board will continue this discussion at their March 8 meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 28, 2020 through December 11, 2020, regarding the following:

Finance Committee Meeting Summary: The Board and Mr. Zubricki attended the December 2 meeting of the Finance Committee which featured a presentation by MERSD school officials regarding their proposed fiscal year 2022 budget planning and an explanation of major budget drivers.

School District Budget Collaboration Group Meeting Summary: Selectman Bradford, Town Administrator Zubricki, and Finance Committee Chair Buttrick also virtually attended a meeting on December 4, which included school personnel and Manchester town officials. The proposed fiscal year 2022 school budget was again discussed.

Manchester Essex Regional School District Tentative Budget Hearing: On December 9, the Essex Board of Selectmen, Town Administrator Zubricki, the Essex Finance Committee, along with Manchester officials and school officials, virtually attended the School District Budget Hearing. At the hearing, School officials said that they are projecting an FY22 overall spending increase of 4.25%, with a net increase of approximately 3.75% to be shared between Manchester and Essex as annual apportionments.

Finance Committee Chair Ben Buttrick and FinCom member Nina McKinnon were virtually present at tonight's Selectmen's meeting (12/14/20). Chairman Buttrick said that in a year when the Town is trying to level fund all the budgets, an increase of 3.75% in the apportionments to the Town, which are both limited to just 2.5% growth under Proposition 2 ½, is not acceptable. Discussion followed and it was agreed that the Town should try to work with school officials to reduce the budget increase to no more than 2.5%. Those present agreed that the Town should also be engaged in the process, possibly with a representative in place, when the School District begins to negotiate its next teachers' contract. Mr. Zubricki will look into that opportunity with the Superintendent of Schools.

The Finance Committee will be meeting tomorrow night to discuss the projected school budget increase along with other proposed FY22 budgets.

Economic Development Committee Meeting Summary: Mr. Zubricki reported that he had attended the recent EDC meeting. The Committee has been working on a survey questionnaire to the Town's business community. The questionnaire has now been completed and has been placed on the Town website. The Chamber of Commerce and the Essex Merchants Group will be

sending letters to their membership, inviting them to participate in the survey, and explaining how the Selectmen are interested in their ideas with respect to how the Town might help businesses in the future.

Town Administrator's Performance Review and Goal Setting: In preparation of his annual performance and goal setting review, Mr. Zubricki noted that he had provided each Selectman with an information package for their review and discussion at a future meeting. His calendar year 2021 goal suggestions were listed in his Town Administrator's Report.

Public Safety Building Construction Project Update: Mr. Zubricki reported that great progress had been made over the weekend on the building. Three-phase power for the building has been brought from across the street to the new utility pole on the site and the pad-mounted transformer that will feed the new building has been put in place. The construction team is finishing up a few items on the exterior, but most of the work is now on the interior.

Possible Rear Fence and Dead Tree Clearing at Public Safety Building: The Board discussed a suggestion that a fence with a motorized gate be installed at the rear of the new public safety building for privacy and security. The Board agreed to take the matter under consideration and seek cost estimates for the fence, in addition to getting a price from the present construction contractor.

Also, there are some dead trees on the property and it has been recommended that they be cut down for safety reasons. The Board was in agreement that the tree removal should not be part of the construction project. Once the project has been completed, the Board would like to hire a local company to remove the trees, after consulting the Conservation Agent.

Selectmen's Preliminary Capital Budget Request Update, FY22: Mr. Zubricki reviewed, with the Board, the list of proposed capital expenditures, starting with a display shed for the Town's antique fire pumper in fiscal year 2022 and ending with replacement of the elementary school on Story Street in fiscal year 2035. The Board provided comments and re-ordered some items. Mr. Zubricki will bring a revised draft for the Board's approval at the next meeting.

Selectmen's Preliminary Operating Budget, FY22: Mr. Zubricki discussed the Selectmen's draft cover letter of the Selectmen's Budget Request Package to the Finance Committee. The letter provides background and supporting information on certain recommended budget adjustments. Mr. Zubricki will make minor changes and will bring a revised draft for the Board's approval at the next meeting.

Chebacco Lake Environmental Issues Coordination Meeting: Selectman Phippen and Town Administrator Zubricki had attended the recent meeting of a group assembled by Senator Tarr to identify, assess, and contend with environmental issues concerning the Chebacco Lake watershed area, most specifically the Lake and Alewife Brook. The foundational work will be receiving permission for and implementing on an annual basis the cleanout of the Alewife Brook stream channel. The Division of Marine Fisheries has agreed to prepare and submit a plan to the

Conservation Commission, and it is anticipated that the Commission will allow the work, which will be performed mostly by volunteers, to begin in late summer or early Fall in 2021.

Mr. Zubricki reported that an email had been received from a resident advocating the installation of crosswalks on Southern Avenue. The Board was in agreement that, at present, when all budgets are expected to be level funded, there are no resources available to fund this project. The Board had commented similarly in the past to a resident who had asked for more crosswalks along Martin Street.

Draft Town Meeting Topics List: The Board discussed the latest draft of suggested items for the May 2021 Annual Town Meeting and future town meetings. Mr. Zubricki will revise the list in accordance with the Board's guidance.

Local Rapid Recovery Planning (LRRP) Technical Assistance Grant: Mr. Zubricki reported that the Town Planner is recommending that Essex join with Manchester to apply for a regional technical assistance grant. The Town could apply by itself for the grant, but it is felt that a regional application has a better chance of succeeding. If successful, the Town will use its share of the money to help implement its recently-released Economic Development Plan. A motion was made, seconded, and unanimously voted to authorize Chairman Pereen to sign any necessary paperwork, when available.

The following motions were made concerning the next Annual Town Meeting:

- A motion was made, seconded, and unanimously voted to hold the 2021 Annual Town Meeting, on a date and at a time and place to be determined at the time the warrant is posted.
- A motion was made, seconded, and unanimously voted to open the Warrant for the Annual Town Meeting and accept articles for inclusion in the Warrant until 3:00 p.m. on Wednesday, February 24th, 2021.
- A motion was made, seconded, and unanimously voted to accept reports for the Annual Town Report until noon on Wednesday, February 3rd, 2021.

The Board discussed possible messaging to the community regarding the best practices for stopping the spread of COVID-19. All agreed that the recent draft flyer from Board of Health Agent Erin Kirchner that listed recommended procedures and practices, with links to government guideline websites, was extremely informative and should serve as the Town's official guidance on the matter.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve and sign the Alcoholic Beverages Control Commission form estimating the 2021 seasonal population of Essex to be 3,695.

A motion was made, seconded, and unanimously voted to approve and sign the 2021 Renewal Certification to the Alcoholic Beverages Control Commission.

A motion was made, seconded, and unanimously voted to approve the following requests to close:

- J.T. Farnham's to close from December 20, 2020 through March 1, 2021 for maintenance, repairs, and cleaning.
- The Riversbend to close for the winter for cleaning and maintenance, reopening in April 2021.

A motion was made, seconded, and unanimously voted to approve the following requests for 2021 license renewals:

All Alcoholic Beverage Restaurant License Renewals:

- Thomas Riordan, AuroraGray LLC, d/b/a Ripple, 74 Main Street
- Mark Audette, Aztec LLC, d/b/a Village Restaurant, 55 Main Street
- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- Michael Werthman, Great Marsh Restaurant LLC, 99 Main Street
- Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Corey Matthews, MRG, Inc., d/b/a The Boathouse, 234 John Wise Avenue
- Curt Bergeron, Riversbend at Essex Marina, LLC, d/b/a Riversbend, 35 Dodge Street
- Timothy Kennefick, Windward Grill LLC, Windward Grille, 109 Eastern Avenue
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street

Wine & Malt Beverage Restaurant License Renewal:

- Joseph K. Cellucci, Eben Creek Corporation, d/b/a J.T. Farnham's, 88 Eastern Avenue

Farmers Series Pouring Permit:

- John J. Collins, Great Marsh Brewing Company, 99 Main Street

All Alcoholic Beverage Package Store License Renewals:

- John D. Chisholm, Chebacco Liquor Mart., Inc., 201 Western Avenue
- Bhavikaben Patel, Fenisha Corp, d/b/a Schooners Market, 121 Eastern Avenue

Wine & Malt Beverage Package Store License Renewals:

- Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
- Abdessamad Madkour, Energy North, Inc., d/b/a Energy Liquors, 156 Main Street
- Gayle McKinley, Weezie's Dylan, d/b/a Shea's Riverside Inn, Main Street

Antiques License Renewals:

- Debbie & Alfred Brosch, Brosch Antiques, 143 Main Street

- Robert Coviello, Main Street Antiques, 44 Main Street
- Dana Guarnera, Ro-Dan Antiques, 69 Main Street
- Edwin M. & Laura Howard, Howard's Flying Dragon Antiques, 136 Main Street
- Shelagh Schylling, Prezona Design, 72 Belcher Street

Automatic Amusement License Renewals (2):

- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue

Class II License Renewals:

- Charles F. Coles, Jr. & Mark Gallagher, Dynamic Auto Brokers, 147 Eastern Avenue
- Michael Crowley, Gaybrook Garage, 152 Western Avenue
- Paul Russell, Paul Russell and Company, 106 Western Avenue
- Paul Wright, Wright Industries Inc., 22 Western Avenue

Common Victualer License Renewals:

- Thomas Riordan, AuroraGray LLC, d/b/a Ripple, 74 Main Street
- Mark Audette, Aztec LLC, d/b/a Village Restaurant, 55 Main Street
- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- John D. Chisholm, Chebacco Liquor Mart., Inc., 201 Western Avenue
- Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
- Joseph K. Cellucci, Eben Creek Corporation, d/b/a J.T. Farnham's, 88 Eastern Avenue
- Abdessamad Madkour, Energy North, Inc., d/b/a Energy Liquors, 156 Main Street
- Howard Lane, Essex Seafood, 143 R Eastern Avenue
- Laura Wright, Essex Village Market Company, 1 Martin Street
- Bhavikaben Patel, Fenisha Corp., d/b/a Schooners Market, 121 Eastern Avenue
- John J. Collins, Great Marsh Brewing Company, 99 Main Street
- Michael Werthman, Great Marsh Restaurant LLC, 99 Main Street
- Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Corey Matthews, MRG, Inc., d/b/a The Boathouse, 234 John Wise Avenue
- Curt Bergeron, Riversbend at Essex Marina, LLC, d/b/a Riversbend, 35 Dodge Street
- Gayle McKinley, Weezie's Dylan, d/b/a Shea's Riverside Inn, Main Street
- Timothy Kennefick, Windward Grill LLC, Windward Grille, 109 Eastern Avenue
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street

Sunday Entertainment License Renewal:

- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street

Weekday Entertainment License Renewal:

- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- Alyssa Walton, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Curt Bergeron, Riversbend at Essex Marina, LLC, d/b/a Riversbend, 35 Dodge Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, December 28, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area, Town Hall, 30 Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn at 8:36 p.m.

Documents used during this meeting include the following:

Alan McCoy rail trail letter to the Board.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen

Rail Trail in Essex

The railroad bed that runs along the marsh from Landing Road to Memorial Park and then out into the marsh, ending on the river, would make a welcome addition to the recreational features in Essex. The section from Landing Road to the park is currently used unofficially by residents. The section from the park east into the marsh is primarily owned by the town and two of the abutting properties are the Greenbelt and the MECT. There is only one piece of private ownership in that section. While both pieces of this trail would be welcome additions to the town's recreational facilities, we may want to think of them as two distinct projects and initially we might focus on the eastern piece.

I understand that there are possible/probable challenges: potential ADA compliance, funding, construction and maintenance costs. There may be concerns that we are inviting problems by doing such a project. I chaired the group of citizens who constructed the ballfields at the Grove. At the time that we undertook that project the Grove had fallen into disuse and was subjected to a fair amount of vandalism. Shortly following the completion of the ballfields the Youth Commission moved the park program to the Grove. The buildings were repaired, the nature trail was added, and the Grove is now a much-used park among the Town's public spaces. Use by town residents has increased and vandalism has significantly diminished. After construction of the ballfields, the Grove subsequently became the site of many functions, both public and private.

Some thoughts:

1. Independent of the obstacles that may arise, what is the appetite for undertaking such a project? What might it add to the quality of life and commerce in Essex?
2. Paglia Park on the causeway offers a similar experience, with views of the marsh. The rail bed would be different in that it would provide a 360 degree marsh view from a different perspective as well as an opportunity to walk to a destination away from the traffic on the causeway.
3. The rail bed is two separate projects; one east from the park and one west to Landing Road. I understand that there are obstacles to doing each of these - perhaps more obstacles on the western stretch
4. There is parking at Memorial Park behind the tennis courts and in the paved public lot. I do not anticipate that the numbers of hikers using the trail would greatly impact other parking needs, such as boat trailers and sporting events in the park.
5. Having originally been a railroad bed, the grade is virtually level so it offers accessibility opportunities that might not be available at other locations.
6. There may be organizations in Essex and Cape Ann who would support this - Chamber of Commerce, Beautification Committee, private citizens, land trusts, historical society. This could be a feature on the town's historic signage trail that highlights special locations.

7. Having lived elsewhere I can tell you that we are fortunate to have so many beautiful spaces available for public access. We should continue that tradition for the well being of our citizens.

I welcome your thoughts and possible next steps.
Alan McCoy