

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

April 25, 2022

Note: This meeting will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote, audio-only attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or its quality, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.

Call in Phone Number: 605-562-8401 Password: 8378315

Present: Chairman Ruth R. Pereen, Selectman Peter D. Phippen, Selectman Guy D. Bradford, Town Administrator Brendhan Zubricki, Attorney Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Ian Brady and Attorney Marci Costa, Jamie Donovan, Harbormaster Dan Fialho, Treasurer/Collector Brooke Friedrich, Police Chief Paul Francis, Library Director Deb French, Town Planner Dana Menon, Planning Board Vice Chair Lisa O'Donnell, Assistant Plumbing Inspector David Pereen, Fire Chief Ramie Reader, Town Accountant Jeff Soulard, Town Clerk Pamela Thorne, School Committee member Theresa Whitman, John Collins and Attorney Stephen V. Miller, and Tina Lane.

Also Present via Telephone Conferencing: Economic Development Committee Chair Jodi Harris and Planning Board member Shelly Bradbury.

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.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$82,744.21.

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 04/14/2022 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	04/01/2022	\$ 28.00	Ambulance

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 04/21/2022 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	04/12/2022	\$ 1,500.00	Ambulance
Ernie Nieberle	Nieberle's.	03/24/2022	\$ 1,044.27	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 11, 2022, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a request to pass over Essex roads on Saturday, September 10, 2022, during the 11th Annual Coast to Cure bike ride to benefit Neurofibromatosis Northeast.

A motion was made, seconded, and unanimously voted to approve a request from the Library Trustees to use Centennial Grove to hold their Kick-off to Summer Reading on Monday, June 20, 2022, between the hours of 2:00 p.m. and 4:00 p.m., and to waive the rental fee. Mr. Zubricki will contact the Chief of Police regarding the allowance of non-residents at the Grove for this specific event.

A motion was made, seconded, and unanimously voted to approve a request to appoint Conservation Commission member Tom Barrieau as the Commission's representative to the Strategic Planning Committee. The Board signed his appointment card.

A motion was made, seconded, and unanimously voted to ratify a letter of support from Chairman Pereen to the CCB Foundation. The Foundation helps support people in achieving and maintaining long-term recovery from the disease of addiction.

A motion was made, seconded, and unanimously voted to approve 3% merit pay for the Town Administrator for fiscal year 2023.

A motion was made, seconded, and unanimously voted to approve the following requests for licenses and permits:

Gasoline-Fuel Storage Permit:

- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, 156 Main Street
Gasoline-Fuel Storage Permit (Change in business structure):

- Superior Plus Energy Services, Inc., d/b/a Holden Oil, William Macchi, #2 Scot's Way

One-Day Wine and Malt License:

- Essex County Greenbelt, Jane Rumrill, for use on Thursday, May 19, 2022, between the hours of 6:00 p.m. and 7:30 p.m., within the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Jane Rumrill, for use on Thursday, June 9, 2022, between the hours of 6:00 p.m. and 8:30 p.m., within the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Jane Rumrill, for use on Friday, June 10, 2022, between the hours of 5:00 p.m. and 8:30 p.m., within the Cox Reservation at 82 Eastern Avenue.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, May 2, 2022, at 6:00 p.m. in the Teachers' Lounge, Essex Elementary School, 12 Story Street.

The Annual Town Meeting will take place on Monday, May 2, 2022, 7:30 p.m. in the gymnasium, Essex Elementary School, 12 Story Street.

The Chairman entertained a motion to approve a written request from both Joan Woodward and Amy Robinson for the transfer of all Joan Woodward's interests in the leaseholds for the properties at 11 Middle Road (Map 108, Lot 57), 168 Conomo Point Road (Map 108, Lot 46), and 170 Conomo Point Road (Map 108, Lot 47) from **Joan Woodward**, to **The Joan Woodward Trust, Joan Woodward, Trustee**; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by **Joan Woodward**. The motion was moved, seconded, and unanimously voted.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 9, 2022 through April 22, 2022, regarding the following:

Essex River Bridge Replacement Project Update: The project continues to be on schedule, with the temporary bridge expected to be completed and put in use sometime in May, after which, demolition of the old bridge will begin.

Future Solid Waste Disposal Services Update: Mr. Zubricki reported that the Board of Public Works has not yet decided which type of solid waste service they wish to recommend to replace the Town's expiring contract with Covanta. The options include keeping the transfer station, curbside collection, or a combination of both. He expects to potentially receive a message from the Superintendent of Public Works during this Selectmen's meeting, since the Board of Public Works is meeting concurrently.

Public Hearing – Great Marsh Brewery: At 6:10 p.m., the Board was joined by John Collins, the manager/owner of the Great Marsh Brewery and his lawyer, Attorney Stephen V. Miller. A motion was made, seconded, and unanimously voted by Roll Call Vote to open a Public Hearing to discuss possible liquor license violations by the Great Marsh Brewery with respect to the confines of their licensed premises at 99 Main Street. Both sides were in agreement that at least one violation had occurred. First, on March 31, 2022, patrons of the Brewery had been allowed to take their drinks up to the second floor of the building which is not part of the Brewery's licensed premises. Counsel for the licensee acknowledged that violation and apologized on behalf of his client. In the second situation, a photograph showed Brewery patrons seated and standing and drinking in the brewing area on April 2, 2022. Those present discussed the matter and agreed that there was some confusion with respect to the actual extent of the first-floor alcohol service premises licensed to the brewery. Attorney Miller said that his client was willing to do whatever the Board wanted to clarify the second matter. The Town Administrator explained that the occupancy for the licensed premises is limited to wastewater constraints.

Attorney Miller indicated that he was no expert on the Town's wastewater limitations and that he usually saw occupancy limitations imposed by the building code, fire code, and the like. After further discussion, a motion was made, seconded, and unanimously voted by Roll Call Vote to suspend the Brewery's license for one day on Friday, April 29, 2022, with respect to the out-of-premises alcohol service violation that occurred on March 31, 2022. Attorney Miller asked if the Board would consider a warning instead of the one-day suspension since it was a first offense and the Board declined. Attorney Miller asked if the Board would change the date to a Thursday, since the violation had occurred on a Thursday, and a motion was made and seconded to change the suspension date to Thursday, April 28, 2022. Selectman Phippen and Selectman Bradford voted to change the date and Chairman Pereen voted against. The motion carried. The Board will discuss guidance for a limitation on the number of patrons allowed in the Brewery's downstairs area at their next meeting on May 2. Attorney Corbo noted that any limitations that the Town finds with respect to building code, wastewater design flow, zoning bylaws, or otherwise are grounds for imposing said limitations on the number of patrons that can occupy the premises under the liquor license. A motion was made, seconded, and unanimously voted to close the public hearing at 6:37 p.m.

John Collins and Attorney Miller left the meeting.

Public Hearing – Great Marsh Restaurant Transfer Application: A motion was made, seconded, and unanimously voted by Roll Call Vote to open the Public Hearing regarding a request for a Transfer of an All Alcohol Restaurant License and Change of Manager for 99 Main Street, from the Great Marsh Restaurant LLC, d/b/a Great Marsh Restaurant, Michael Werthman, Manager, to the Brady Group LLC, d/b/a The Grill at Great Marsh, Ian Brady, Manager. Ian Brady and Attorney Marci Costa joined the Board. Chairman Pereen asked them if they would swear to tell the truth during the hearing and they so swore. Attorney Costa reviewed the transfer request. She stated that they were going to keep the same number of seats and the same hours. They plan to contract with Craft Food Halls to provide food and management expertise. Attorney Corbo and members of the Board had several questions regarding the application which appeared to contain several inconsistencies or errors. Attorney Corbo went through the application page by page and asked for explanations and clarifications. Attorney Costa responded on behalf of the applicant. There was much discussion concerning the applicant's relationship with the owner of the Brewery and his lack of alcohol management experience. After a lengthy discussion, Chairman Pereen said she had serious concerns. She moved that the Board vote to deny the application to transfer the All-Alcoholic Beverages License for the premises located at 99 Main Street, Essex, Massachusetts from Great Marsh Restaurant, LLC to Brady Group, LLC d/b/a The Grill at Great Marsh on the grounds that the application contains a number of inconsistencies and apparent falsehoods and because the applicant has not demonstrated sufficient experience to run the sort of business for which the license is sought; and she further moved that the Board request that Town Counsel prepare proposed findings of fact for presentation to and approval by the Board at its next meeting on May 2, 2022. The motion was seconded and unanimously voted. Following a short discussion, Attorney Costa asked to withdraw the transfer application. The Board considered her request, and a motion was made and seconded to rescind the earlier motion to deny the transfer request and to accept the request to withdraw the transfer application.

Selectman Phippen and Selectman Bradford voted in favor and Chairman Pereen voted against. The motion carried. A motion was made, seconded, and unanimously voted to close the hearing at 7:27 p.m.

Ian Brady and Attorney Costa left the meeting.

Attorney Corbo left the meeting.

Chairman Pereen announced the Quarterly Department Head Meeting and asked Town Clerk Pam Thorne to lead the discussion. The Town Clerk reported that she has been busy processing annual shellfish permits and preparing for the Annual Town Meeting next Monday. New voting procedures and equipment will be implemented for the elections that will take place on May 9th in the new public safety building. The Board thanked the Town Clerk for her report and she left to attend the Manchester Town Meeting in Manchester.

Town Planner Dana Menon has been researching and applying for various grants to fund Town projects. Two of her applications have been rejected, but she is very optimistic about several others.

Mr. Zubricki said that the Strategic Planning Committee has suggested having an annual Hazard Mitigation Month to inform residents (particularly senior citizens) and answer questions regarding procedures to follow during a hazardous event, such as a large storm, etc. Police Chief Francis and Fire Chief Reader said that could host some informational sessions for the public to acquaint them with the knowledge of what to expect in an emergency. The Board of Health will also participate and all parties will work closely with the Council on Aging Director to develop the appropriate content and move toward formalizing a program. The Town's Reverse 911 system will likely be used to help advertise the program in the future. For now, the concept will again be discussed by the Strategic Planning Committee.

Town Planner Dana Menon left the meeting.

Lisa O'Donnell, Vice-Chair of the Planning Board, said her Board has been studying a change of use permitting system. They are also working closely with MAPC to review the Town's zoning bylaw and expect to have a final report in June. MAPC is developing a grant application, on the Town's behalf, for a grant in the amount of \$75,000 to fund the zoning bylaw amendment development process. If MAPC is successful in obtaining the grant, MAPC has offered to provide a 20% match, making the amount available to the Town for the project a total of \$90,000. The project is expected to be a multi-phase project.

Treasurer/Collector Brooke Friedrich reported that during March and April they have been collecting taxes from residents. She has also been working with the building department to implement an on-line payment system for the new permitting software. She said that open enrollment for health insurance will be coming up during the month of May.

Town Accountant Jeff Soulard has been working with the Finance Committee to finalize the fiscal year 2023 budget and complete the Finance Committee Report.

Fire Chief Ramie Reader reported that the Fire Department has been awarded a grant to purchase gear. In addition, they are applying for a grant to purchase hose and a grant to purchase a retrieval basket. The drains in the shower room at the new public safety building are leaking and a repair person is scheduled.

Economic Development Committee Chair Jodi Harris stated that the Committee has three new members: Tina Lane, Margaret Eklind, and Ryan Madrigal. The Committee continues to work on compiling a list of unused, Town-owned lots that could be sold to generate tax revenue. They have also been discussing ways to attract new businesses to Town.

School Committee member Theresa Whitman reported that they have drafted a school budget for the coming fiscal year that both towns will most likely approve. They are completing an assessment of the Brook Street Field and Highland Field which are both in need of repairs. She announced that this year, the school will be returning to in-person celebrations.

Treasurer/Collector Friedrich left the meeting.

Harbormaster Fialho reported that the kayak racks have been installed at Clammers' Beach. He will host a boating safety training class this weekend, and the annual River Race is coming up in May.

Library Director Deb French said that the Library has continued to offer many programs for all ages and interests. They offer both virtual and in-person programs. She announced that long-time Library Trustee Beth Cairns will be stepping down.

Police Chief Paul Francis reported that the Department is focusing on increased traffic enforcement. The Department will be holding a High 5 Friday at the School with the kids. Some of the officers will be attending mental health training. There is a Drug Take Back Day planned and Officer Romeos will be participating in the Amazing Race. Chief Francis also announced that MEMA will be offering sheltering training.

Mr. Zubricki reported that Board of Health Agent and Administrator Erin Kirchner could not be present at tonight's meeting, but sent a note that the Board of Health is continuing to hold vaccination clinics. She expects to have home test kits and masks available for residents and Town employees at the Annual Town Meeting.

Tina Lane asked if the Fire Department has an outreach program for kids, and the Department does have one.

Deb French mentioned that Manchester sends a copy of their annual report and their Finance Committee's annual report to each town resident, and commented that it would be nice if Essex could send copies of their reports to residents.

Mr. Zubricki reported that a "kiosk" has been placed in the 2nd floor Stage Conference area of the Town Hall. Persons wishing to apply for plumbing, electrical, fire department, or building permits may use it to apply. All permitting in these areas has recently been converted to on-line permitting.

Massachusetts State Representative Jamie Belsito sent Chairman Pereen a text message informing her that the Manchester Essex Regional School District had just been allocated \$25,000 for repairs to their turf field.

Chairman Pereen thanked everyone for attending the Quarterly Department Head meeting and Jeff Soulard, David Pereen, Ramie Reader, Lisa O'Donnell, and Deb French left the meeting.

A motion was made, seconded, and unanimously voted to approve and sign a successor employment contract with the Chief of Police, which includes the Chief's acknowledgement and the Selectmen's desire to have the Harbormaster supervised by the Selectmen, effective immediately, (hereby amending the Harbormaster supervision language in the expiring contract and allowing for optional supervision of the Harbormaster by the Chief of Police in the successor contract). The contract will now be sent to Town Counsel for countersignature and then returned.

Mr. Zubricki reviewed Town Counsel's guidance regarding whether the Harbormaster should continue to report to the Chief of Police versus possibly reporting to the Board of Selectmen (now or in the future), in light of issues raised via the passage of the Law Enforcement Reform Act. Subsequently, a motion was made, seconded, and unanimously voted to have the Harbormaster report to the Board of Selectmen.

Chief Francis, Harbormaster Fialho, and Jamie Donovan left the meeting.

The Selectmen discussed whether to apply to opt out of emergency mosquito spraying by the Commonwealth in the event that a public health emergency is declared that requires such spraying. Mr. Zubricki reported that Board of Health Administrator Kirchner has received a grant to pay for an intern to help with a mosquito outreach program. The program will include at least three outreach and education activities that will be firmed up when the intern begins work in early May. The Board of Health is in favor of the opt-out application for all forms of emergency spraying conducted by the State Reclamation and Mosquito Control Board under G.L. c. 252, sc. 2A as discussed at its meeting last week. Chairman Pereen made clear that this matter was specifically being opened up for public comment, as had been stated in the duly-posted notice for the Selectmen's public meeting this evening. However, there was no public comment after she asked those in the room and those on the conference line whether anyone had anything to say. A motion was made, seconded, and unanimously voted to apply to opt out of all spraying, with the acknowledgement that the Board's vote will only be honored if all opt-out

application components are submitted to the Executive Office of Energy and Environmental Affairs (EEA) and if the application is approved by EEA.

The Board members signed the appointment card reflecting the Conservation Commission's designation of Conservation Commission member Cliff Ageloff as the Commission's representative to the Community Preservation Committee.

The Board considered the possibility of utilizing opioid settlement funds provided to the Town by the State to assist the efforts of the CCB Foundation in the future. Chairman Preen asked if the amount of the settlement funding was known and wondered if there might be other opioid related efforts that were in need of funds. Mr. Zubricki will look into whether the Police Department wished to develop a program to use the funds (which should amount to between \$20,000 and \$30,000).

Selectman Bradford read a letter from Alden Blodget regarding outdoor entertainment and the Board discussed various inaccuracies in the letter. Selectman Bradford's main point was that the Board's policy on outdoor entertainment specifically allows the Board to waive the base assumptions/restrictions if the Board finds that doing so will still not result in unwanted noise in the surrounding area.

Mr. Zubricki reported that he had just received an electronic note from the Department of Public Works that they are leaning towards recommending curbside pickup when the Town's contract for solid waste disposal expires later this year. The note did not offer any additional details. Mr. Zubricki will discuss the matter further with the Superintendent and provide more details at the Board's next meeting.

Mr. Zubricki resumed discussion of his remaining report topics - School Budget Collaboration Group Meeting Summary: Those present at the recent collaboration meeting had discussed preferences for structuring the funding required for the school (Taxation, General Free Cash, and/or School Apportionment Stabilization Fund).

Continued Review of Annual Town Meeting Motions: Mr. Zubricki reviewed the latest draft of the May 2 Town Meeting motions and discussion followed regarding who would present each article.

Community Planning Grant Preparation: As reported earlier, MAPC is helping to review the Town's zoning bylaws and develop a scope of work for specific recommendations for revision. MAPC has completed its first phase of analysis using funding from a recent Community Compact Cabinet Grant and is now preparing a grant application through the Commonwealth's Community One Stop for Growth grants portal seeking funding for the second phase of the project via the Community Planning Grants Fund and/or the Rural Development Fund. Subsequently, a motion was made, seconded, and unanimously voted to fully support the application through the One Stop for Growth portal, to authorize the Chairman to sign the

application and any related paperwork when it becomes available, and to sign a letter of support to be included in the application.

There was no PUBLIC COMMENT.

Chairman Pereen asked that placement of the kayak racks be added to the list of Harbormaster duties. She said that she had received some phone calls questioning the current placement of the racks. She has scheduled a site visit tomorrow with the other two Selectmen to compare the site at Beach Circle to the site at Clammers' Beach.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:57 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen