

Selectmen's Minutes
3rd Floor Auditorium, Town Hall, 30 Martin Street

January 22, 2024

This meeting will be conducted in-person, with the public welcome, but will also be made available to the public via remote participation to the greatest extent possible. Members of the public who wish to listen to and/or view the meeting may do so via two-way Video Call (with the option to show yourself on video or not and with the option to use a phone to call in, for two-way audio-only). Please note that while an option for remote 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 versus virtual attendance accordingly.

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.

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 two-way audio only. The call-in-only number is: (425) 436-6352 and the access code is 1729820.

Further, it is likely that this meeting will be broadcast by 1623 Studios over the local cable television network. Please check your cable listings for details if you are a Comcast cable television subscriber.

Present: Chairman Ruth R. Pereen, Selectman Peter D. Phippen, Selectman Alva A. Ingaharro, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Kimberly St. Onge, Theresa Whitman, Brooke Friedrich, Jodi Harris, Lisa O'Donnell, and Carla Christensen,

Also Present via Video Conferencing: Janet Carlson, Tina Lane, Michael Gevil, Jake Foster, and Dr. Dave Driscoll.

Present from 1623 Studios: Joan.

Chairman Pereen called the meeting to order at 6:00 p.m. in the 3rd floor auditorium of the Town Hall.

LICENSING: Kimberly St. Onge, the owner of Googan's Galley, came before the Selectmen to request four one-day wine and malt licenses. Her application package was complete and a motion was made, seconded, and unanimously voted to approve the four requests:

One-Day Wine & Malt License:

- Kimberly St. Onge, Googans Galley, 1 Martin Street, for use on Wednesday, February 14, 2024, between the hours of 4:00 p.m. and 8:00 p.m.
- Kimberly St. Onge, Googans Galley, 1 Martin Street, for use on Wednesday, February 28, 2024, between the hours of 4:00 p.m. and 8:00 p.m.
- Kimberly St. Onge, Googans Galley, 1 Martin Street, for use on Thursday, March 7, 2024, between the hours of 4:00 p.m. and 8:00 p.m.
- Kimberly St. Onge, Googans Galley, 1 Martin Street, for use on Wednesday, March 20, 2024, between the hours of 4:00 p.m. and 8:00 p.m.

Kimberly St. Onge thanked the Board and left the meeting.

A motion was made, seconded, and unanimously voted to approve the following license renewal request:

Antiques License Renewal:

- Katrina Haskell, The Essex Exchange, 101 John Wise Avenue

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 6, 2024 through January 19, 2024, regarding the following:

Offer of Sale of Town-owned Properties on Gregory Island: Earlier, in 2023, 12 lots had been offered for sale on Gregory's Island. Three were sold, one did not belong to the Town after reviewing the chain of title and three were removed from the market. The five remaining properties received large bids, but the bidder would not agree to the deed restrictions the Town proposed to place on the properties. In January, 2024, the Town again offered the five properties, but received no bids. The Board was in agreement that the Town will retain ownership of these five properties, along with the three properties which had been removed from the market (settling the number of parcels that will continue to be owned by the Town on Gregory Island at eight). Also, a motion was made, seconded, and unanimously voted to advise the abutters of Town owned property on Gregory's Island that no personal property or improvements may be stored on/encroach upon Town land, and, if so, such things will be removed at the personal property owner's expense.

Offer of Contract for Centennial Grove Restroom Facility: Mr. Zubricki said that the local company he had been hopeful to see a bid from to possibly fabricate a modular restroom facility at Centennial Grove dropped out due to a loss of employees and did not submit a bid. There were no bids received from other companies, despite the fact that seven other companies had obtained bid document packages. Generally, the other standard way of procuring a building would be to hire an architect to design the building and to go out to bid for a contractor to construct the building on site. However, last weekend when Mr. Zubricki was at a Massachusetts Municipal Association meeting, another option was suggested by the Office of the Inspector General regarding the restroom facility. If a community can find a modular building that is offered by a company on any cooperative purchasing agreement for use by local governments in the United States, that company may be used as a sole-source vendor and may ship the finished unit to the

municipality. If most of the site work is completed by the DPW and volunteers, the only work that must abide by prevailing wage rules would be the final plumbing and electrical connections. He has since made contact with a firm in Kentucky that is willing to provide a pre-fab facility at a reasonable price via the Omnia Partners Cooperative Purchasing Agreement. It was agreed to table an in-depth discussion of this topic until the next Board meeting since the proposal from the vendor had only just been received.

Draft List of Annual Town Meeting Topics: The Board and Mr. Zubricki again reviewed the latest draft of proposed articles for future Town meetings. The list is organized by tiers and contains Tier 1, Tier 2, Tier 3, the Fall Town Meeting, Next Year's Annual Town Meeting, and Future Town Meetings. Several additions and refinements were suggested and Mr. Zubricki will bring the revised document back to the Board at the next meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$1,451,444.33.

A motion was made and seconded to approve the minutes for the Selectmen's January 8, 2024, Open Meeting. Chairman Pereen and Selectman Ingaharro voted in favor. Selectman Phippen abstained. The motion carried.

The Board reviewed a request to place a memorial bench at the Town-owned parcel at 1 Robbins Island Road, and decided they were not in favor of granting the request. Generally, the Board feels that there are enough memorial benches at the Point and reiterated that new proposals are likely not going to be accepted in the future.

Mr. Zubricki stated that it is a State law, that government boards and committees post their agendas two business days in advance of their meetings. It is not mandated that minutes from the meetings be publicly posted. The Town currently has two websites that are involved with these items: My Town Government and the essexma.org website. Some Town boards and committees only post agendas on My Town Government (which is presently the legal posting site) and others post on both websites. Some post minutes on My Town Government, some on essexma.org, some on both, and some not at all. The Board was in favor of unifying the postings and a motion was made, seconded, and unanimously voted to change the official posting location for public meeting notices from the My Town Government site to the essexma.org website and to require that minutes be posted there as well, commencing with postings for any meeting which will be held on March 1, 2024, and onward.

A motion was made, seconded, and unanimously voted to appoint Michael Davis to the position of Zoning Board of Appeals Alternate for a two-year term, commencing 2/1/2024; and a second motion was made, seconded, and unanimously voted to appoint Lisa O'Donnell to the Board of Appeals for a three-year term, commencing 2/1/2024. The Board signed the appointment cards.

Last week, on Wednesday, the Board and Mr. Zubricki interviewed two applicants for the Town Planner position. And, on Friday, the Board interviewed two additional candidates. The Board

and Mr. Zubricki discussed the merits of each candidate. Everyone was in favor of awarding the position to Valerie Massard on a 6-month trial basis. She would be allowed to work remotely for the most part, but would be required to commute from Kingston, MA from time to time. The trial period will be used to gauge whether this mostly-remote arrangement will meet the needs of the Town. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to prepare a job offer, contingent upon Ms. Massard's successful completion of a CORI check and drug and medical testing.

A motion was made, seconded, and unanimously voted to approve a minor change order within the Water Plant update project to replace sight glasses on the two chemical bulk tanks, in the amount of \$574.99.

The Town Clerk will be conducting four separate elections this year. Early voting options will be offered by mail for the Annual Town Election for 2024 by default. The Clerk does not recommend that the Board go through the process of opting out of vote-by-mail voting for the local election since the three State elections will have this option and keeping the option open for the local election will avoid confusion. The Board was in agreement that the default offering should be kept in place and will take no action. Also, a motion was made, seconded, and unanimously voted to approve early in-person voting for the May 13, 2024 local Town election, in order to avoid confusion since, like the vote-by-mail situation, State elections generally include early in-person voting and the local election can follow suit. Further, a motion was made, seconded, and unanimously voted to approve the specific timing and location of early in-person voting for the March State Election, the Annual Town Election in May, the State Election in September, and the State Election in November this year on weekday dates from 8:00 a.m. to 1:00 p.m. and on Saturday dates from 8:00 a.m. until 12:00 p.m., in the Town Clerk's Office and/or the Town Hall First Floor Conference Room, all on the specifically-designated early voting dates prescribed by law.

Mr. Zubricki announced that neither Town Clerk Marie Felzani nor Police Chief Paul Francis would be joining the Board tonight for the Quarterly Department Head Meeting, since they are both ill.

Jodi Harris, Chairman of the Economic Development Committee, reported the EDC has been successful in obtaining funding for the downtown lighting project from several sources. The committee was also instrumental in obtaining funding for surveillance cameras and related infrastructure at Centennial Grove. She reported that replacement of the Folsom Pavilion at the Grove is 75% complete. The committee will be looking into finding new sources of revenue for the Town in the coming year.

In her capacity as newly appointed Chair of the Finance Committee, Jodi reported that the Finance Committee will be reviewing the proposed FY2025 budget and acknowledged that this is a tough budget year. She said she is interested in meeting with department heads to review in depth their budget needs. At this point, the Finance Committee believes that a Proposition 2 ½ override will be necessary in order to accommodate the Manchester Essex Regional School

District's FY25 operating budget request, which seeks an increase over last fiscal year of approximately \$500,000. Recently, the Finance Committee hosted a "Tax Forum" which was well attended and videotaped. It is available for viewing on YouTube. The forum was very well received that the Committee is interested in providing additional forums in the future.

Dr. Dave Driscoll, Chairman of the Board of Health, reported that the BOH is the recipient of a grant to provide Naloxone centers around Town to make treatment available in the event of drug overdoses. Recently, the Town has contracted with OpenGov to provide online permitting to the building department, the Plumbing Inspector, and the Electrical Inspector. Board of Health Clerk Jeff Thomas has been successful in using OpenGov to also provide online permitting for Board of Health permits. Working jointly with other local communities, the BOH has been successful in receiving grants for fund a shared public social worker and a shared public health nurse. They hope to offer several outreach programs in the future.

Lisa O'Donnell, Planning Board Chair, reported that the PB has been working with the Metropolitan Area Planning Council to review and upgrade the Town's zoning regulations. It is a huge project and they are slowly making progress. The PB would also like to eventually offer online permitting. There is a new Planning Board Clerk, Theresa Whitman, who also happens to be Chair of the MERSD School Committee.

Theresa Whitman reported that the Essex Elementary School Principal is retiring and they will be looking for a replacement. They continue to work on the budget, which will be finalized on February 6, 2024. There is a public hearing tomorrow, January 23, 2024, at 7 at the Essex Elementary School to continue the budget discussion. They are also considering commissioning a feasibility study to determine whether the EES should be upgraded or replaced and Ms. Whitman thanked the Board for acknowledging a need for the Town to consider its portion of funding for the study at the Annual Town Meeting in May. They will also be reviewing the process of apportionment in other towns as it compares to Manchester-Essex. The school has received a grant to assess the merit of offering arts and cultural programs. Chairman Preen reminded everyone that the Town recently purchased 11 acres at 30 Apple Street and perhaps a new Essex Elementary School could be built on that property. Theresa Whitman also reported that Avi Urbas has recently accepted a new position and they have hired a new Director of Finance, Michele Cresta. The Selectmen commented that they were in agreement with Finance Committee Chairman Jodi Harris' statement that, presently, a Proposition 2 ½ override will be necessary to afford the District's present request that includes an approximately \$500,000 increase in the operational apportionment to Essex.

Carla Christensen introduced herself. She is the new Library Director. Debbie French recently retired after 18 years as Library Director. Carla Christensen said the Library is doing well with record breaking attendance at their programs and virtual events. Circulation records have also increased. She reminded everyone that the Library will be upgrading the parking lot on that side of the Town Hall in the Spring to provide a safer entrance/exit for pedestrians. The Library is open to the public 29 hours per week.

Treasurer/Tax Collector Brooke Friedrich reported that her department has been busy converting to the new VADAR system. Soon, they will be preparing the third quarter bills on the new system. She noted that the sewer betterments will be paid off in the next year or two. The excise bills will be going out in February.

Members of the Board of Public Works could not be present tonight, but had provided the Select Board Chair with a report which she read. The Water Plant upgrade is progressing. The BPW recently lost long-time employee Dave Frithsen to Rockport and they are looking for a replacement. The sewer pump replacement project is nearing completion. The new trash compacters are working well.

That concluded the Department Head Quarterly segment of tonight's meeting and Lisa O'Donnell, Carla Christensen, and Brooke Friedrich left the meeting.

The Board and Mr. Zubricki reviewed a letter from the attorneys for the owners of a condominium at 11 Pickering Street, expressing several grievances concerning the Senior Center, located next door to them at 17 Pickering Street. Interestingly, at a site visit in October of 2023, many of the items that are now before the Board were not even brought up by the abutter. The first asserts that a portion of the paved handicap parking space is on their property. The second alleges that water from the Senior Center's sump pump, downspouts, and roof pour onto their property. Thirdly, they ask that the Town cease pushing snow onto 11 Pickering Street, especially from the rear parking area at 17 Pickering. And fourthly, that the Town replace 8 arborvitae 15 feet tall on their property that the Town cut down and remove a stump or pay the property owners \$5,000. After some discussion, Mr. Zubricki the Board agreed to ask Town Counsel to present a settlement and release proposal to the abutter. The Board will assent to the first three items and the removal of the stump in the fourth item, but nothing else, and sees April 15, 2024 as a reasonable deadline for performance.

Under items not anticipated, Selectman Ingaharro asked about the Town's parking regulations on Town streets, particularly during the winter months; and also, about parking along Landing Road. Mr. Zubricki said he would review the Town bylaws for a possible discussion at a future meeting, especially if he finds that some type of clarification is necessary in the language in the bylaws. He will provide his analysis to the Board members and he will review a situation involving parking along Landing Road when landmarks that are presently covered by snow are visible.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, February 12, 2024, at 6:00 p.m. in the 3rd floor auditorium of the Town Hall, 30 Martin Street.

There will be a school budget meeting tomorrow night, at the Essex Elementary School, starting at 7:00 p.m.

PUBLIC COMMENT: Theresa Whitman commented about the increase in the YMCA Camp Dory fees. She also mentioned that the Town of Needham has a fund that people can donate money to, which is used to reduce the real estate taxes owed by qualifying Seniors.

The Chairman announced that the Executive Session scheduled for tonight would be postponed.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:47 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen