

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

February 12, 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, and Town Clerk Marie Felzani.

Also Present via Video Teleconferencing: Annie Cameron, Janet Carlson, Cape Ann Chamber of Commerce Director of Community Relations Colleen Murdock, Jodi Harris, Sharon Kishida, and Tina Lane.

Present from 1623 Studios: Joan

The Chairman called the meeting to order at 6:00 p.m. in the 3rd floor auditorium of the Town Hall, located at 30 Martin Street.

Chairman Pereen, citing the need to discuss the deployment of security devices at the Town Hall and contract negotiations with the Town Administrator, entertained a motion to move to Executive Session in the Town Administrator's office. She invited the Town Administrator and the Town Clerk to attend the Session (with the Town Clerk only attending the security devices portion). The motion was moved, seconded, and unanimously voted by Roll Call Vote. The Board, their Assistant, Mr. Zubricki, and Marie Felzani moved to Executive Session in the Town Administrator's office on the second floor.

The Board, their Assistant, and Mr. Zubricki returned to Open Session at 6:33 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 20, 2024 through February 9, 2024, regarding the following:

Method of Construction of Centennial Grove Restroom Building: Mr. Zubricki said that since the Town had not received any bids for construction of a modular, precast concrete restroom building at Centennial Grove using the modular construction statute, he has explored a couple alternatives. Contractor Dan Mayer and Architect Peter Levasseur have offered to provide technical assistance and to coordinate a volunteer labor pool to design and construct a post and beam restroom facility. The facility would contain 6 restrooms with space for changing and 2 additional changing rooms. Another option was suggested by the MA Office of the Inspector General, which suggested contacting company available via a national group purchasing contract. Acting upon the Inspector General's advice, Mr. Zubricki was able to find a company in Kentucky that would provide a modular building for the restroom. The building would be shipped to the site and assembled on site by local workers. The Board liked the idea of a small post and beam building similar to the rebuilt pavilion, especially considering that this will also be the least-costly option, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to work with Dan Mayer and Peter Lavasseur towards the design erection of a post and beam restroom facility.

Design of Tight Tank System for Centennial Grove Restrooms: Mr. Zubricki, who is also a registered sanitarian, has been working with the Board of Health Administrator, the DPW Superintendent, and the Conservation Agent, prior to his design of a tight tank system for the proposed restroom facility at the Grove. The site has many challenges, including wetlands and ledge and Mr. Zubricki has found a downgradient location that is outside of both the 100-foot buffer zone of the Wetlands Protection Act and the 400-foot buffer zone of the Town's public water supply well number 3. The tight tank system will consist of two tanks since the entire area is very shallow to bedrock and the design places the tanks at the foot of a small hill, which will allow fill to be brought in as cover (extending the profile of the hill). Mr. Zubricki will continue to work on the design and will submit it to the Board of Health for review and approval in the coming weeks.

Essex Zoning Bylaw Review Project Update: The Planning Board will be hosting another public forum with the Metropolitan Area Planning Council to discuss suggested revisions to the Town's zoning bylaws on February 21, 2024, starting at 7:00 p.m. in the Town Hall auditorium. The

Board will be posted for the forum. Mr. Zubricki discussed various topics that the Planning Board hopes to highlight at the forum.

Public Water Supply Well Modernization Project Bids: This project had been estimated to cost about \$850,000, exclusive of engineering in the amount of about \$250,000 (total available funding of about \$1.1M represents the Town's American Rescue Plan Act allotment from the Federal Government). But, when the bids were opened on February 7th, the lowest bid was \$1,500,000. The Town's consulting engineer has recommended reducing the project's scope and going back out to bid with alterations to just well number 1 and communication improvements between the Water Filtration Plant and all three wells. The Board was in favor of a reduced scope and issuing a new invitation for bids.

Review of Replacement Siding Options for Public Safety Building: The wooden shingles on the "new" public safety building are starting to curl and the stain is peeling – well past the building's warranty, unfortunately. The shingles need to be removed and replaced. The Board considered different replacement samples. A motion was made, seconded, and unanimously voted to select the Certainteed Cedar Impressions vinyl sheet shingles and to allow the Fire Department to recommend the color, subject to the Board's final review.

Review of FY25 Town and School Operating Budget Requests: The School Committee has announced that the overall FY 2025 MERSD budget will be 2.99% higher than FY 2024, resulting in an increase of the apportionment to Essex in the amount of 4.82%. It is likely that Essex may be able to avoid an override this year given that the Essex North Shore Agricultural and Technical School District is decreasing below last year's figure and given that the Town experienced about double the normal "new growth" for taxation in fiscal year 2024 – which will carry over to fiscal year 2025.

Further Review of Draft Annual Town Meeting Topics: Mr. Zubricki continues to refine and update the proposed articles for the 2024 May Annual Town Meeting. He reviewed the latest draft with the Board and will bring a new iteration back to the Board at the next meeting after re-ordering some articles and eliminating any references to a Proposition 2 ½ override.

Environmental Restoration Legislative Earmark Contract: Mr. Zubricki reported that the two State Legislative Earmark Grants that the Town had received (one, in the amount of \$75,000 for Centennial Grove, and one, in the amount of \$15,000) have been cut in half by the State. The \$37,500 will be spent to continue to make improvements at Centennial Grove. It was suggested that the \$7,500 for environmental assessment and restoration work be spent either on further study of the Alewife Brook watershed or direct monitoring of Chebacco Lake. After a short discussion, the Board was in agreement and a motion was made, seconded, and unanimously voted to allocate the \$7,500 Earmark funds to continue research (to be determined by Selectman Phippen after receiving the results of last year's water level monitoring) regarding either the Alewife Brook watershed or Chebacco Lake itself.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$ \$679,960.42.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 17, 19, and 22, 2024, Open Meetings.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a regional coastal resilience grant letter of support for Essex County known as the Climate Resilience Regional Challenge Program.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of the FY2024 Cultural Council Allocation Contract.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of the contract documents for the FY2024 Firefighters' Safety Equipment Grant in the amount of \$9,128.32.

The Board reviewed a draft policy for the potential licensing for use of the Town Landing in the "off season" by third party groups on a one-day basis. Discussion followed. Members of the Board were interested and it was agreed to table discussion until the next Board meeting. In the meantime, Mr. Zubricki will continue to work on the draft policy, and will introduce a draft, tiered pricing structure at the Board's suggestion, among other changes.

The Board reviewed a letter from the Essex Bay Sailing Club regarding permission to use a Town-owned lot for the the off-season storage of the club's boats. Discussion included the possibility of issuing a license for use of the property. It was agreed to continue the discussion at the next Selectmen's meeting after Mr. Zubricki obtains more information from the club.

The Board discussed a draft policy with respect to the use of the Essex Town Hall by all departments, boards, and committees. The Library Trustees are responsible for the areas used by the Library. The Board of Selectmen are responsible for all other areas of the Town Hall, both interior and on the building's grounds. Mr. Zubricki will refine the draft policy based on the Board's suggestions. The policy may be shared with the Trustees at a later date.

A letter from a movie production company was reviewed with respect to logistics that are planned for the filming of a movie scene at the Farnham's restaurant Eastern Avenue property on February 27 & February 28, this year. The only part of the filming that involves public land is a brief car trip along Route 133, which will be accomplished without stopping traffic. The Board was in favor of the proposal, but wanted the film company to be sure to hire a police detail for the filming, and perhaps, make a donation to the Town in the future, if the movie does well.

Mr. Zubricki briefly reviewed the accomplishments of Mr. Barbre, who has been researching property ownership near route 128. Subsequently, a motion was made, seconded, and

unanimously voted to allocate an additional \$1,000 from the legal budget for further research of ownership of the large owner unknown parcel near route 128.

The Board considered a request for signature of a letter of support for legislation that would provide no cost drop off options for used paint. Sharon Kishida, the author of the request, was present remotely, and a lengthy discussion was had regarding how the program would be structured. Subsequently, the Board was not in favor of the plan and declined to sign the letter of support.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for shellfish licenses:

Senior Commercial Shellfish Permit:

- Ronald Hemeon
- Charles McNeil
- Thomas Prentiss

Commercial Shellfish Permit:

- Jeff Fraser
- Kristina Jacobs
- Matthew Jacobs
- Brian Loebelenz
- Chris Maxfield
- Dean Rossi

Non-Resident Recreational Shellfish Permit:

- Edwin S. Wasiuk sponsored by Stephen Woodman
- David Roberto sponsored by Charles McNeil

A Non-Resident Recreational Shellfish Permit request from Martin Forde, sponsored by Katherine Siderewicz, was approved conditionally upon his providing a photo ID. And, a Non-Resident Recreational Shellfish Permit request from Paul Dredge, sponsored by Mark Whitman, was approved conditionally upon Mr. Whitman attesting to his sponsorship on the correct application.

PERSONNEL BOARD: The Board discussed the proposed revision of the Council on Aging Outreach Coordinator position description and a motion was made, seconded, and unanimously voted to approve the revised description of the position.

The Board was reminded that there will be an Essex Division Greater Cape Ann Chamber of Commerce meeting on Thursday, February 15, 2024 at 8:00 a.m. at the Essex Public Safety Building.

The Planning Board will host a zoning bylaw public forum on Wednesday, February 21, 2024, in the Town Hall auditorium at 7:00 p.m.

The next regular Board of Selectmen's meeting will take place on Monday, February 26, 2024, at 6:00 p.m. in the 3rd floor auditorium of the Town Hall, 30 Martin Street.

No one offered any PUBLIC COMMENT.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:45 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____ Attested by: _____
Pamela J. Witham Peter D. Phippen