

**Selectmen's Minutes**  
**3<sup>rd</sup> Floor Auditorium, Town Hall, 30 Martin Street**

**March 11, 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 Alva A. Ingaharro, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham; Finance Committee Chair Jodi Harris, and Fin Com Co-Chair Ben Buttrick.

**Also Present via Video Teleconferencing:** Annie Cameron, Jodi Harris, and Tina Lane.

**Present from 1623 Studios:** Joan

Chairman Pereen called the meeting to order at 6:03 p.m. in the 3<sup>rd</sup> floor auditorium at the Essex Town Hall and announced that the meeting was being recorded and broadcast.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 24, 2024 through March 8, 2024, regarding the following:

Resumption of Downtown Decorative Lighting Project: Mr. Zubricki reported that work on this project resumed today with a field crew digging holes on the causeway for the placement of the concrete bases to support the poles to hang the decorative lighting on. However, it was discovered that the gas lines and a Verizon duct bank run back and forth throughout the area and the lines require a certain distance clearance. While the area was marked out by DigSafe, initial comparison of the markout lines to the pole base locations suggested that adequate clearance might be available but that actual excavation by vacuum truck would be necessary to confirm that. The project design had been confounded by the fact that MassDOT was not able to provide the Town with a true as-built plan of the full-depth roadway reconstruction and sidewalk replacement project that was completed a number of years ago. Further, in order to have materials available to the Town's lighting contractor in time for spring installation, custom light bases, poles, and fixtures had to be ordered months ago. Moving the location of the poles across the street is not an option due to conflicts with hardscaped walls to the rear of the sidewalk that would hinder the sidewalk plow and many areas where the curb is "mountable" to allow vehicles to access parking spaces. It was agreed by all involved that the project will have to be cancelled. As noted above, many custom pieces of the project had to be preordered and cannot be returned. The funding for the project includes a State grant which Mr. Zubricki hopes will cover the Town's materials costs (perhaps allowing the Town to keep the materials for some other project location in the future). Mr. Zubricki will provide a full update on the Town's options at the next meeting since the discovery of the utility conflicts only happened earlier in the day.

Planning Board Zoning Study Public Forum Summary: The Town received a grant to fund a study of the Town's zoning bylaws that was/is being conducted by the Metropolitan Area Planning Council. Recently, on February 28<sup>th</sup>, the Board and Mr. Zubricki attended a forum held by the Planning Board and MAPC representatives to review the study to date. The study is nearing completion and a number of amendments to the bylaws have been implemented, with others suggested for both the 2024 Annual and Fall Town Meetings. The new Town Planner will now begin to assist with the implementation of the future amendments and MAPC will concentrate on generating a full project summary and deliverables report that is necessary to properly close out the State grant.

Further Review of Annual Town Meeting Warrant: Mr. Zubricki reviewed the updated draft of the proposed May 2024 Annual Town Meeting Warrant. The warrant will be finalized at the next Board meeting on March 25 and will include zoning bylaw amendment proposals from the Planning Board, which are still in flux.

Possible Conomo Point Boat Storage License for Essex Bay Sailing Club: The Board reviewed and discussed the updated draft license for Essex Bay Sailing Club boat storage on Town land at Conomo Point during the winter months. It was suggested that the license be amended to state that no more than fifteen, club-owned boats could be stored on the grassy area and only two motor boats 18 feet long or shorter would be permitted. It was also suggested that the Town charge an annual storage license fee in the amount of \$250, along with the inclusion of other, clarifying information. The updated license will be reviewed at the next Board meeting on March 25.

Review of Revised Draft License for the Private Use of Town Landing: The Board reviewed the revised template for a license for the one-day, private use of the Town Landing and a motion was made, seconded, and unanimously voted to approve the license. No applicant is presently before the Board but Mr. Zubricki will offer any future applicant the license for review if any inquiry is made.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$1,455,808.93.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 26, 2024, Open Meeting and Executive Session.

The Board reviewed correspondence to DPW Superintendent Michael Galli from Julian Balili concerning a large pine tree that he claims is a hazard tree on Town land abutting his property and leaning towards his newly renovated house at 184 Western Avenue. Mr. Balili would like the Town to remove the tree. After discussion, the Board was in agreement, and a motion was made, seconded, and unanimously voted to allow Mr. Balili to remove the tree at his own expense, contingent upon Mr. Balili indemnifying the Town in a full release and waiver to be provided by Town Counsel, receiving approval from the Conservation Commission (if necessary), and demonstrating to the Town's satisfaction that the tree is actually on Town property and not own his own, private property.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a letter of support for a regional Northeast Homeland Security Regional Advisory Grant for active shooter training.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a letter of support for S.2571 An Act Empowering Municipalities and Local Governments.

Chairman Pereen moved to ratify the Town Administrator's approval of a building permit to perform the following work at 9 Middle Road, Map 108, Lot 58: kitchen renovation and flooring, replacement of porch windows, and repair of siding, subject to all terms and conditions of the Land Lease for said premises, including but not limited to Articles V and IX. The motion was seconded and unanimously voted.

A motion was made, seconded, and unanimously voted to approve a request from Rich Morrell to pass over Town roads during their annual YuKanRun Road Race 2024 from 9 a.m. through 12:00 noon on Sunday, April 21, 2024.

A motion was made, seconded, and unanimously voted to approve and sign a successor employment contract with the Treasurer/Collector, Brooke Friedrich, subject to appropriation at the May 2024 Annual Town Meeting.

Under items not anticipated, Mr. Zubricki reported that Town Clerk Marie Felzani had given her notice this morning. Her last day will be April 11<sup>th</sup> and Mr. Zubricki has asked former Town Clerk Pamela Thorne if she would be available to help out until the Town can find a replacement for Marie. The Board agreed that they would welcome the assistance from Ms. Thorne and that Mr. Zubricki should proceed immediately with advertisement for a new Town Clerk.

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

**COMMON VICTUALLER'S LICENSE:**

- C & E Down River, LLC, d/b/a Down River Ice Cream, Luke Difiore, 241 John Wise Avenue.
- Essex River Cruises, Clifford Amero

**ONE-DAY ENTERTAINMENT LICENSE:**

- Greater Cape Ann Chamber of Commerce, Michelle Pepin, Essex River Day, for use on Saturday, June 15, 2024, between the hours of 5:00 p.m. and 10:00 p.m., within the confines of Memorial Park, amplified music by local bands, food trucks, and beer truck.
- Greater Cape Ann Chamber of Commerce, Michelle Pepin, Essex Clam Fest, for use on Saturday, October 26, 2024, between the hours of 11:00 a.m. and 4:00 p.m., within the confines of Memorial Park, amplified music by local bands, food trucks, and beer truck.

**ONE-DAY WINE & MALT LICENSE:**

- Greater Cape Ann Chamber of Commerce, Michelle Pepin, Essex River Day, for use on Saturday, June 15, 2024 (Rain Date 6/16/2024), between the hours of 5:00 p.m. and 10:00 p.m., within the confines of Memorial Park.
- Greater Cape Ann Chamber of Commerce, Michelle Pepin, Essex Clam Fest, for use on Saturday, October 26, 2024, between the hours of 12:00 p.m. and 4:00 p.m., within the confines of Memorial Park.

**COMMERCIAL SHELLFISH PERMIT:**

- Zach Appeltofft
- Kenneth Baker
- Taylor Burbine
- Kevin Carter
- Sheila Carter
- Kelly Corrao
- David Earl
- William Fitts
- Michael Jacobs, Jr.
- Mark Jordan
- Matthew G. Lane
- Phillip MacDougall
- Steven MacDougall
- Peter Marshall

- George Mullin
- Scott Reed
- Joel Rembert
- Tomaz Tofuri
- Keith Woodman
- John Ytzen-Handel

SENIOR COMMERCIAL SHELLFISH PERMIT:

- Robert Doane
- Sefton Earl
- Christine Leveille
- Wayne Leveille

STUDENT SHELLFISH PERMIT:

- Colby Doane
- Rhys Kiester
- Simon Rubin

NON-RESIDENT SHELLFISH PERMIT:

- Paul Dredge, Arlington, sponsored by Mark Whitman
- Edward Kawczynski, Salem, sponsored by Richard Pierro
- Kerilee Pellerino, Beverly, sponsored by James Ansara
- Shelly Piper, Gloucester, sponsored by James Ansara

A motion was made, seconded, and unanimously voted to return the following permit applications to the Town Clerk. These permits were missing various documentation.

COMMERCIAL SHELLFISH PERMIT:

- Robert Amero
- Joshua Hannah

SENIOR COMMERCIAL SHELLFISH PERMIT:

- Michael Ginn
- Dan Marshall

STUDENT SHELLFISH PERMIT:

- Vaughn Creeden
- Liam Marsolais

NON-RESIDENT SHELLFISH PERMIT:

- Scott McKenna, Ipswich, sponsored by Tom Prentiss

Chairman Preen suggested that the requirements for obtaining non-resident shellfish permits should be reviewed at a future date.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, March 25, 2024, at 6:00 p.m. in the 3<sup>rd</sup> floor auditorium of the Town Hall, 30 Martin Street.

Finance Committee Chair Jodi Harris and Finance Committee Co-Chair Ben Buttrick joined the Board to discuss the Committee's progress regarding the proposed FY2025 Operating Budget and Capital Requests. Previously, the Committee voted to approve the Manchester Essex Regional School District budget for next year. The Committee is continuing to review department budgets and will be meeting again this Thursday. Finance Committee members will meet with the Board again on March 25, when the numbers will be finalized for presentation at the May 2024 Annual Town Meeting. The Board was in agreement with the Committee's recommendation concerning capital requests which included the postponement of the following items at least until Fall Town Meeting: engineering study of the three, major Town-owned bridges, purchase of additional, replacement grinder pumps, replacement police cruiser, replacement fire tanker, and new fuel depot; and the inclusion of the following items for the Annual Town Meeting in May: replacement tasers for the Police Department and a replacement crane truck for use in the Water and Sewer Departments (using water and sewer retained earnings). It is also possible that the Committee will recommend replacement/additional Automatic External Defibrillators (AEDs) for the Annual Town Meeting and Mr. Zubricki will add that item if the Committee does recommend moving forward.

No one wished to make a PUBLIC COMMENT.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:03 p.m.

Documents used during this meeting include the following: Nonc.

Prepared by: \_\_\_\_\_ Attested by: \_\_\_\_\_  
Pamela J. Witham Alva A. Ingaharro