

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

April 10, 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, Police Chief Paul Francis, Andover Police Chief Patrick Keefe, Police Officer Victor Munoz, Police Sergeant Tom Shamshak, Police Sergeant Ryan Davis, Police Sergeant Dan Bruce, Police Officer Dan Morris, Erin Kirchner, Sarah Willwerth-Dyer, Meg Nelson, and Jessie Palm.

Also Present via Video Teleconferencing: Annie Cameron, Janet Carlson, Carla Christianson, Gil Frieden, Jodi Harris, Tina Lane, Craig Markiewicz, and Sarah Wolf.

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, 30 Martin Street.

Jessie Palm, representing the Perrigo family, came before the Board to request permission to rent the Grove Cottage to host a memorial service for Connie Perrigo. A motion was made, seconded, and unanimously voted to approve the family's request to rent the Grove Cottage on Saturday, May 18, 2024, between the hours of 8:00 a.m. to 4:00 p.m. It was agreed that the family would provide portable sanitation for the event. The Chairman signed the parking pass. Jessie Palm left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 23, 2024 through April 5, 2024, regarding the following:

Centennial Grove Restroom Project Update: Mr. Zubricki reported that a Town resident, architect Peter Levasseur, has designed a post and beam restroom and changing facility for Centennial Grove. In addition, Dan Mayer has offered to get lumber cut to build the facility, and also has a group of volunteers to help with construction. Mr. Zubricki has designed the tight tank system which has since been approved by the Board of Health. Funding for the materials will be paid by the Town. A motion was made, seconded, and unanimously voted to approve the design of the restroom facility and tight tank plan and to proceed with the construction of both.

Public Safety Facility Repair Project Procurement Commencement: Mr. Zubricki reported that both he and Chairman Pereen had met virtually with representatives from Copeland Building Envelope Consultants to review the final specifications and bid documents for the PSB Repair Project. The Request for Bids on the project was published in the Wednesday, April 10th issue of the Gloucester Daily Times and the bidding will end in mid-May, with the contract being awarded at the May 20 Selectmen's meeting.

Downtown Decorative Lighting Project Update: Mr. Zubricki said that some of the components of the project (such as spools of wire and fuse holders) can be returned to the vendor for credit and he has been working with the Department of Public Works to have those items returned. The provider of the grant funding has indicated that it may allow the exhaustion of available grant funding to go toward the custom lighting components that cannot be returned. Mr. Zubricki is also consulting with Town Counsel regarding the project's engineering contractor and the Town has put the contractor on notice that it may be making a claim against the contractor's liability insurance policy. The lanterns, poles, and bases will be put in storage for possible future use in another area of Town. Mr. Zubricki will have more information at the next meeting.

Preliminary Annual Town Meeting Motions: Mr. Zubricki reviewed and discussed the first draft of the proposed May 2024 Annual Town Meeting motions and presenters.

Congressionally Directed Spending (CDS) Funding Request: The Town has received an ARPA Grant from the Federal Government to make repairs to all three of the Town's public water supply wells. Subsequently, the project went out to bid. However, the bids that were received were in excess of the Town's ARPA Grant. The project engineer redesigned the project to exclude a portion of it. The excluded portion had already been designed and is eligible for Federal funding from Congressionally Directed Spending (Federal earmarks). Mr. Zubricki had

prepared the application and certification form which the Chairman had signed. A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the application for funding.

Chairman Pereen said that Marty Flood, who represents a non-profit entity that had collected donations for the repair of the Memorial Park tennis courts, was unable to attend tonight's meeting to discuss a proposal from Friends of Memorial Park Improvement Project Inc. to cover a portion of the cost of a new single tennis court at Memorial Park. The money that has been raised to date by the non-profit (with some Town funding available for materials) is only sufficient to pay for a single court. None of the contractors that were approached for the project are willing to have the Town provide the materials, which would be purchased separately by the Town. It is possible that a contractor would accept that type of arrangement if two courts were being proposed and the overall cost of the project was higher. Mr. Flood has said that he is considering returning the money he has received for the project since he intends to dissolve the non-profit in the near future.

Police Chief Paul Francis came before the Board to request the appointment of Victor Munoz to the position of full-time police officer. Chief Francis detailed the many accomplishments of Officer Munoz, who is currently employed by the Town as a part-time officer. Subsequently, a motion was made, seconded, and unanimously voted to approve the appointment, contingent upon drug/medical clearance, CORI clearance, completion of the full-time police academy, and all other related police department requirements. The Board congratulated and thanked Officer Munoz and the entire department for their work and dedication.

Erin Kirchner left the meeting.

Police Chief Francis introduced Andover Police Chief Patrick Keefe who is president of the Northeastern Massachusetts Law Enforcement Council (NEMLEC). NEMLEC is an organization that provides mutual law enforcement aid to its members. Essex is the only Cape Ann community that is not a member. Chief Keefe gave a power point presentation regarding the Council, its members, and its activities. The current annual membership fee is \$5,500.00. Discussion followed and the Board had many questions, after which a motion was made, seconded, and unanimously voted to approve membership in the Council contingent upon receiving additional information concerning the proposed contract. It was agreed that Chief Francis would be the Town's sole participant in the activities of the Council, without the use of backfill for him to attend meetings, until his retirement June 30, 2025.

Sergeant Dan Bruce, Sergeant Shamshak, Sergeant Ryan Davis, Officer Dan Morris, Officer Victor Munoz, and Andover Chief Keefe left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 25, 2024, Open Meeting.

The Board again reviewed a request from the Essex Bay Sailing Club to increase the duration of annual boat storage on Town-owned property at Conomo Point, and the Club's request to provide \$1,000,000 liability insurance instead of \$2,000,000. A motion was made, seconded, and unanimously voted to revise the license for boat storage at 103 Conomo Point Road to include storage through June, to set the liability insurance requirement at \$1,000,000, and to require that the stored boats be moved from the grassy area to the gravel area when the kayak racks are removed from the gravel for spring deployment.

A motion was made, seconded, and unanimously voted to approve and authorize the Chairman's signature on the Marina and Marina Operator's Liability Insurance policy renewal proposal from MIIA.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on a public officials liability insurance application.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on a law enforcement professional liability insurance application.

The Board reviewed a letter from Craig Markiewicz, the president of the Conomo Point Association, requesting the Town to consider providing a lifeguard at Conomo Point. The Association already provides three lifeguards at the Point during the summer season, but suggested that additional areas at the Point need to be covered. The Board was generally in agreement with exploring that possible option. However, the budget has been set for FY2025, along with the Wage & Salary Scale recommendation. They agreed to table this discussion until October or November of 2024 when budget discussions will begin regarding FY2026.

The Board reviewed a letter from Police Chief Paul Francis indicating that he will not be seeking a successor employment agreement after his current employment agreement expires on June 30, 2025. Chief Francis left the meeting. The Board was in agreement that they would start the process of seeking a new police chief at their second meeting in May (May 20, 2024).

A motion was made, seconded, and unanimously voted to accept a letter of resignation from Deputy Chief Keith Carter from the Board of Fire Engineers.

A motion was made and seconded to appoint David Pereen to the position of Board of Fire Engineers Deputy Chief. Selectman Phippen and Selectman Ingaharro voted in favor. Chairman Pereen abstained. The motion carried.

A motion was made, seconded, and unanimously voted to approve a request to the Finance Committee for a Line Item Transfer in the amount of \$200.00 from Shellfish Vehicle Fuel to Shellfish Boat Repairs.

A motion was made, seconded, and unanimously voted to approve a request to the Finance Committee for a Reserve Fund Transfer in the amount of \$3,000.00 to Street Lighting.

A motion was made, seconded, and unanimously voted to approve a request to the Finance Committee for a Chapter 44, Section 33B transfer in early May 2024, in the amount of \$1,000.00 from Appeals Board Expense to Appeals Board Clerical.

A motion was made, seconded, and unanimously voted to ratify the Board's decision at the previous meeting to allow Commercial Clammers, Julian and Yllka Balili, to obtain renewal licenses without a gap in licensure after paying late fees; and further, Board consideration at the present meeting of alternative residency documents for Yllka Balili.

A motion was made, seconded, and unanimously voted to ratify the Board's decision at the previous meeting to designate Chairman Pereen as the official Town of Essex Representative to the Essex Elementary School Building Committee.

The Board was reminded that the Planning Board will host a public hearing regarding zoning bylaw amendment proposals on April 17, 2024, starting at 7:00 p.m. in the 3rd floor auditorium of the Town Hall.

The next regular Board of Selectmen's meeting will take place on Monday, April 22, 2024, at 6:00 p.m. in the 3rd floor auditorium of the Town Hall, 30 Martin Street.

Mr. Zubricki said that he had three items for tonight's meeting under items not anticipated by the Open Meeting Law posting deadline. The first item was regarding the Town Hall HVAC system which continues to malfunction. Repairmen have attempted to assess and fix the problem, which appears to be a coolant leak, several times, but the system has continued to leak (likely since initial testing was only done at 400 psi and subsequent testing at 600 psi has pointed up the problem). Concern was expressed for the future summer season, since the system provides 100% of the air conditioning needed for the Town Hall and Library, as well as being a backup system for the baseboard gas heat in the winter. The Board discussed whether to task the Town's current contractor with leak detection services. Chairman Pereen indicated that she would look into the question with others in the field and would get back to the Town Administrator as to whether continuing with the same contract was advisable.

Mr. Zubricki reminded the Board that the Town had voted to begin the Annual Town Meeting at 6:45 p.m. instead of 7:30 p.m. So, the second unanticipated item involved consideration of a new start time for the Selectmen's meeting that is held before the annual town meeting. Subsequently, a motion was made, seconded, and unanimously voted to move the beginning of the Board meeting up to 5:15 p.m.

The last unanticipated item involved the Shellfish Constable's truck which has failed its annual inspection. The cost of repairs is estimated at \$3,400.00. The existing truck was obtained at no cost to the Town from State surplus in 2018. The Board and the Town Administrator discussed whether to repair the truck or seek a new one from government surplus supply. The Board

authorized Mr. Zubricki to look into the possible options. This matter will be discussed at the next Board meeting on April 22, 2024.

LICENSING: The Board reviewed the following requests for Shellfish permits.

A motion was made, seconded, and unanimously voted to approve Robert Fitzgerald's Commercial Shellfish Permit application contingent upon receipt of the current year's street census form by the Town Clerk.

A motion was made, seconded, and unanimously voted to approve a Commercial Shellfish Permit for Anida Xhalia and for Eugen Xhalia contingent upon receipt of the current year's street census form by the Town Clerk.

A motion was made, seconded, and unanimously voted to table approval of a Non-Resident Shellfish Permit for Scott McKenna of Ipswich, sponsored by Tom Prentiss, until Mr. McKenna can come to the Town Hall to provide additional information.

A motion was made, seconded, and unanimously voted to approve the following Commercial Shellfish Permit Applications, contingent upon receipt of additional required paperwork and subsequent review by the Town Administrator:

- Vogelushe Kuca (proper application fee not tendered in addition to incomplete paperwork)
- Merqes Kuca (proper application fee not tendered in addition to incomplete paperwork)
- Labe Kuca
- Denis Kuca

Mr. Zubricki and the Board discussed the hiring process for the Town Accountant. It was agreed that Mr. Zubricki would make an employment offer to Makayla Nolan contingent upon her passage of the CORI test and drug and medical testing and contingent upon the successful negotiation of an employment contract to the satisfaction of the Board.

PUBLIC COMMENT: Annie Cameron asked several questions about the Town's budget process for setting the new fiscal year budget and reporting the Town's expenses, reserves, etc. She also suggested that the Town should create a new position and hire a facilities person to attend to the maintenance and upkeep of all Town buildings and properties. Gil Frieden was in favor of a facilities person and said the Senior Center would benefit from such a resource.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:05 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen