

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

**April 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, Board of Health Administrator Erin Kirchner, Finance Committee Chair and Economic Development Committee Chair Jodi Harris, Police Chief Paul Francis, MERSD School Committee Chair Theresa Whitman, Library Director Carla Christensen, and Cormac Dowling.

**Also Present via Video Teleconferencing:** Janet Carlson, Tina Lane, Cheryl Mulvey, Lisa O'Donnell, and Sarah Wolf.

**Present from 1623 Studios:** Joan

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

Cormac Dowling, one of the new owners of the restaurant located at 55 Main Street, Bia Mor Hospitality LLC, d/b/a The James North Shore, joined the Selectmen to discuss his requests for

several entertainment licenses. The Board reviewed Mr. Dowling's request for the following license:

Annual Weekday Entertainment License:

- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, within the confines of the restaurant, live or recorded music.

Following a short discussion, in which Mr. Dowling agreed to amend the license by adding that the doors and windows would be closed, a motion was made, seconded and unanimously voted to approve the request. The Board signed the license. Subsequently, a motion was made, seconded, and unanimously voted to table the following one-day weekday entertainment requests, since the establishment now has an annual license:

One-Day Weekday Entertainment Licenses:

- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Wednesday, May 1, 2024, between the hours of 4:00 p.m. and 8:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Friday, May 3, 2024, between the hours of 2:00 p.m. and 10:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Saturday, May 4, 2024, between the hours of 2:00 p.m. and 10:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Monday, May 6, 2024, between the hours of 4:00 p.m. and 9:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Tuesday, May 7, 2024, between the hours of 4:00 p.m. and 9:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Thursday, May 9, 2024, between the hours of 4:00 p.m. and 10:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Friday, May 10, 2024, between the hours of 5:00 p.m. and 11:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Saturday, May 11, 2024, between the hours of 5:00 p.m. and 11:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.

- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Monday, May 13, 2024, between the hours of 5:00 p.m. and 10:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Tuesday, May 14, 2024, between the hours of 5:00 p.m. and 9:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Thursday, May 16, 2024, between the hours of 5:00 p.m. and 9:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Friday, May 17, 2024, between the hours of 5:00 p.m. and 11:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Saturday, May 18, 2024, between the hours of 5:00 p.m. and 11:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.

The Board also reviewed a request for a one-day entertainment license for the annually held SHAVE TO SAVE event which is typically held outside:

- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, SHAVE TO SAVE, for use on Monday, May 20, 2024, between the hours of 4:00 p.m. and 8:00 p.m., two guitars, one microphone, one electric piano, live ensemble, small personal amplifier, outside on the patio, weather permitting.

A motion was made, seconded, and unanimously voted to approve the request.

And, the Board reviewed the following two requests for one-day Sunday entertainment licenses which Mr. Dowling amended to state that the doors and windows would be kept closed:

One-Day Sunday Entertainment Licenses:

- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Sunday, May 5, 2024, between the hours of 1:00 p.m. and 8:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.
- Bia Mor Hospitality, Inc., d/b/a The James Pub, Cormac Dowling, 55 Main Street, for use on Sunday, May 12, 2024, between the hours of 12:00 noon. and 8:00 p.m., within the confines of the restaurant, two guitars, one microphone, one electric piano, small personal amplifier.

A motion was made, seconded, and unanimously voted to approve the requests which will now be sent to the State for final approval. Cormac Dowling thanked the Board and left the meeting.

At 6:09 p.m., citing the need to discuss contract negotiations with a candidate for Town Accountant and AFSCME union labor contract negotiations, a motion was made and seconded to move to Executive Session. The Chairman stated that an open discussion of the union matter would be detrimental to the Town's negotiating position and the Board would be returning to Open Session to complete the rest of tonight's business. The motion was moved, seconded, and unanimously voted by Roll Call Vote. The Chairman invited the Town Administrator to attend the session. The Board, the Town Administrator, and the Selectmen's Assistant moved to Executive Session in the Town Administrator's office on the second floor.

The Board, their Assistant, and the Town Administrator returned to Open Session in the 3<sup>rd</sup> floor auditorium of the Town Hall at 6:35 p.m.

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

Downtown Decorative Lighting Project Update: This project has come to a complete halt due to unforeseen complications with subsurface utility conflicts and Mr. Zubricki has been working to resolve the various aspects. All of the miscellaneous spools of wire and other supplies have been returned for credit, but other items, such as the historic plaques, lanterns, lamp bases, and lamp poles, cannot be returned. Those items are being kept in dry storage, hopefully to eventually be used somewhere else in Town in the future. Mr. Zubricki also reported that the MassDOT has agreed to allow the Town to defray most of the cost of the lanterns and light poles (items totaling about \$180,000) using the full amount of the \$160,000 grant, even though the project will not be completed in the originally-proposed location.

Camera System for Centennial Grove and Upgrade of Video Servers: The installation of the equipment that uses the previously-installed fiber optic spur out to Centennial Grove has now been completed. The equipment is linked back to the Water Filtration Plant (where the fiber spur joins the Town's network) and will allow video surveillance and recording of the cottage area and the picnic grove area right at the police station. The current video monitoring system at the police station is nearing the end of its useful life. The video server at the police station can be provisioned with new software and serve both the station and the Grove or the Town can purchase an updated server system and software for about three times the expense. An article has been placed on the Annual Town Meeting Warrant to purchase the Grove cameras and to provide funding for either connection to an upgraded, existing monitoring system or connection to a completely new system. Funding will primarily be from the Town's Technology Fund, with some additional funding in the police station's FF&E fund.

Replacement or Repair of Shellfish Department Pickup Truck: The shellfish truck recently did not pass inspection and the cost of needed repairs is estimated to be between \$3,400 and \$4,400. It was suggested that instead of repairing the truck, it might be cheaper to replace it. The State government no longer gives away free, surplus vehicles, but does sell them. The Board asked Mr. Zubricki to get more information regarding trucks suitable for the Shellfish Department that

might be available for purchase from government surplus or elsewhere. In the meantime, the existing truck is eligible to stay on the road for a limited time.

Centennial Grove Improvement Project Update: Construction continues on the Folsom Pavilion, with the new restroom facility to get underway in the near future. Dan Mayer has suggested removing some trees from edge of the parking lot by the Field of Dreams to allow for more parking. It has also been suggested that instead of Adam Scott paying to replace trees he accidentally cut down on Southern Avenue, that the money be used for new plantings at Centennial Grove. After some discussion, the Board decided that they would like more information and directed Mr. Zubricki to ask Mr. Mayer to mark the trees he would like to remove and provide a planting plan. The Board would also like to participate in a site visit to the Grove. Mr. Mayer has also suggested that the parking lot by the beach be decreased in size to increase the lawn area there.

At 7:03 p.m., the Chairman announced the commencement of the Quarterly Department Head segment of tonight's Selectmen's meeting.

Jodi Harris, in her capacity as Finance Committee Chair, announced that the Committee is working to establish liaisons with each Town department or board. Each department and liaison will work together to streamline the budgeting process for the group. They also plan to add a simplified budget presentation for each department that is intended to promote better understanding of the budgets and expenses.

Acting in her capacity as Chair of the Economic Development Committee, Jodi Harris reported that work at Centennial Grove is moving along and expected that the Grove will be available again for rentals beginning next year. She said that the downtown beautification project has come to a halt due to unforeseen complications. Parts of the sidewalk have been removed in preparation for placement of lamp bases. The sidewalk now needs to be repaired. Following a short discussion, the Select Board voted unanimously to ask Mark Haskell to repair the holes in the sidewalk. The historic plaques intended to be mounted on the lamp bases will now be stored until they can be used at a new location.

Erin Kirchner, Board of Health Administrator, said the Board of Health has been working to place narcan boxes around Town for easy public access in case of a drug overdose. And, there will be an informational presentation at the Senior Center on Pickering Street regarding the symptoms and use of the antidote. The BOH is also co-sponsoring a diaper drive with the TOHP Burnham Library. Currently, Essex has access to a shared services coordinator, a shared public nurse, a shared inspector, and a shared social worker. The department is planning a drug take back day next month. And lastly, they will have a student intern this spring. Erin Kirchner said she would like to strongly commend BOH Clerk Jeff Thomas for streamlining the Board of Health application processes online and organizing the BOH office.

Chief Paul Francis joined the Board to report that the Police Department, in addition to five other police departments, and Lahey Health, have been undergoing training on how to assist and deal

with citizens having addiction issues or mental health problems. The Essex Police Department has been experiencing staffing issues which they are hoping to resolve. Manchester and Essex shared a training event last weekend. This year the department will be reassessed and will continue the accreditation process. The department is planning on holding the annual Car Show on September 8 this year. There are several grants available to fund various police department needs and Chief Francis will be researching and applying for the ones that would be most advantageous to Essex.

Theresa Whitman, the Chair of the Manchester Essex Regional School District Committee, reported that the FY 2025 operation budget has been approved with a 2.9% increase. Also, officials have agreed to allow advertising signs on the school sports fields which will be an additional source of revenue for the school. There are now two separate unions represented at the school. The District continues to seek a new principal for the Essex Elementary School and a committee has been chosen to oversee the renovation/construction update to the Essex Elementary School. They are also seeking grants to assist with funding in various educational areas.

Library Director Carla Christensen said she has just completed her third month as Director. The Library has been offering many interesting and educational programs for all ages, both in person and virtual. E-books have become very popular and there is a waiting list for some popular e-books of as much as two years or more. The Library has been coping with staffing issues, and ideally, Carla Christensen said she would like to have at least two staff persons present at all times. She would also like to increase the number of hours that the Library is open. Future plans include developing a strategic plan, shelving updates, and planning for new events.

Planning Board Chair Lisa O'Donnell has been working with her board and the Metropolitan Area Planning Council to upgrade and modernize the Town's zoning bylaws in small increments that are easy to understand. The PB supports the zoning articles on the May 6 Annual Town Meeting Warrant and plan on holding many public forums regarding the zoning changes between now the Annual Town Meeting.

Theresa Whitman, Paul Francis, Erin Kirchner, Jodi Harris, and Carla Christensen left the meeting.

Mr. Zubricki resumed the presentation of his Town Administrator's report.

Finalization of Annual Town Meeting Motions: Mr. Zubricki again reviewed the list of Annual Town Meeting motions and corresponding presenters. The Annual Town Meeting will take place in exactly two weeks at the Essex Elementary School.

Site Visit to Owner Unknown Parcel Adjacent to Route 128: A site visit had been made recently to a parcel of "owner unknown" land encompassing approximately 99 acres. It had been hoped that the parcel could be utilized for future commercial development that would provide additional revenue to the Town (if the Town can eventually take the parcel via the tax-title

process). However, the geography of the site does not appear to be suitable for convenient development. The Town will continue to have title work conducted by title researcher Brian Barbre to determine if ownership can be established.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$871,918.18.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 22, 2024, March 29, 2024, April 5, 2024, and April 10, 2024, Open Meetings.

A motion was made, seconded, and unanimously voted to appoint Ann Dunne to the position of Town Clerk as of April 22, 2024, through June 30, 2024. (A subsequent vote will be taken in June for a 3-year term commencing July 1, 2024.)

The Board reviewed requests by Nancy Lemcke, Elizabeth Devries, and J.C. Devries to remove Nancy Lemcke from the lease for 17 Middle Road, Map 108, Lot 55, which is currently leased by Nancy Lemcke, Elizabeth Devries and J.C. Devries. A motion was made, seconded, and unanimously voted to approve the request.

A motion was made, seconded, and unanimously voted to ratify the Board's approval of a line item transfer at the last meeting in the amount of \$4,400.00 from Shellfish Vehicle Fuel to Shellfish Vehicle Maintenance.

A motion was made, seconded, and unanimously voted to approve a request from the Board of Public Works to transfer a total of \$19,006.72 from various cemetery accounts to their FY2025 budget.

A motion was made, seconded, and unanimously voted to approve and sign the final boat storage license pertaining to use of 103 Conomo Point Road by the Essex Bay Sailing Club.

Chairman Pereen entertained a motion to approve a building permit for 9 Middle Road, Map 108, Lot 58, for the installation of two dormers, 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 moved, seconded, and unanimously voted to approve.

The Board discussed a request from Robyn Canter, a member of the Chebacco Lake Watershed Association, to rent Centennial Grove on June 20, 2024 from 5:00 to 8:00 p.m. The event would involve only the picnic grove area and not the pavilion or the cottage. The Board was in favor of the request and a motion was made, seconded, and unanimously voted to approve the rental which would be confined to the grassy knoll and contingent upon receipt of a rental application and fee.

The Board considered the following change orders associated with the ongoing Water Filtration Plant renovation project:

<u>Change Order</u>	<u>Amount</u>	<u>Status</u>
1	\$ 574.99	Previously approved by Board – sight tubes.
2	\$ 5,913.88	<i>Recommended</i> – safety shower disconnects, required by code.
3	\$30,218.88	<i>Engineer is reviewing</i> – roof vents.
4	\$ 4,474.09	Work completed – Fluoride and chloride panels relocation.
5	\$ TBA	<i>Engineer is reviewing</i> – Safety alarm horn removal.

A motion was made, seconded, and unanimously voted to approve change orders #2 and #4. Mr. Zubricki will have more information for the Board regarding proposed change orders #3 and #5 for the Board's consideration at the next meeting.

After a short discussion, a motion was made, seconded, and unanimously voted to release minutes and/or a portion of those minutes from the following past Executive Sessions: 08/10/2020, 10/03/2022, 10/24/2022, and 01/23/2023.

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

Transient Vendor's License:

- Jayne Barrett, JayBee Blooms, 169 Eastern Avenue

Gasoline-Fuel Storage Permits, contingent upon receipt of a workers compensation insurance certificate:

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

One-Day Wine and Malt License:

- Woodman's Inc., Douglas Woodman, 119 Main Street, for use on Sunday, May 12, 2024, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of the Salt Marsh Tent and Associated Grassy Area.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, May 6, 2024, at 5:15 p.m. in the Teachers' Lounge, Essex Elementary School, 12 Story Street, followed by the 2024 Annual Town Meeting at 6:45 p.m. in the gymnasium.

No one wished to offer PUBLIC COMMENT.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8.48 p.m.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attester by: \_\_\_\_\_  
Peter D. Phippen