

Selectmen's Minutes
Town Hall, 2nd Floor Stage Conference Area, 30 Martin Street

July 1, 2019

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Preen, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Dickran Babigian, Dawn Burnham, Diane Corrao, Lincoln Collins, Tina Lane, Bill Liberti, Michael Richard, Amy Robinson, and Kristen Walker.

Chairman Spinney called the meeting to order at 6:00 p.m. in the 2nd floor Stage Conference Area of the Town Hall and announced that the Board would hear Public Comment. Tina Lane said that she has noticed that there is an informational sign by C.K. Pearl's parking lot stating that the roadway has been raised. She said that it is incorrect and that she would like to have the sign corrected or removed. After a short discussion in which it was acknowledged that the sign could be misleading depending on how it is read, a motion was made, seconded, and unanimously voted to remove the sign.

Dawn Burnham, Chairman of the Bicentennial Committee, joined the Board reviewed the celebration events planned for the rest of 2019, which will include a huge parade, fireworks, and a family picnic day at Centennial Grove, among other events.

A motion was made, seconded, and unanimously voted to approve the Bicentennial Committee's request for permission to have a parade to celebrate the Town's bicentennial on August 10, 2019, starting at 10:00 a.m. The Board signed the State parade permit request.

A motion was made, seconded, and unanimously voted to approve and sign a contract with the Shriners who will be participating in the Bicentennial Parade. Also, a motion was made, seconded, and unanimously voted to approve a contract with a marching band, who will be participating in the parade as well.

Dawn Burnham and Diane Corrao left the meeting.

Dickran Babigian came before the Board to report on the status of his repairs to the property at 23 Middle Road (Map 108, Lot 53). Stone has been placed on the Conomo Point Road side of the property to deal with a serious water runoff problem, as opposed to added parking. Also, the newly built garage on Lot 50 that was recently combined with Lot 53, had defective doors installed and is now boarded up waiting for the problem to be corrected, resulting in parking on the lawn. The Board thanked Mr. Babigian for his update.

Mr. Zubricki also read testimony from a third party that the property at 162 Conomo Point Road (Map 108, Lot 44A) had been used by her grandparents as a residence for their domestic help years ago. This testimony was the basis for allowing a twenty-year lease of the property back in 2017. In recent years, the property has not been used as a residence.

Amy Robinson came before the Board to continue her discussion regarding a request to amend the lease for the parcel at 168 Conomo Point Road (Map 108, Lot 46), by extending the 1-year term to correspond with the remainder of 20-year lease on their adjacent property at Map 108, Lot 57, or at least extending it for a longer period than year-to-year. There is a shed on Lot 46 in need of repair and Ms. Robinson does not want to invest in the repair without an assurance that she will be able to lease it for a longer period of time. Mr. Zubricki said that the Board had asked at their last meeting how many year-to-year leases there were at the Point. He said there are 7 with no buildings; 5 with accessory buildings; 3 with accessory buildings with no corresponding primary lot; 2 lots on Robbins Island with garages; and 11 Beach Circle next to Clammers' Beach. After discussion, the Board decided to table this request pending consultation with Town Counsel. Amy Robinson left the meeting.

The Board was joined by James McLeod who was requesting a One-Day Wine & Malt License for True North Ale Company LLC for use on Sunday, July 28, between the hours of 2:00 and 6:00 p.m. at the Bubble Factory at 69 Choate Street. Selectman Pereen recused herself from the discussion. Mr. McLeod said he was planning a ticketed event for about twenty people. Michael Richard, a neighbor on Choate Street, said that the neighbors share the same driveway and there is an agreement in place regulating use of the driveway. He also expressed concern regarding his ability to enjoy quiet weekends with his family at home. Mr. McLeod said that this was the only event he is planning for this year and that he did not intend to have events on a regular basis. Subsequently, a motion was made, seconded, and unanimously voted to approve the request for a one-day wine & malt license contingent upon keeping the event indoors and providing a shuttle to 69 Choate Street for the participants. Mr. McLeod and Mr. Richard left the meeting.

Mr. Zubricki reviewed the offers to purchase the two vacant, Town-owned parcels at Conomo Point: Map 110, Lot 7 and Map 110, Lot 38. He reported that only two offers had been received for 0 Cogswell Road (Map 110, Lot 38). One for \$4,500 from someone who wanted to put a tiny house on the property and one for \$12,000 from the abutters of the property who intend to keep the property in its natural state. The Board was in agreement and a motion was made, seconded, and unanimously voted to exclude the consideration of additional offers at this time and to authorize Mr. Zubricki to work with Town Counsel to draft a Purchase and Sale Agreement between the Town and the abutters for the Cogswell property with a permanent restriction against improving the property in any way requiring a building permit, with the exception of a fence.

Mr. Zubricki reported that two offers had been received for the 0 Sumac Drive property (Map 110, Lot 7). One from Mr. Emerson, an abutter, in the amount of \$20,000, and one from Dan Mayer in the amount of \$20,500. Mr. Emerson thought that he might occasionally and inconspicuously store some boat trailers on the property. According to Mr. Babigian, Mr. Mayer intended to keep the lot as an unimproved lot. Some testing of the lot has been done, however, the Board was interested in determining whether there was any other location on the lot that would be suitable for a septic system. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to work in conjunction with the Department of Public Works using their

backhoe to dig test pits on the property. Bill Liberti, Dickran Babigian, and Lincoln Collins left the meeting.

A motion was made, seconded, and unanimously voted to approve a tight tank lease addendum for 120 Conomo Point Road, Map 108, Lot 69, Leah Maher, lessee.

The Board considered a suggestion from a resident that kayak racks that have been placed at Clammers' Beach in the past by third parties be improved, replaced, and maintained by the Town in the future. The racks would be regulated by the Harbormaster and the Board asked Mr. Zubricki to consult with the Harbormaster regarding this suggestion.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 15th, 2019 through June 28th, 2019, regarding the following:

Route 133 Bridge Replacement Design Update: Mr. Zubricki reported that both he and Chairman Spinney had attended a meeting recently with other Town officials and representatives from the Massachusetts Department of Transportation to discuss the proposed Route 133 Bridge Replacement Project. The project is expected to begin the design process in early 2020 and MassDOT will be consulting with the Town and the public during that process. Items to be considered will include the project schedule, sea level rise, design of a temporary bridge during construction, and detour routes. We have already learned from DOT personnel that it will not be possible to raise the level of the bridge from its current elevation to deal with future sea level rise, due to the complexities and expense of factoring in how this would affect abutting private properties.

Review of Options with Respect to Future Electricity Purchasing: Mr. Zubricki reported that the Town's contract with Constellation Energy will expire in December 2019 and he has been monitoring future purchase rates. If there is a significant downturn in future rates, the Town can lock in that rate for a new contract. He has also been researching new providers. Selectman Pereen offered to ask a good friend in the energy business for suggestions of other reliable providers. Mr. Zubricki will continue his monitoring and his research.

Kristen Walker left the meeting.

Memorandum of Understanding for Senior Van Services, Manchester: Mr. Zubricki reported that no new information has been received regarding an MOU and the Board agreed to table this matter.

Mr. Zubricki reported that Chairman Spinney has signed the final draft of the contract with TEC engineering in the capped amount of \$31,000 for signage and striping in the downtown area as previously voted at an earlier Board meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly FY2019 and FY2020 warrants in the amounts of \$164,688.63 and \$725,360.02, respectively.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 6/27/19 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Jim McNeilly	McNeilly EMS	6/17/2019	\$ 145.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 17, 2019, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a Volunteer Fire Assistance (VFA) Grant Application for firefighting equipment in the amount of \$3,800.00.

A motion was made, seconded, and unanimously voted to postpone review of whether and how the Board will institute a policy with respect to outdoor entertainment noise, including consideration of recent input from local business owners until the next Board meeting on July 29. In the meantime, Mr. Zubricki will ask the Essex Cape Ann Chamber of Commerce and the Essex Merchants Group for their comment on the matter.

Mr. Zubricki said that he had received a signed affidavit from Curt and Lindsey Bergeron regarding a proposal for a family wedding on their commercial property at 35 Dodge Street, as drafted by Town Counsel, which does allow the Board (as opined by Town Counsel) to overcome the presumption in State law that such an event equates to the sale of alcohol, requiring both one-day alcohol and entertainment licenses. The voted that presumption was overcome, therefore no one-day licenses would be required for the event.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of financial match letters for North American Wetlands Conservation Act Grant Proposal.

The Board considered a request from the Town's solid waste contractor, Covanta, to make changes to the current solid waste contract with respect to provision of its own employee to supervise the transfer station. Mr. Zubricki reported that a cost analysis of whether the transfer station employee was supplied by Covanta or by the Town was about the same in either case. However, with the Town supplied employee there was an additional need to provide a substitute when that employee was sick or on vacation. Subsequently, after a short discussion, the Board agreed that Mr. Zubricki should work with DPW Superintendent Mike Galli to negotiate with Covanta for a favorable 10-year contract. The Town's current 10-year contract is due to expire in about four years.

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

Commercial Shellfish Permit:

- Nicholas Silva

Antiques License:

- Mary & Rachel Tetzloff, Cape Ann Red Shed, 98 Western Avenue

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Essex Clam Fest, for use on Saturday, October 26, 2019, between the hours of 11:00 a.m. and 4:00 p.m., within the confines of Memorial Park.
- Essex Bay Sailing Club, for use on Saturday, July 20, 2019, between the hours of 6:00 p.m. and 9:00 p.m. within the confines of the Boat House at 161 Conomo Point Road.

One-Day Wine & Malt License:

- Cape Ann Chamber of Commerce, Essex Clam Fest, for use on Saturday, October 26, 2019, between the hours of 11:00 a.m. and 4:00 p.m., within the confines of Memorial Park.

The Board was reminded of the following events and meetings:

- The Northeast Coastal Coalition will hold a meeting on Friday, July 12, 2019, starting at 10:00 a.m. in the 3rd floor auditorium in the Town Hall, 30 Martin Street.
- The next regular Board of Selectmen's meeting will take place on Monday, July 15, 2019, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Essex Town Hall.
- There will be a joint meeting of the Board of Selectmen and the Town Building Committee on Wednesday, July 24, 2019, starting at 7:00 p.m. in the Town Hall Auditorium.
- The Rededication of the Old Essex Burying Ground on Main Street will take place on Saturday, July 27, 2019, starting at 1:00 p.m.
- The Swearing-in Ceremony for the new Police Chief and two new Sergeants will take place on Thursday, August 1, 2019, starting at 4:30 p.m. in the Town Hall Auditorium on the 3rd floor.

Mr. Zubricki said that a request regarding proposed changes to the AFSCME contract had been received. In the past, certain union members received a specified sum annually to be used to purchase clothing to wear on the job. Now, the members must provide receipts for purchased clothing and they are reimbursed by the Town up to a certain annual amount. The union representative has requested that the contract be changed to revert to the past practice of giving each person an annual amount for the purchase of clothing. After discussion, the Board was in agreement that the clothing allowance should either continue to be receipt-based reimbursement or each union member should have an annual credit for clothing at a specified uniform store funded by the Town. The member would be able to charge clothing up to a certain amount and the store would, in turn, bill the Town.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:23 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen