

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

January 10, 2022

Note: This meeting will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote, audio-only 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 vs. virtual attendance accordingly.

Call in Phone Number: 605-562-8401 Password: 8378315

Present: Chairman Ruth R. Pereen, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Shelly Bradbury, Harbormaster Dan Fialho, and Tina Lane.

Also Present via Telephone Conferencing: Selectman Peter D. Phippen, Selectman Guy D. Bradford, and Janet Carlson.

Chairman Pereen called the meeting to order at 6:00 p.m. in the second-floor stage conference area of the Town Hall.

In other business, a motion was made, seconded, and unanimously voted by Roll Call Vote to approve the weekly warrant in the amount of \$196,707.55.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve the minutes for the Selectmen's December 27, 2021, Open Meeting.

The Board agreed to table discussion of the license between the Conomo Point Commissioners and the Conomo Point Association for the Association's seasonal deployment of ramps and floats from the Town's two stone piers at Conomo Point for the 2022 season. This matter will be discussed at their next meeting on January 24, 2022.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve the acceptance of a donation in the amount of \$300.00 from Ed and Pat Marchetti to the Police Gift Account.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve the acceptance of a donation in the amount of \$100.00 to the Police Gift Account.

Harbormaster Dan Fialho joined the Board. He said that he would like some guidance regarding the rules for transient rental moorings. Presently, there are 5 designated transient moorings (3 at Conomo Point and 2 on the backside of Crane's Beach). Harbormaster Fialho said that a summer resident has asked to rent one of these moorings for the summer season, at the transient rate. A

lengthy discussion followed. The Board agreed that it would be acceptable for the Harbormaster to rent two of the transient moorings for the summer season at the transient rental rates. The remaining transient moorings would possibly be rented for periods not exceeding two weeks at a time, on a first come, first serve basis. Mr. Zubricki noted that any type of advance reservation really makes the moorings something different than strictly "transient". The Board made no final decisions with respect to these other moorings and agreed to continue the discussion with the Harbormaster at a later date. The Harbormaster left the meeting.

A motion was made, seconded, and unanimously voted by Roll Call Vote to ratify the submittal of a grant application by the Council on Aging to the State seeking a Field Demonstration Project Grant. Mr. Zubricki said that Council on Aging Director Kristin Crockett has already informed him that the Council was not one of the ones chosen to receive the Grant.

A motion was made, seconded, and unanimously voted to ratify the submittal of the Automated External Defibrillator Equipment Grant application by the Police Department.

The Board considered whether or not to request permission to dispose of 28 cartons of old legal files that were returned to the Town by Town Counsel, and are somewhat redundant with files already held by the Town. Subsequently, a motion was made, seconded, and unanimously voted by Roll Call Vote to authorize a request to the State for disposal permission.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve a request from Curt and Lindsay Bergeron to close the Riversbend for cleaning and maintenance until April 2022.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve a request to close the Great Marsh Restaurant for cleaning and maintenance from now until mid-April, 2022.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve a request from Town Clerk Pamela Thorne to make the following appointments for a partial 1 year term, ending August 15, 2022. The Board signed the appointment cards.

Election Officers:

- Warden: Kathleen McKinnon (D)
- Clerk: Theresa Mansfield (R)

Inspectors/General Election Workers:

- Karen Birch
- Christina Bruce
- Ann Buckley
- Dawn Burnham
- Westley Burnham
- Julia Burroughs
- Ann Cameron
- Carla Christensen
- Crystal Davis
- Pamela Davis
- Wendy Davis
- Callie Doane
- Ginger Driscoll
- Colleen Enos
- Abigail Fitzgibbon
- Rachel Fitzgibbon

- Rob Fitzgibbon
- Wendy Fossa
- Amy Fraser
- Allysa Fraser
- Deborah French
- Karen Greene
- Amy Heath
- Patricia Heath
- Mary Heeney
- Ellen Hull
- Laura Irwin
- Diane Johnson
- Rebecca Jones
- Katherine Jackson
- Robyn Kanter
- Sue Lufkin
- Posie Mansfield
- Michael McConnell
- Elizabeth Nichols
- Linda Osburn
- Jessica Palm
- Diane Patrican
- Susan Parady
- Kim Pedersen
- Diane Polley
- Hope Sanford
- Jim Sanford
- Claire Smith
- Andrew St. John
- Ann Trudeau
- Jimmie Lou Tulloch
- Karen Wright

A motion was made, seconded, and unanimously voted to approve a Common Victualler License Renewal for Clifford Amero, Essex River Cruises & Charters, 35 Dodge Street.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, January 24, 2022, at 6:00 p.m. in the 2nd Floor Stage Conference Area at the Town Hall at 30 Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period December 25, 2021 through January 7, 2022, regarding the following:

Contract for Provision of Prefabricated Shed, Old Fire Station Site: Mr. Zubricki reported that three quotes had been received for the display shed ranging from \$46,370 to \$89,000. A motion was made, seconded, and unanimously voted by Roll Call Vote to accept the quote from New England Outdoor Sheds & Gazebos in the amount of \$46,370. Mr. Zubricki will place the order this week and the building will not be shipped to the Town until the concrete slab it will be set on is in place (likely this spring).

Old Fire Station Site Restoration Change Order Approvals: Mr. Zubricki said that agreement has been reached with the contractor and a motion was made, seconded, and unanimously voted by Roll Call Vote to approve the lump-sum change order in the amount of \$28,130.52, the project carrying costs change order, and the time and materials change order. A motion was also made, seconded, and unanimously voted by Roll Call Vote to authorize the Chairman to sign the change orders when they become available. A key feature of the recent agreement memorialized by the change order is that the contractor will not be coming back to the Town for any additional costs, regardless of how long it takes them to complete the project. The only exception would be

some new, unforeseen circumstance but that would be very unlikely given the high degree of subsurface investigation that has been conducted on the site to date.

Conomo Point Seawall Replacement Project Update: Mr. Zubricki updated the Board regarding the contractor's plans for replacement of the seawall at Conomo Point. A motion was made, seconded, and unanimously voted to authorize Selectman Phippen to act as liaison to the project and to make any necessary decisions concerning the project in between Board meetings, in consultation with the Town's consulting engineer and Mr. Zubricki. Any changes agreed to will be brought to the Board for ratification.

Submission of Selectmen's Fiscal Year 2023 Operating Budget Request: Mr. Zubricki had updated the Selectmen's FY2023 Operating Budget based on the Board's comments at their last meeting. A motion was made, seconded, and unanimously voted by Roll Call Vote to approve the request package.

Submission of Selectmen's Fiscal Year 2023 Capital Plan Update Package: The FY2023 Capital Plan had also been updated and a motion was made, seconded, and unanimously voted by Roll Call Vote to approve the Capital Plan Update package.

Development of Affordable Housing Trust Draft Bylaw: The Town Planner has put together a table summarizing the Housing Trust Bylaws from towns comparable to Essex. The Board agreed to discuss it at a later date after the Strategic Planning Committee (SPC) has reviewed it. Mr. Zubricki will cover the document with the SPC on January 13, 2022 and he will work with the Committee and the Town Planner to develop a complete draft of a bylaw customized for use in Essex, for the Board's review.

Continued Review of Draft Annual Town Meeting Article Topics: The Board again reviewed the updated list of possible Town Meeting Topics and made suggestions. Mr. Zubricki informed the Board that the Town's contract with Covanta for disposal and hauling of solid waste, and maintenance of the Town's transfer station will be expiring in the middle of the fiscal year and will need to be renegotiated. The new contract will more than likely be at a much higher disposal rate per ton and Covanta has already indicated that the company is not interested in continuing with the hauling or maintenance aspects of the contract. Mr. Zubricki will contact Covanta for an initial discussion and report back to the Board.

Development of Scope of Services for Zoning Grant Application: MAPC has been interviewing residents and some members of committees in an effort to better understand the backdrop for a successful revision of the Town's zoning bylaws. The work by MAPC is being funded by a grant and will provide the Town and MAPC with a strong understanding of current attitudes and challenges. It is hoped that the Town will be awarded an additional grant of up to \$75,000 for MAPC to actually draft recommended zoning bylaw changes that will be presented to the Annual Town Meeting of 2023. MAPC will be paid using money appropriated at the Fall Town Meeting in 2021 to assist the Town with the grant writing process.

Consideration of Whether to Opt-out of Emergency Mosquito Spraying: Mr. Zubricki reminded the Board that last year, they had decided not to opt out of emergency aerial mosquito spraying by the State during a declared public health hazard condition for a number of reasons. He asked the Board to consider what they would like to do this year and is working to understand what the State's deadline will be this year (likely March). It was suggested that perhaps the question of rejoining the Northeast Massachusetts Mosquito Control and Wetlands Management District should go before Town Meeting since membership in the District would provide an alternate management plan capable of allowing the Town to opt out of emergency aerial spraying. It is also possible to opt out if a community applies for and gets approved its own alternate mosquito management program – which the City of Gloucester did last year. Mr. Zubricki said that he would contact the City of Gloucester to get a copy of their approved plan and an understanding of the cost of implanting it and that he would contact the Mosquito Control District to find out the current annual fee (for a minimum of three years) if the Board is interested in joining. Of course, a third option is simply not to opt out – again.

Possible MVP Grant for Further Apple Street Roadbed Elevation Work: Mr. Zubricki reported that he and Selectman Phippen had had a discussion recently with an MVP coordinator regarding the possibility of seeking an MVP grant to fund completion of the design and permitting aspects of the project to elevate the two low spots on Apple Street. The coordinator thought the Town would have a good chance of being awarded the grant funding and offered some suggestions for enhancing the grant application. Mr. Zubricki will develop the necessary application when forms are made available.

PUBLIC COMMENT: Tina Lane asked what would be promoted using funding in the Promotion of Town Resources budget, should that budget be reinstated. New businesses, new tourism, and the local scenery are possibilities.

Janet Carlson asked if there was an update on the Apple Street feasibility study. Mr. Zubricki said that the study (which Ms. Carlson had read) will be drawn upon to consider alternatives during the final design and permitting process. The project will have to undergo Massachusetts Environmental Policy Act (MEPA) review as well, which will require a proper balance of function, cost, and environmental disruption.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:39 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen