

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

April 26, 2021

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at www.essexma.org. For this meeting, no in-person attendance of members of the public will be permitted, however, members of the public who wish to listen to and/or view the meeting may do so via Video Call or phone to call in, for audio-only).

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 audio only. The call-in-only number is: (425) 436-6352 and the access code is 1729820.

Present: Chairman Ruth R. Pereen and Selectmen's Assistant Pamela J. Witham.

Present via Video Conferencing: Selectman Peter D. Phippen, Selectman Guy D. Bradford, Town Administrator Brendhan Zubricki, Town Accountant Virginia Antell, Shelley Bradbury, Erika Brown, Planning Board Chair Westley Burnham, School Committee member Annie Cameron, Historical Commission Chair Nat Crosby, Community Preservation Committee Chair Kim Drake, Police Chief Paul Francis, Board of Public Works Superintendent Michael Galli, Jay Havighurst, Shellfish Constable William Knovak, Tina Lane, Rockport Conservation Commission member Alan MacMillan, Dan Mayer, Antonella Muniz, Ed Neal, Patti Page, Board of Health member Sally Ann Rich, Treasurer/Collector Jeff Soulard, Town Clerk Pam Thorne, and School Committee Member Sarah Wolf.

Chairman Pereen called the meeting to order at 6:00 p.m. and asked anyone wishing to make a Public Comment to email their comments to Town Administrator Brendhan Zubricki: bzubricki@essexma.org. The comments will be read from time to time throughout the meeting.

In other business, a motion was made, seconded, and unanimously voted by Roll Call Vote to approve the weekly warrant in the amount of \$80,229.88.

A motion was made, seconded, and unanimously voted by Roll Call Vote to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 04/15/2021 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>
Jake McNeilly	McNeilly EMS	04/01/2021	\$ 143.50	Fire
Jake McNeilly	McNeilly EMS	04/07/2021	\$ 200.00	Harbormaster

A motion was made, seconded, and unanimously voted by Roll Call Vote to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 04/22/2021 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>
Jake McNeilly	McNeilly EMS	04/12/2021	\$ 155.00	Fire
Ernie Nieberle	Nieberle's	03/24/2021	\$ 257.50	Highway

A motion was made, seconded, and voted by Selectman Phippen and Selectman Bradford to approve the minutes for the Selectmen's April 12, 2021, Open Meeting. Chairman Preen did not attend the April 12th meeting and abstained.

A motion was made, seconded, and unanimously voted by Roll Call Vote to ratify the Chairman's signature on the FEMA COVID reimbursement contract.

A motion was made, seconded, and unanimously voted by Roll Call Vote to ratify the Board's approval of a request by all four lessees of 25 Middle Road (Map 108, Lot 51) to remove two of the lessees from the lease (Wallace H. Rowe III and Wallace H. Rowe IV). Heidi A. Rowe and Marshall K. Rowe will remain as leaseholders.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve the recommendation of School Counselor David Conwell to award the Selectmen's 2021 Citizenship Award to an Essex MERSD student. Board members signed the award certificate, and it was decided that Chairman Preen would present the award at the presentation which is tentatively scheduled for Thursday, June 3, 2021 at 4:30 p.m.

Selectman Peter Phippen has been working on a marsh restoration project for the Trustees of Reservations and has been approached by a resident whose property abuts the site where he is working. There is also a Town-owned lot that abuts the site (0 Hardy's Creek Marsh, Map 204, Lot 005 on the Town of Essex Board of Assessors' tax maps). Selectman Phippen would like to apply for a marsh restoration grant encompassing the three parcels as a single project. Chairman Preen and Selectman Bradford were in favor of the request and a motion was made and seconded and voted to approve use of the Town-owned lot for the project, contingent upon the necessary approvals from any applicable other Town boards or other authorities. Selectman Phippen abstained.

Mr. Zubricki said there are three Commissioners on the Board of Public Works and each year one of the Commissioners comes up for reappointment. The Board of Selectmen, the Town Moderator, and the Planning Board each take turns recommending the year's

reappointment/appointment and the Board of Selectmen vote to approve the appointment. This year, it is the Selectmen's turn to make a recommendation for replacement of Scott DeWitt who has decided not to seek another term on the Board. Mr. Zubricki asked the Board to consider applicants to fill the vacancy for discussion at their May 3rd meeting. Interviews with the applicants, if necessary, will take place at the Selectmen's May 17th meeting.

Mr. Zubricki read a note from Mr. & Mrs. DeScenza asking the Town to repair or replace the broken stakes and signage at the vacant Town-owned lot at 9 Beach Circle. A few years ago, the Town had decided to stop leasing the Beach Circle property and the cottage that was on it was moved to a new location. At the time, there was discussion about possibly creating a public space that would include Clammers Beach, 11 Beach Circle, and 9 Beach Circle. The property at 9 Beach Circle was roped off until plans for the property could be determined. The stakes and no trespassing signage have deteriorated and people have been using the property, causing some damage to the neighboring DeScenza property. A motion was made, seconded, and voted unanimously by Roll Call Vote to replace the ropes and stakes and signage for the time being.

A question has come up as to whether the Town should opt out of aerial pesticide spraying by the State-imposed deadline of May 15, 2021, if found to be necessary and the Town can meet all related requirements. The opt-out would apply in any future public health situation where the Commonwealth of Massachusetts mandates the use of aerial spraying for mosquito control purposes. The Board of Health has called an emergency meeting for tomorrow night to discuss this matter. Alan MacMillan, a member of the Rockport Conservation Commission, said that Rockport will be opting out since the chemical used can cause serious health problems and contaminate water supplies. It was agreed to table discussion of this matter until more information is available, as well as comments from the Board of Health. It was announced that the State will be holding an informational meeting on the subject at 11:00 a.m. on May 3rd.

Historical Commission Chairman Nat Crosby joined the video conference to discuss the Select Board's vote at their last meeting to demolish the Folsom Pavilion. The Building Inspector has declared that the building is unsafe and could be hazardous. Discussion followed regarding the many reasons for the Board's decision. It was agreed that Mr. Zubricki will arrange for immediate demolition of the building and the Historical Commission will take numerous photos of the building before demolition to document it. The Board will request money at the Fall Town Meeting for the design of a replacement building. Additional money for the project may be available from the Community Preservation Act. Chairman Pereen read two letters concerning the plan to demolish the pavilion. The first one advocated the demolition of the pavilion. The second one advocated renaming Centennial Grove to Folsom Memorial Park. The Board was interested in possibly renaming the Grove and it will be discussed at their next meeting on May 3rd.

A motion was made, seconded, and unanimously voted by Roll Call Vote to approve a Gasoline-Fuel Storage Permit renewal for Gaybrook Garage at 152 Western Avenue.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, May 3, 2021, at 6:00 p.m. in the 2nd Floor Stage Conference area of the Town Hall on Martin Street.

The Annual Town Election will take place on Tuesday, May 10, 2021.

The Annual Town Meeting will take place at the Essex Elementary School on Story Street, starting at 1 p.m. on Saturday, May 15, 2021.

Town Accountant Virginia Antell was first to speak at the Quarterly Department Head Meeting. She reported that she has been reviewing the budget expenditures to date and they are on track, despite the additional strain on departments due to the COVID 19 pandemic. She announced that the Town has been included in a regional pilot project grant to support economic recovery of local businesses.

Police Chief Paul Francis said his department is having some budget issues due to COVID, but they have been able to execute line item transfers to fund the budgets that were short. One example, he said, is that additional training is mandated for the officers. Last year some of the officers were scheduled for more training, but the training was cancelled due to COVID and the budgeted money went unspent. This year the training is being offered, but the cost was not included in this year's budget. Chief Francis reported that he has lost three reserve officers recently, and may lose two more, due to newly enacted requirements for increased police training. The Department is hoping to complete their move into the new public safety building by the end of next week. They are planning to begin working on the department's accreditation assessment over the summer.

Town Clerk Pam Thorne reported that there had been a good response to the census questionnaires this year. To date this year, the Town Clerk has issued 545 dog licenses, with about 200 still outstanding. The Animal Control Officer will be issuing notices and fines to those without licenses. The shellfish permits issued are on target. Town Clerk Thorne conducted ballot testing last week and is currently busy preparing for the annual town election and the Annual Town Meeting.

Treasurer/Collector Jeff Soulard said that the 4th quarter taxes are due on May 3 and he is expecting his office to be extremely busy processing payments.

Planning Board Chair Westley Burnham said that his Board has been busy working on the retail marijuana permit for BB Botanics. The PB recently held a public hearing to discuss three articles included in the warrant for this May's Annual Town Meeting concerning the creation of a downtown zoning district, an amendment regarding a temporary moratorium on business and industrial conversions, and a request by a citizens' group for changes to the current cell tower bylaw. He said he is expecting that the Planning Board will be receiving a special permit request for a cell tower sometime this summer. The Havighursts offered a public comment stating that

they are opposed to the creation of the downtown district. They exchanged contact information with Mr. Burnham, who offered to discuss the proposal with them.

Shellfish Constable William Knovak reported that the truck and the boat are both working fine. The two new deputy constables from Gloucester have been sworn in and will assist as a courtesy when he is short-handed. He said there are plenty of healthy clams available for harvesting. The State is not offering their bounty program this year for green crabs, so the crabs may become a problem later in the year.

Nat Crosby, Historical Commission Chair, said that the Commission is embarking on a planning initiative. He also reported that they now have achieved full Commission membership.

Board of Health member Sally Ann Rich confirmed that the Board of Health will be meeting tomorrow evening to determine their position regarding the proposed mosquito spraying. The Havighursts commented that they were in favor of opting out of the mandatory spraying.

School Committee member Sarah Wolf reported that everyone is back at school now. Some of the older children have opted to continue their remote attendance, but the elementary school is back 100%. She said she would like to thank Board of Health Administrator Erin Kirchner for all her help to reopen the schools. She also reported that the Memorial School project continues to be on time and on budget. Construction has begun on a new playground at the Essex Elementary School.

Community Preservation Committee Chair Kim Drake said the Committee has been reviewing projects to include in the CPC article on the warrant for the Annual Town Meeting.

Board of Public Works Superintendent Michael Galli said the Highway Department is preparing for a spot paving project and they are also finishing up the Memorial Park renovation project. Some problems have been resolved at the Transfer Station. The Cemetery Department is getting ready for the Memorial Day celebration. The Water Department has scheduled a sanitary inspection and will be initiating well cleaning. The Sewer grinder pump replacement project went out to bid and was awarded to EF Mahoney. The new pumps will be installed over a three-year period.

A letter from Ed Neal was read expressing his concern that the shingles are buckling on the roof of the new public safety building. The contractor originally expressed concern over the method of installation, but was told by the architect that it would be OK – all unbeknownst to the Town. The architect has stated that the buckling will go away when the weather gets warmer. Mr. Zubricki said that approximately \$600,000 has been kept as retainage until the project is satisfactorily completed and the Town may be enlisting the services of Town Counsel to resolve this matter. Dan Mayer suggested contacting the bonding company for the construction company and/or architect. Mr. Zubricki said that the architect is not bonded, but does have liability insurance.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 10, 2021 through April 23, 2021, regarding the following:

Planning Board Zoning Bylaw Public Hearing Summary: Mr. Zubricki reported that he and the Board of Selectmen had attended the Planning Board's recent public hearing. As mentioned earlier in the meeting, at the hearing, the Planning Board presented their proposal for the creation of a downtown district. Select Board Chair presented a proposal for a moratorium on allowing certain changes of use; and a representative from the citizen's group presented their proposal for making certain changes to the cell tower bylaw.

Zoning Board of Appeals Cell Tower Variance Application Hearing Summary: Mr. Zubricki attended the recent Zoning Board of Appeals meeting regarding a request for variances for a proposed cell tower on Eastern Avenue. He also provided support for the hybrid format of the meeting involving ZBA members assembled together at Town Hall and the applicant and the public joining remotely. Those present listened to a presentation by the applicant's lawyer, after which, the ZBA agreed to continue the hearing until June pending further research. The Town will establish an escrow account to receive payments from the applicant, which will fund the Town's cost to hire a third party consultant to evaluate the applicant's proposal and to also review the proposal from the citizen's group that is opposed to the cell tower.

Public Safety Building Construction Project Update: Mr. Zubricki reported that the new public safety building is coming along nicely. He and personnel from the general contractor and the Town's project management firm recently met with an abutter to see whether the abutter would accept the change of the material for the proposed fencing to premium vinyl. Due to COVID, the wooden fencing may not be available until later in the year. However, the abutter chose to wait until the wood product is available.

Change Order Number 14: Public Safety Building Elevator Sill Angle Credit and Public Safety Building Camera System Modifications: Mr. Zubricki said that the Town will receive a credit because the elevator sill angle did not need to be installed. However, it has been necessary to install more cameras for additional security. The total net cost to the Town will be \$25,495.96. Subsequently, a motion was made, seconded, and unanimously voted by Roll Call Vote to approve Change Order #14.

Revision of Base Plans for Old Fire Station Demolition/Site Restoration: Community Preservation Committee (CPC) Chair Kim Drake, who is also a landscape architect, reported that she has been reviewing the plans for the new display building for the Town's pumper. She said that she was uncertain whether the building would qualify to receive CPC money and Town Administrator Zubricki suggested that Town Counsel be consulted. She also noted that the plans did not show the building being connected to the sewer and questioned whether there should be a drain in the floor because the building is essentially a garage. Those attending also discussed the need and problem of placement of the utility box to supply electricity for the building and the parking lot street lights. Mr. Zubricki will continue to work with the designer on the project by forwarding Ms. Drake's comments and working toward the next iteration of the plans.

Folsom Pavilion Demolition & Plan to Fund Design/Construction for Replacement: This topic was covered earlier in the meeting.

Draft Annual Town Meeting Motions: Mr. Zubricki distributed the list of motions and suggested presenters for the Annual Town Meeting for the Board's review. Chairman Pereen said she is happy to present the motions assigned to her. The other board members also agreed with their assignments.

Regional Pilot Project Grant Program Award: As mentioned earlier in the meeting by the Town Accountant, a Regional Pilot Project Grant in the amount of \$180,000 has been awarded to the four Cape Ann communities, which includes Essex. Mr. Zubricki said that it is important to note that this grant is an implementation grant rather than a planning grant. Its purpose is to help businesses recover economically from the COVID crisis. Chairman Pereen said that she had been reviewing the grant paperwork and would like the description for Essex to be reworded to include the entire town, not just the causeway and Main Street. Selectman Phippen and Selectman Bradford agreed.

There being no further business before the Board, a motion was made and seconded to adjourn the meeting at 8:31 p.m., followed by a unanimous Roll Call Vote.

Documents used during this meeting include the following: eMail from Library Director Debbie French.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen

Debbie French email:

I was on the phone last night for the department heads review but couldn't get myself heard to speak. I thought I'd convey my talking points. Would you be so kind as to forward them to the BOS.

The library will be open for browsing May 1st by appointment. We will then be open weekly on Friday and Saturdays by appt. Depending on the reception and staffing I will then move to open a little more. I have spoken to Erin and am following state guidelines.

I have hired a new employee.

Virtual programming is still going strong.

New databases have been added: Ancestry & Heritage Quest (a genealogy search) And Mango languages.

I foresee no budgetary shortfalls.

Curbside pickup will continue at 40 plus items a week.

Over 50 new library cards have been issued.

We look forward to having people back.

Thank you
Debbie