

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

June 1, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, 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, members of the public who wish to listen to the meeting may do so via Conference Call. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. **The call-in number will be: 717-275-8940. The access code is: 8378315. Please mute your phones. If you do not have a mute button, press *6 (star 6) to mute and unmute from a landline phone.**

Present: Chairman Ruth Pereen, Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Selectmen's Assistant Pamela J. Witham, and Shellfish Constable William Knovak.

Present via Telephone Conferencing: Town Administrator Brendhan Zubricki.

Also Present via Telephone Conferencing: Virginia and Michael Antell, Mary Ellen DeLacey, Harbormaster Dan Fialho, Police Chief Paul Francis, Board of Health Agent Erin Kirchner, Tina Lane, Antonella Muniz, Donna Roy, Town Clerk Pamela Thorne, John Tremblay, and others.

Chairman Pereen called the meeting to order at 6:00 p.m. and announced that any Public Comment should be emailed to Town Administrator Brendhan Zubricki at bzubricki@essexma.org. The comments will be read from time to time throughout the meeting.

Constable Knovak reported that the people from the MA Oyster Project are preparing a letter outlining their plan for placing oysters in selected areas of the Essex River within Essex. He said that he has also alerted the Division of Marine Fisheries that the letter will be available soon for DMF approval. He will visit the Board again once he has both the plan and the approval. Mr. Knovak left the meeting.

Town Clerk Pamela Thorne spoke about her request to update the voting equipment for the Town from the current 1949 hand cranked wooden ballot box to a new electronic vote tabulator. Subsequently, Chairman Pereen made a motion that on this first day of June, 2020, the Essex Board of Selectmen vote, by majority vote as required by MGL Chapter 54, §34, to begin using the LHS Image Cast Digital Scan Vote Tabulator for all future elections, beginning with the

September 1, 2020 Primary Election, and therefore discontinuing the use of the current hand count ballot box. The motion was moved, seconded, and unanimously voted. A motion was also made, seconded, and unanimously voted to accept the State's offer to pay for the lease to Essex of this equipment for two Fall elections, after which time the Town will purchase the equipment for \$100.

Board of Health Agent Erin Kirchner, Police Chief Paul Francis, and the Board discussed their positions regarding starting to reopen Centennial Grove to residents again. Agent Kirchner said that her Board is in favor of reopening, so long as the State guidelines are followed, which include social distancing and wearing masks. Chief Francis agreed. A motion was made, seconded, and unanimously voted to reopen Centennial Grove, the beach at Centennial Grove, the beach at Clammers' Beach, and Front Beach to residents only. The Town Clerk will issue resident tags to residents and a sign will be placed at Centennial Grove announcing that the park is now open to residents, for transitory use only at this time (excluding the beach). State guidelines for beaches include distancing beach towels 12 feet apart and the wearing of masks.

The ball field at Memorial Park and the Field of Dreams will not be opened at this time and will be discussed again at the June 15 Board meeting.

Chief Francis, Agent Kirchner, Harbormaster Fialho, and the Board discussed whether the Town Landing should be opened up to non-residents. Everyone agreed that it is still too early.

The Town Landing in Ipswich is currently closed for repairs and the Ipswich Town Manager has asked if Essex would allow Ipswich residents to launch their boats from the Essex Town Landing so the boat owners could bring boats to their Ipswich moorings and slips. The repairs to the landing will be completed over the next two weeks. After a short discussion, a motion was made, seconded, and unanimously voted to allow Ipswich resident boat owners to use the Essex Town Landing on Tuesday and Wednesday of this week and next week. The motion did not include permission for parking and all users will need to have an additional driver to drive the vehicle and trailer directly back to Ipswich.

A motion was made, seconded, and unanimously voted to approve the Board of Health's request to carry over 55.7 vacation hours to FY 2021 for the Board of Health Administrator. The Personnel Board was involved since the request was for over 40 hours.

Chairman Pereen announced that the continuation of the Public Hearing for the possible modification, suspension, or revocation of a Used Car Dealer's License – Class II issued to Dynamic Auto Brokers, at 147 Eastern Avenue, would be postponed until June 15, at 6:30 p.m. The owner of the business has requested more time to compile the documents requested by the Board.

The Board considered a request from a Water Street resident for the placement of "residents-only" parking signs at the end of Water Street and a motion was made, seconded, and unanimously voted to approve the request.

On a related matter, a motion was made, seconded, and unanimously voted to open the parking lot at 138 Conomo Point Road (Map 108, Lot 61) and to allow parking there only to Town residents who are not Conomo Point residents.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 16, 2020 through May 29, 2020, regarding the following:

COVID-19 Response Update: Mr. Zubricki said that State guidelines mandate certain cleaning procedures and schedules to be implemented if buildings are to be opened up for employees and/or the public, and he has been communicating with a company on the State Contract to provide the required cleaning services for the Town Hall, the Water Plant, the Senior Center, the Memorial Park Public Restrooms, and the Fire/Police Station.

The Board, Agent Kirchner, and Chief Francis discussed when Manchester Essex Little League could resume use of Memorial Park and the Field of Dreams. It was agreed by everyone not to reopen the Memorial Park bathrooms, or order placement of the porta-potties at Centennial Grove, the Field of Dreams, or Conomo Point until arrangements could be made to have them cleaned according to State mandate on a daily basis.

The Board discussed an inquiry from a restaurant asking to move seating outdoors. Mr. Zubricki said that the Governor had issued new guidelines this afternoon. Restaurants will be able to ask their licensing boards for permission to have outdoor seating in conformance with State guidelines for a limited time, subject to any stipulations made by the Local Licensing Authority. The matter will be discussed further at the next Board meeting on June 15. Mr. Zubricki said that he had received an email from Donna Roy regarding possible outdoor seating and Ms. Roy was on the conference line. Chairman Pereen asked her to speak. Ms. Roy, who is a member of the Essex Merchants Group, said that it is important, if possible, to streamline and expedite the process for allowing restaurants to move seating outside. The Board agreed, however, the Board also agreed that the matter needs to be considered carefully, with the advice of Town Counsel.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$193,384.43.

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 5/28/2020 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	05/19/2020	\$ 155.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 18, 2020, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a request by the Board of Commissioners for the Cemetery Department to transfer \$13,328 from its various accounts to fiscal FY2021. The Board signed the request.

A motion was made, seconded, and unanimously voted to accept the donation of a chest freezer to the Senior Center.

A motion was made, seconded, and unanimously voted to ratify the granting of an easement for a new utility pole to serve the new public safety building at 11 John Wise Avenue.

A motion was made, seconded, and unanimously voted to ratify the approval of an engagement letter between the Town and Clifton Larson LLP for audit services.

A motion was made, seconded, and unanimously voted to sign an engagement letter with Clifton Larson Allen for grant-funded assistance with CARES Act funding that has been earmarked for the Town.

A motion was made, seconded, and unanimously voted to approve the Town's participation in a regional CDBG grant being coordinated by the Metropolitan Area Planning Council for possible microbusiness (5 or less employees) COVID-19 recovery grants.

A motion was made, seconded, and unanimously voted to limit the physical presence at Board of Selectmen meetings to the three Board members, the Town Administrator, the Selectmen's Assistant, and anyone without the ability to teleconference, provided they make an appointment, until further notice.

The Board was reminded of the following meeting dates:

- The Annual Town Meeting will be held on Saturday, June 13, 2020, starting at 10:00 a.m., at the Essex Elementary School on Story Street.
- The next regular Board of Selectmen's meeting will take place on Monday, June 15, 2020, at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall, 30 Martin Street.

Mr. Zubricki resumed his Administrator's Report:

Public Hearing for Route 133 Bridge Replacement Over Essex River: Mr. Zubricki said that MassDOT will be hosting a virtual prerecorded informational presentation regarding the Route 133 Bridge Replacement Project. The project is presently at the 20% design stage. DOT will be advertising this virtual style of public hearing twice, in two local papers, and hearing participants will receive instructions on where to send comments and questions.

Public Safety Building Construction Project Update: Mr. Zubricki reported that erection of the steel frame for the building continues and is expected to be completed by the end of June. The project team continues to work with National Grid regarding the placement of a new utility pole at the site. National Grid is also seeking permission from MassDOT to cross Route 133 with 3-

phase power. The contractor has offered to install PVC sleeves to provide for future irrigation at the site for only the extra cost of materials. A motion was made, seconded, and unanimously voted by the Board to accept the offer for installation of the PVC sleeves.

Change Order #4: Replacement of Public Safety Building Oil/Water Separator; Public Safety Building Painting of Ceilings Credit; Modifications to Public Safety Building Steel Fabrication; Deletion of Priming for Public Safety Building Unexposed Steel; and, Public Safety Building Duct Bank Changes: Mr. Zubricki reviewed and discussed the various items comprising Change Order #4, for a net total of \$31,264. For a more detailed account of the items, please refer to his Town Administrator's Report dated June 1, 2020. Following the discussion, a motion was made, seconded, and unanimously voted to approve Change Order #4 when it becomes available.

Update Concerning MassDOT Evaluation of Route 22 and Route 133: Mr. Zubricki said that the traffic study along Route 22 to be performed by MassDOT has been delayed due to the corona virus pandemic but should be completed during June. MassDOT is working on a presentation for the Board regarding their suggestions for reconfiguring the striping for parking and lane use in the area of Farnham's and the placement of speed boards there.

Annual Town Meeting Location, Date, Time, Motions and Summary: Mr. Zubricki reported that the date of the Annual Town Meeting has been changed to Saturday, June 13, and will take place outdoors at the Essex Elementary School starting at 10:00 a.m. Attorney Jeff Blake will be attending the meeting instead of Town Counsel Gregg Corbo. Mr. Zubricki said that the latest draft of the ATM motions only has two changes. The two motions being presented by Michele French will now be presented by Chairman Ruth Pereen.

A motion was made, seconded, and unanimously voted to approve and sign a letter of support from the Essex Board of Selectmen to the Commissioner of the Department of Elementary & Secondary Education for the use of the Alternative Assessment Methodology in calculating apportionment of required local contributions to the Manchester Essex Regional School District for the fiscal year beginning July 1, 2020, if necessary. The use of a so-called 1/12th budget by the District will only occur if one or both Town Meetings are somehow unable to meet and approve budget items before June 30, 2020.

Status of Retail and Cultivation Marijuana Host Community Agreements: Mr. Zubricki said that BB Botanics is currently reviewing the latest draft of the Retail Host Community Agreement. The initial draft of the cultivation Host Community Agreement is being circulated around the Town departments for comment and Mr. Zubricki hopes to receive all comments by this Wednesday. Some Ipswich residents have contacted the Town regarding their concerns about the proposed establishment.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 7:45 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen