

**Selectmen's Minutes**  
**Town Hall, 2<sup>nd</sup> Floor Stage, 30 Martin Street**

**January 25, 2021**

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](http://www.essexma.org). For this meeting, members of the public who wish to listen to and/or view the meeting may do so via Video Call (with the option to show yourself on video or not and with the option to use a phone to call in, for audio-only). 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 using the tools discussed below, 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 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.

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, Planning Board Chair Westley Burnham, Finance Committee Chair Ben Buttrick, Conservation Commission Chair Michael Burke, Council on Aging Director Kristin Crockett, Fire Chief Dan Doucette, Community Preservation Committee Chair Kim Drake, Harbormaster Dan Fialho, Police Chief Paul Francis, Shellfish Constable William Knovak, Town Treasurer/Collector Jeffrey Soulard, and Tina Lane.

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 at [bzubricki@essexma.org](mailto:bzubricki@essexma.org). The comments will be read from time to time throughout the meeting.

Chairman Pereen informed the Board, that because all meetings are now virtual due to the COVID-19 situation, it is a new requirement pointed out by the Office of Open Government that an announcement be made at the start of each meeting naming the Board members present, and, all votes must be taken and recorded as Roll Call Votes.

In other business, a motion was made, and seconded to approve the weekly warrant in the amount of \$96,759.68. A unanimous Roll Call Vote followed, in the affirmative.

A motion was made and seconded to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 01/14/2021 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>
Ernie Nieberle	Nieberle's	12/24/2020	\$ 1,670.18	Police
Ernie Nieberle	Nieberle's	12/24/2200	\$ 269.80	Fire

The motion was approved by a unanimous Roll Call vote.

A motion was made and seconded to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 01/21/2021 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>
Ernie Nieberle	Nieberle's	12/24/2020	\$ 960.03	Snow Removal

The motion was approved by a unanimous Roll Call vote.

A motion was made and seconded to approve the minutes for the Selectmen's January 11, 2021, Open Meeting. A Roll Call Vote followed in which each Selectman voted to approve the motion.

The Board acknowledged and accepted a letter of resignation from Richard Stevens from the Historical Commission.

A motion was made and seconded to approve a recommendation from Historical Commission Chair Nat Crosby to appoint Justin Kane and Drew Godfrey to the Commission. Following a Roll Call Vote in which each member voted in the affirmative to approve the appointments, the Board signed the appointment cards.

A motion was made and seconded to sign a letter of thanks to the City of Gloucester for sponsoring and hosting a vaccination clinic for first responders. The motion was approved by a unanimous Roll Call vote.

Chairman Pereen entertained a motion to approve a written request for the addition of Heidi E. Lane and Virginia Lane to the leaseholds for the following properties:

- 9 Conomo Lane (Map 108, Lot 26);
- 144 Conomo Point Road (Map 108, Lot 59);
- 179 Conomo Point Road (Map 108, Lots 29A & 29B);
- 9 Middle Road (Map 108, Lot 58);

163 Conomo Pt. Rd. (Map 108, Lot 36) (which is also in the name of Sarah Cushing); and she stated further, that nothing in this approval was intended to convey or imply any right, title or interest in the subject properties, or any portion thereof to the parties being added that was not held by those already on the leases. The motion was moved and seconded, followed by a unanimous Roll Call vote to approve the two additions to each of the six leases.

After a short discussion, it was agreed to postpone consideration of a request from the Conservation Commission to use \$6,000 from the Wetlands Protection Fund until the next Board meeting on February 8, pending further information.

A motion was made and seconded to approve the Chairman's signature on the standard contract with the State Executive Office of Elder Affairs for the annual grant to the Council on Aging in the amount of \$9,036.00. Each Board member voted by unanimous Roll Call vote to approve the standard contract which the Chairman then signed.

A motion was made and seconded to approve the following appointments:

- Animal Control Officer for 1 year: Amelia Reilly
- Animal Control Officer, Assistant for 1 year: Diane Corliss
- Animal Health Inspector for 1 year: Pamela Stone
- Appeals Board for 3 years: Michael Davis

Each member of the Board voted by unanimous Roll Call vote to approve each of the appointments. The Board signed the appointment cards.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, February 8, 2021, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area at the Town Hall, 30 Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 9, 2021 through January 22, 2021, regarding the following:

School Budget Collaboration Meeting Summary: Town Administrator Zubricki, Selectman Bradford, and FinCom Chair Ben Buttrick reported on their recent attendance at the School District Budget meeting. The School is currently projecting a 3.75% overall increase over last year's budget. Essex will be level funding all town expense budgets next year, with a 2% cost of living increase in wages, and cannot support such a large increase. The School is averse to reducing their budget which would require personnel/curriculum cuts and a larger teacher to student ratio. Tomorrow night the School District Budget Committee will be meeting and at 7:00 p.m. will host a public hearing regarding their proposed budget. The Board of Selectmen, the Town Administrator, and the FinCom Chair plan on attending the hearing. There followed a discussion. It was agreed that the Town would ask that the School District use more of its reserves to decrease the apportionment to each town further; and that going forward, all parties will discuss whether the current level of school spending will be supported versus the School District keeping its annual increase within the proposition 2 ½ spending cap. Select Chair Preen and FinCom Chair Buttrick agreed to lead this discussion at the public hearing.

Position Description for Public Safety Building Custodian: The Board, acting in their capacity as Personnel Board, reviewed a job description for the newly created position of Public Safety Building Custodian. The Town Administrator, the Fire Chief, and the Police Chief had

participated in the drafting of the document. Following a short discussion, a motion was made and seconded to approve this job description and it was approved by a unanimous Roll Call vote.

At 7:00 p.m., Chairman Pereen announced the Quarterly Department Head Meeting and asked Finance Committee Chairman Ben Buttrick to begin the meeting. Chairman Buttrick reported that this time of year is the busiest for the Finance Committee as they work with departments to set up the budgets for the coming fiscal year and prepare for the annual town meeting.

Town Accountant Virginia Antell reported that it is now six months into the current fiscal year and the Town has received approximately 50% of projected revenue and spent about 50% of the budget, indicating that currently, everything is on track. However, due to the continuing COVID-19 pandemic, she urged departments to continue to use caution when making expenditures.

Police Chief Paul Francis said that the new police car radios have arrived and are being installed. Officer Wheway has been participating in a virtual training course hosted by the Police Academy, and Sergeants Shamshak and Davis will begin special training soon, after which they will pass that training along to the other officers. The Department is preparing for their move into the new public safety building sometime in March or April at which time they will begin the process to achieve accreditation at the new building. The Police Department will also be working with B.B. Botanics, the company that is planning on establishing a retail marijuana facility on John Wise Avenue.

Harbormaster Dan Fialho reported that his department is slow right now. The mooring renewal season has started, and mooring holders now have the ability to renew or apply on-line.

Planning Board Chair Westley Burnham reported that the Board is expecting to receive requests for two special permits in the near future: one for a retail marijuana facility and one for a cell tower. The Planning Board will again seek Annual Town Meeting approval for the creation of a downtown district and has been looking for ways to inform as many of the Town's residents as possible about this project prior to Town Meeting.

Conservation Commission Chair Michael Burke said that the Commission has been working with the Essex Shipbuilding Museum, which is building a large shed at the edge of the River, to make sure they are in compliance. The Commission has also recently issued two enforcement orders. Laureen Sanderson has been newly appointed to the Commission to fill one of the two vacancies on the Commission.

Town Treasurer/Tax Collector Jeffrey Soulard reported that his department is currently collecting third quarter real estate taxes and motor vehicle excise taxes.

Shellfish Constable William Knovak announced that the winter clam flats are now open. The boat and truck are both running well. Shellfish permits must be renewed during the month of March and due to the COVID crisis, Constable Knovak has been handing out shellfish permit

applications in the field since the Town Hall is closed to the public. Clammers must call the Town Clerk for an appointment so she can witness their signature on the application.

Kim Drake, Chairman of the Community Preservation Committee, said the Committee will be meeting later this week to take care of regular business and review proposed projects.

Council on Aging Director Kristin Crockett announced that Council on Aging Outreach Coordinator Theresa Leary has achieved certification as a SHINE Councilor. Director Crockett reported that this year the COA has provided 844 bags of groceries and more than 617 meals to people. They continue to help more people every year find ways to save money on Medicare/Medicaid. They have also been working with Studio 1623 to provide entertainment programs for seniors during this COVID-19 crisis.

Fire Chief Dan Doucette has been busy planning for the department move to the new building this Spring. He reported that Gloucester had graciously hosted a vaccination clinic for the Town's first responders. The new ambulance is in production and they may sell the old ambulance, once the new one arrives. At least one town has expressed interest in purchasing it.

Chairman Pereen asked Chief Doucette for his comments regarding the creation of a structure to house and display the Town's antique pumper. Once the Fire Department and the Police Department move into the new building, the old Fire/Police Station will be torn down. It has been suggested that a building/shed, similar to the one in Wenham, be placed on the site to house the pumper. Chairman Pereen recommended that the structure be placed where the Police trailer is now, for safety and traffic reasons. Chief Doucette said that the pumper is currently housed in a lean-to behind the Fire Station. It is stored on its trailer in order to preserve both the pumper and the trailer, and he recommended continuing to keep the pumper on the trailer. Planning Board Chair Westley Burnham advocated that the Town Building Committee be reconvened and be included in the planning process for the placement and design of the new structure. Mr. Zubricki agreed to contact TBC Chair Lisa O'Donnell regarding the matter, to see if she agrees. The Town will need to bid out the demolition of the current Fire/Police Station, create new specifications for the proposed pumper display structure (to be procured separately, as a modular building), and prepare the site (as part of the demolition bid). The architect for the new public safety building will be asked to help with the pumper project, which will require additional fees.

Summary of fiscal year 2022 operating budget proposal analysis to date: Mr. Zubricki said that there is approximately a \$100,000 gap in the FY22 budget proposal, which may be more or less depending on the School budget. Those present also discussed the proposed purchase of body cameras for the Police Department. The cameras cost about \$34,000 to purchase. Thereafter, if the Town uses the most popular vendor, it will cost the Town \$36,000 the first year and about \$31,000 each year afterwards to engage a service firm to maintain the cameras and catalog and preserve the video footage. The Police Department is presently looking into other vendors and whether the archiving and backup of footage could be done in house.

Public Safety Building Construction Project Update: Mr. Zubricki reported that they are finishing up the entrances to the new building and will be working on the sidewalks leading to the entrances. The elevator company is working on the elevator installation. They hope to receive a conditional or temporary certificate of occupancy sometime in March, with the permanent certificate coming in mid-April this year.

Change Order #11: Public Safety Building Dryer Vent, Extend Vehicle Exhaust Vent, Credit for Unsuitable Soil Allowance, and Concrete Slab for Police Storage Container: Mr. Zubricki briefly reviewed each of the items comprising Change Order #11 and the reasons for each item. Change Order #11 will result in a net additional cost of \$12,361 which would be funded from the contingency budget which currently has a balance in excess of \$1,000,000. A motion was made and seconded to approve Change Order #11. The motion carried by unanimous Roll Call Vote.

Public Safety Building Project Representation for Duration of Project: Mr. Zubricki said that the project was originally projected to complete by January 31, 2021 and had been budgeted accordingly. The building is now projected to reach substantial completion in early March and it will be necessary to fund project supervision by the Project Manager longer and also to fund the architect beyond the allowance already carried for basic demolition of the old building and basic site restoration since site preparation for the antique pumper building and site restoration beyond just a basic plan will be necessary. Extension of project supervision through March is expected to cost no more than \$30,000.

At 8:00 p.m., a motion was made to move into Executive Session to conduct contract negotiations with non-union personnel, including discussion of merit pay for the Town Accountant, the Treasurer/Tax Collector, and the Police Chief; and, the negotiation of a successor agreement with the Town Administrator. Chairman Pereen said the Board would be returning to Open Session in about one hour to possibly vote on decisions reached in Executive Session and to finish regular business. She invited the Town Administrator and each of the employees mentioned above (each in turn) to participate in the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Treasurer/Tax Collector Jeffrey Soulard moved to Executive Session (with others to follow, in turn).

The Board, their Assistant, and Mr. Zubricki returned to Open Session at 8:53 pm.

Chairman Pereen entertained a motion to award 1% merit pay to Town Accountant Virginia Antell, Treasurer/Collector Jeffrey Soulard, and Police Chief Paul Francis, all calculated on each employee's fiscal year 2021 base salary commencing July 1, 2021. The motion was moved and seconded and followed by a unanimous Roll Call Vote.

Draft Annual Town Meeting Warrant: Mr. Zubricki noted that the Town Clerk is considering holding the May annual election at the new public safety building and the Board discussed the advantages of holding it at the new building or holding it on the third floor of the Town Hall. Mr. Zubricki said he would discuss the matter with the Town Clerk, since the need for the use of the

elevator for the Town Hall option is likely why the new public safety building has been proposed.

Mr. Zubricki reviewed the articles on the latest draft of the warrant for the May 3, 2021 Annual Town Meeting and collected comments. The warrant will continue to be updated until its final approval on March 22.

There being no further business before the Board, a motion was made and seconded to adjourn the meeting at 9:28 p.m. The motion was approved by a unanimous Roll Call Vote.

Documents used during this meeting include the following: None.

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

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