

Selectmen's Minutes
Virtual Meeting Only due to Snow Storm

January 23, 2023

This meeting will be conducted in-person, with the public welcome, but will also be made available to the public via remote participation to the greatest extent possible. Members of the public who wish to listen to and/or view the meeting may do so via two-way Video Call (with the option to show yourself on video or not and with the option to use a phone to call in, for two-way audio-only). Please note that while an option for remote 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 versus virtual attendance accordingly.

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

Further, it is likely that this meeting will be broadcast by 1623 Studios over the local cable television network. Please check your cable listings for details if you are a Comcast cable television subscriber.

Present via Video Conferencing: Chairman Ruth R. Pereen, Selectman Peter D. Phippen, Selectman Guy D. Bradford, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Finance Committee Chair Ben Buttrick, Janet Carlson, Council on Aging Director Kristin Crockett, Board of Public Works Administrative Clerk Amanda Davis, Rebecca Davis, Steve Davis, Planning Board member Simone Early, School Committee member Jake Foster, Police Chief Paul Francis, Debra Friedlander, Treasurer/Tax Collector Brooke Friedrich, Board of Public Works Superintendent Michael Galli, EDC Chair Jodi Harris, North Shore Technical School Representative Alva Ingaharro, Kestrel Educational Adventures Director Jessica Kagle, Anne Kestrel, Board of Health Administrator Erin Kirchner, Tina Lane, Priscilla Malboeuf, Matt McKinnon, Finance Committee member Nina McKinnon, Planning Board Chair Lisa O'Donnell, Fire Chief Ramie Reader, Town Accountant Jeffrey Soulard, Paul Trimby, Joan Wendt, School Committee member Theresa Whitman, Eian Woodman, 1623 Studios, and others.

The Chairman called the virtual meeting to order at 6:00 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 7, 2023 through January 20, 2023, regarding the following:

Economic Development Committee Meeting Summary: Mr. Zubricki reported that he had attended the recent January 19 meeting of the EDC with Chairman Pereen and Town Planner Menon. One of the topics discussed was whether a long-term lease should be given for Centennial Grove versus short-term event rentals. EDC Chair said that more money could be made with special event/short-term rentals. She was in favor of "doing it right" and making improvements to the Grove to attract the short-term rentals. There are several grants that are available that could help with funding the improvements. Mr. Zubricki will prepare a letter of interest for submission to the Commonwealth One Stop for Growth Portal, in collaboration with personnel with the YMCA. She thanked Dan Mayer and other volunteers who are replacing the Folsom Pavilion. The YMCA has also substantially contributed to Grove maintenance and repair. Kestrel Educational Adventures Director Jessica Kagle asked if the Town would be interested in allowing her company to rent outdoor space at the Grove one program series at a time and it was agreed to take her request under consideration. Discussion on this matter will be continued to the next Board of Selectmen's meeting on February 6 after Kestrel provides the Board with more detailed information. Other discussion at the EDC meeting centered around three grants that the Town has recently received to help the Town develop a pleasing, unified, and welcoming downtown area. The three grants each focus on a different aspect of the project, but are all related to the whole picture: 1) a placemaking plan, 2) an off-season downtown event, and 3) decorative lighting.

Benefit Cost Analysis (BCA) Submission, Apple Street Roadbed Elevation & Culvert Replacement Project: Chairman Pereen and Mr. Zubricki took part in a conference call with Massachusetts Emergency Management Agency (MEMA) personnel and representatives from MEMA's technical consultant Atkins Global recently. The purpose of the call was to hear from Atkins what the Town can provide to most favorably rate the Apple Street project using the Federal benefit cost analysis (BCA) protocol. In order to be considered for Federal funding, the ratio must be greater than 1.0. The current rating for the Apple Street project is greater than 1.0 (which is necessary to even apply for funding). However, changes to the design of the project could decrease or increase that rating depending on what changes are made. The Town's goal is to increase that rating as much as possible in order to compete favorably for the Federal funding. Mr. Zubricki reported that the Town will need to receive easements from seven property owners who are abutters of the Apple Street project. If the easements are not provided, the Town may consider taking the land by eminent domain. The Board authorized Mr. Zubricki to contact the abutters regarding the Town's request for easements once the Town's engineering consultant makes those materials available. The Board will also need to consult with the Planning Board regarding the project since Apple Street is a designated scenic way. Further, the Town will be required to propose a source for 10% of the project cost that will not be covered by Federal funding. The current plan is to apply to the Commonwealth for Municipal Vulnerability Preparedness (MVP) Action Grant funding.

Solid Waste Hauling Contract: Mr. Zubricki said that the Department of Public Works has reviewed the Selectmen's recommendations. Both boards are in favor of using Commonwealth to haul the waste. The question of whether Commonwealth should also run the transfer station was discussed and the Selectmen agreed that this would be the best scenario. Although the Board of Public Works has also discussed Commonwealth running the station, no final decision was made at their last meeting. It is hoped that the Board of Public Works will arrive at a final decision with respect to how the transfer station should be run at its next meeting. All are already in agreement that Covanta should continue to be used for disposal. The Selectmen were also hopeful that the Board of Public Works would finalize whether the "pay as you throw" option will be implemented in July, or not.

Sale of Gregory Island Town-owned Lots: Mr. Zubricki is working with the Board of Assessors to determine when the last assessment of the proposed Gregory Island sale lots was made, to ensure that valuation data reflects current market conditions. This item will be discussed at the next Selectmen's meeting on February 6.

Route 133 Essex River Bridge Replacement Project Update: The new water and sewer lines have been installed over the new bridge and the bridge contractors have left for the winter. National Grid is currently working on the gas lines at the site and will eventually require a one-lane traffic pattern for about two weeks this winter. Traffic flow over the new bridge had been anticipated by May. However, the bridge contractor may decide not to return to the site until later in the year than anticipated, which could delay the traffic switch into July.

Conomo Point Stone Piers Renovation Project Update: Mr. Zubricki said there are a number of strategies for repairing the stone piers at the Point, such as using dowels to pin the rocks together, or steel straps to hold the rocks in place, repointing the structure, and/or repair of the concrete cap. Mr. Zubricki suggested that the Board ask for a base price to repair the piers and then look at "add alternates" for repairing or replacing the two sets of stairs, which will require railings. It was suggested that perhaps the Conomo Point Association might consider contributing to the replacement/repair of the stairs. The Board asked Mr. Zubricki to direct the Town's engineering consultant to structure the project bid package as follows: 1) the base cost of the pier repair, 2) the added cost for the replacement adjacent to the seawall of the set of stairs on the downriver side of the pier (add alternate 1), and 3) the added cost for the replacement adjacent to the seawall of the second set of stairs - on the upriver side of the pier (add alternate 2)

Further Discussion with Respect to Town Hall Bell Tower Roof Repair: Chairman Pereen has been working to get an estimate for the roof repair and will be meeting with a contractor in the near future to discuss the matter. Discussion on this item will continue at the next meeting on February 6.

School Budget Collaboration Group Meeting Summary: Selectman Bradford and Finance Committee Chair Ben Buttrick spoke at length regarding the challenges to resolve the school budget increase request issue. Both expect that there will be an operational override for FY2024. There is another budget meeting scheduled for tomorrow, starting at 7:00 p.m. at the Essex

Elementary School. Chairman Buttrick explained how it would be possible to pre-fund the expected School District increases for fiscal years 24-26 with an override vote on May 1, 2023 and a companion ballot question on May 8, 2023. Selectman Bradford discussed how the District has produced a good value with respect to creatively managing special education costs and indicated that he is waiting for more information from the District concerning some questions he has about class sizes.

At 7:00 p.m., Chairman Pereen opened the Quarterly Department Head Meeting and asked Police Chief Paul Francis for his department update. The Chief began by saying that all of his full-time officers are currently participating in in-service training. Most of the training is on-line, but there is some in-person training as well. The police body cameras will be arriving soon and the officers will be trained on when and how to use them. The Chief has also been updating the department policies. He reported that he only has 2 reserve officers now and one is only available now and then. He has been advertising for additional reserve officers and received five responses. Only one of the five submitted a completed application. He said the Public Safety Building has been having cell phone issues and he is working to solve the problem. The department will be replacing their protective vests. The vests need to be replaced every five years and the department received a grant to pay the cost of the replacements. All of the cruisers are in good operating condition, except for his car. He will be making an appointment with Sudbay for an assessment of the vehicle.

Economic Development Committee Chair Jodi Harris reported that the Committee has gotten three grants to improve the downtown area. The Committee has been organizing the proposed sale of Town-owned lots on Gregory Island and exploring ways to generate more income from Centennial Grove. Chairman Harris has also drafted a template for recording and managing permits and projects for applicants. It is anticipated that the template will be made available to the public via the Town website and that the current status of each project will be updated on a regular basis. BOS Chair Pereen asked Chairman Harris to send a copy of the template to the Selectmen's Assistant for distribution and comment by the Selectmen. Chairman Harris said that one of the main goals of the EDC is to find alternative ways to increase the Town's revenue, thereby easing the burden on the taxpayers.

Fire Chief Ramie Reader said that the Town has received a grant to replace their outdated self-contained breathing apparatuses (SCBA). The Fire Department will also be receiving new radios. He welcomed three new EMTs to the department, bringing the current department total up to 29 EMTs. Members of the department will also be receiving training for various types of rescue techniques, such as ice water rescue, HAZMAT training, jaws rescue, search & rescue, etc.

Treasurer/Tax Collector Brooke Friedrich reported that they are busy collecting third quarter tax bills and they are preparing to send out excise tax bills in the near future. She has also been researching new software for the department and has chosen VADAR. There will be a lengthy process ahead to install, transfer over, and learn the new software. She is very pleased to be able to update the software.

Board of Health Administrator Erin Kirchner announced that they have a new Board of Health Clerk, Jeff Thomas. The Board has been hosting many clinics for COVID and flu. They will also be holding classes for Automatic External Defibrillator (AED) and Cardiopulmonary Resuscitation (CPR) training. She said we now have access to a shared social worker and that Danvers has opened a new facility to assist people suffering from depression, etc.

School Committee member Theresa Whitman said she wanted to thank Finance Committee Chair Ben Buttrick, Selectman Bradford, and EDC Chair Harris for working together on the school budget. There are two more budget hearings. One is tomorrow night at the Essex Elementary School. The budget will be finalized on February 7. She announced that the School District now has a policy handbook. They are in the process of closing out the Manchester Memorial School project and looking towards the next project which will be to replace the Essex Elementary School.

North Shore Technical School Representative Alva Ingaharro said that she would like to meet with Chairman Pereen and Town Administrator Zubricki to discuss her role as the Essex representative to the school. She suggested that perhaps a charter could be created. Chairman Pereen and Mr. Zubricki agreed to meet with her at the Town Hall and asked her to suggest a time. Ultimately, it was decided that Selectman Bradford would attend the meeting, instead of Chairman Pereen, since Selectman Bradford is the Selectmen's school liaison.

Town Account Jeffrey Soulard reported that the audit standards have recently been upgraded, and that the audit work for the Town is now substantially complete. He will be working with the auditors to reconfigure the accounts and reported that he will also be installing, transitioning, and learning the new VADAR software for his department.

Board of Public Works Superintendent Michael Galli said that the transfer station fence is in the process of being replaced. The new door has been ordered and will be arriving soon for installation. The department has been working with the contractor and supervising the placement of the new sewer and water mains at the causeway bridge project. Most of that work has occurred at night. They have had to replace one sewer pump and repair a lift station, and they are continuing to replace grinder pumps. Recently, they repaired an 8-inch water main break. Winter maintenance is being performed at the Water Plant. The Highway Department has been busy patching potholes. The department's tree budget is almost exhausted due to several high wind storms. And lastly, he reported that the new truck voted at Town Meeting has been ordered and is currently being assembled.

Finance Committee Chair Ben Buttrick said the Finance Committee is ramping up for budget season and there are many concerns about how the current high inflation will impact the Town's finances.

Council on Aging Director Kristin Crockett reported that she and her assistant have been busy helping approximately 200 seniors review their Medicare plans during the open enrollment period, which has now ended. The Council is fortunate to have many volunteers and she has been

organizing their activities. She has also started planning for 2023. One of the projects is to offer programs for seniors who are raising and taking care of their grandchildren while the parents are working. Director Crockett has also been working to achieve her Director Certification.

Planning Board Chair Lisa O'Donnell announced that her Board has a new Clerk, Sarah Seber, who has replaced Mary Heeney, who has retired. Chair O'Donnell reported that she likes the new permitting software and said it makes it very easy to look up properties, etc. The Town has received \$90,000 in grant money for bylaw review (\$75,000 from the State and \$15,000 from the Metropolitan Area Planning Council (MAPC). The Planning Board will be working with MAPC to revise the Town zoning bylaws and their first meeting will be this Wednesday, January 25. The Planning Board hopes to have some of the proposed changes ready in time to be voted at the Annual Town Meeting this May.

A motion was made, seconded, and unanimously voted to close the department head meeting at 7:58 p.m.

Chairman Pereen acknowledged that the Board had received the calendar year accomplishments and proposal of goals for calendar year 2023 from Treasurer/Tax Collector Brooke Friedrich and Police Chief Francis. She asked the Board if they had any questions and no one did. She said the Board would be discussing the compensation component of the process with the two employees in Executive Session at their next meeting on February 6, 2023.

A motion was made, seconded, and unanimously voted to approve a request from Woodman's to close from January 3 to February 3, 2023 for cleaning and repairs.

Mr. Zubricki resumed the presentation of his Town Administrator's report.

Apple Street Roadbed Elevation and Culvert Replacement Project Update: Mr. Zubricki said the Town's engineering consultant (TEC) has now responded to all the questions and concerns that have been expressed regarding this project. The roadway section of the project will be increased from 18 feet wide to 20 feet wide in order to conform and meet current industry design standards for roadways. The most current version of the project plans and a copy of TEC's response document may be found at www.essexma.org/apple.

Continued Review of Annual Town Meeting Article Topics: The Board discussed the latest draft of the proposed Annual Town Meeting Article Topics. This year's ATM is scheduled for May 1, 2023, and the Warrant will close on March 27, 2023. The Board also questioned whether the Town should seek to implement a new short-term rental tax (impact fee) versus simply increasing the traditional lodging tax (or a combination of the two). Chairman Pereen said she would like to speak with David Brown, the owner of the Town's only motel, before making a decision. Mr. Zubricki will provide the Board with more information on the topic as he begins to put together a draft of the Annual Town Meeting warrant.

Community Planning Grant Small Group Meeting Summary: Mr. Zubricki said that this topic had been covered earlier in the meeting during the quarterly department head segment by Planning Board Chair Lisa O'Donnell.

Off-Season Event Sub-Working Group Meeting Summary: Mr. Zubricki met with Economic Development Committee Chair Jodi Harris, representatives from the Town's consultant Civic Space Collaborative, and members of the business community to discuss ideas for an off-season event in May that would attract customers to downtown. The event is expected to consist of several spring-themed activities in restaurants and shops and public places. There will be a meeting next week to continue with the event planning.

Town Placemaking Plan Site Visit Summary: Several members of the Town's business community and Economic Development Committee Chair Jodi Harris took part in a downtown site visit hosted by the Town's consultant Civic Space Collaborative. The purpose of the visit was to provide CSC with suggestions and ideas for improving and unifying the appearance of the area to provide a more cohesive appearance that is pleasing to the eye. CSC is now working on an initial draft of recommendations for the project. There will be a meeting next week to discuss the recommendations.

PUBLIC COMMENT: Chairman Pereen asked if anyone would like to make a public comment.

Priscilla Malboeuf, an Apple Street resident, asked if something could be placed on the Town website with respect to the Benefit Cost Analysis work that the State's consultant is performing with respect to the Apple Street project. Mr. Zubricki stated that he does not yet have anything from that consultant to post.

Janet Carlson, an Apple Street resident, sought to clarify that there are 7 abutters to the Apple Street Elevation project that the Town will seek to obtain easements from or take by eminent domain for the project. Mr. Zubricki replied that she had the information correct.

Steve Davis, an Apple Street resident, asked why the Town is even considering the Apple Street project, since today during the extra high tide, the causeway flooded, but Apple Street did not. Mr. Zubricki replied that experts at the State and Federal level have predicted that, in the coming years, over the long-term, sea level rise will become exponential and much more frequent flooding events at both the causeway and Apple Street are expected.

Nina McKinnon, a Finance Committee member and a Low Land Farm resident, said that there was a huge amount of traffic on Apple Street today during the closure of the causeway and that only residents and emergency vehicles should be allowed to use the street when the causeway is flooded.

Simone Early, a Planning Board member and an Apple Street resident, suggested that a cost analysis be done regarding elevation of the various businesses that are adjacent to the causeway.

Mr. Zubricki commented that the adjacent businesses are on private property and that it would be up to the businesses to undertake such an exercise.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$154,465.90.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 9, 2023, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the Volunteer Fire Assistance Grant contract.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the petition for exemption and temporary waiver for Harbormaster Dan Fialho's attendance at the training academy.

A motion was made, seconded, and unanimously voted to accept the resignation of John Bediz from the Strategic Planning Committee.

A motion was made, seconded, and unanimously voted to accept the resignation of Nat Crosby from the Historic Commission, effective 2/1/2023.

A motion was made, seconded, and unanimously voted to appoint Meg Nelson to the Zoning Board of Appeals for her 1st 3-year term, commencing 2/1/2023.

A motion was made, seconded, and unanimously voted to approve the Planning Board's request to designate Peter Levasseur as their representative to the Community Preservation Committee (for a partial 3-year term, ending 6/30/23) and to the Strategic Planning Committee (for a partial 1-year term, ending 6/30/23), replacing Kim Drake and Lisa O'Donnell, respectively.

A motion was made, seconded, and unanimously voted to reappoint the following people for a term of 1 year, beginning 2/1/2023:

Amy Reilly – Animal Control Officer

Diane Corliss – Assistant Animal Control Officer

A motion was made, seconded, and unanimously voted to authorize the Chairman to approve and sign an "Action Plan for MBTA Communities" that describes the Town's path toward the requirements in Chapter 40A, Section 3A of the General Laws. Mr. Zubricki said that a recent study by MAPC shows that the Town is likely already be compliant. However, the State has not yet formulated an application for a municipality that is already in compliance. So, Essex will be required to file a plan, which will list as the Town's chief action pursuant of certification by the State.

A motion was made, seconded, and unanimously voted to authorize the Chairman and/or the entire Board (as may be required) to execute, outside of a meeting, any and all documents associated with the Town's State Revolving Loan Fund loan for Water Filtration Plant improvements (\$2,600,000).

Mr. Zubricki reported that during a recent visit to Conomo Point, the Board of Health Administrator noticed that the seasonal property at 5 Cogswell Road appears to be occupied during the off season in violation of the deed from the Town to the new property owner. The Board was in favor of Mr. Zubricki seeking advice from Town Counsel on this matter.

The next regular Board of Selectmen's meeting will take place on Monday, February 6, 2023, at 6:00 p.m. in the 3rd floor auditorium of the Town Hall, 30 Martin Street.

At 8:40 p.m., citing the need to discuss right of first refusal to purchase the B.J. Frye property at 31 Apple Street and further discussion with respect to the ongoing purchase process for the B.J. Frye property at 30 Apple Street, the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating position and that the Board would only be returning to Open Session to adjourn the meeting. She invited the Town Administrator to attend the Executive Session. The motion was moved, seconded, and unanimously voted by Roll Call Vote. Chairman Pereen, Selectman Phippen, Selectman Bradford, their Assistant, and the Town Administrator moved to the virtual Executive Session.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:50 p.m.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:50 p.m.

Prepared by: _____ Attested by: _____
Pamela J. Witham Peter D. Phippen