

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

**January 7, 2019**

Present: Chairman Lisa J. O'Donnell, Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Manchester-by-the-Sea: Town Administrator Gregory Federspiel, Board of Selectmen Chair Susan Beckman, Selectman Becky Jacques, Selectman Eli Boling, and Selectman Margaret Driscoll.

Also Present: Town Accountant Virginia Antell, Russ Brown, Planning Board Chair Westley Burnham, Gloucester Daily Times Reporter Mike Cronin, Officer Ryan Davis, Sgt. Paul Francis, Mark Gallagher, Tina Lane, Planning Board member Mike McConnell, Town Building Committee member Stuart Pratt, Chris Ryan, Building Inspector Bill Sanborn, Treasurer/Collector Jeff Soulard, a representative from the Manchester Cricket, and interested residents.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the second floor Stage Conference meeting area of the Town Hall and announced that the Board would hear Public Comment.

Town Building Committee member Stuart Pratt came before the Board. Mr. Pratt has been a member of the TBC since its inception in 2009. He briefly reviewed the many options that have been examined at length by the Committee. He summarized by stating that the various sites owned by the Town are not very suitable sites for a public safety building. Owners of certain properties that are deemed as much more suitable sites have stated that they are not interested in selling. Mr. Pratt said that he would like the Board to consider taking a suitable site by eminent domain, with specific reference to 42 Western Avenue. He said that his firm has had experience in this area and he would be willing to share his knowledge with the Board. Following a discussion by the Board, the Town Administrator, Town Counsel, and Mr. Pratt, the Board said they would take the matter under advisement and thanked Mr. Pratt. He left the meeting.

Following Mr. Pratt's comments, Chair Lisa O'Donnell, Town Counsel Gregg Corbo, and the Town Administrator left the meeting at 6:13 p.m.

In other business, a motion was made, seconded, and unanimously voted by the two remaining Selectmen, to approve the weekly warrant in the amount of \$649,592.33.

A motion was made, seconded, and 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 12/20/2018 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>
Perkins Marine	Scott DeWitt	12/03/2018	\$ 1,049.39	

A motion was made, seconded, and voted to approve the minutes for the Selectmen's December 17, 2018, Open Meeting and Executive Session.

A motion was made, seconded, and voted to approve a request from the Police Department to accept a donation in the amount of \$200 to be deposited to the Police Gift Account from the Police Car Show.

A motion was made, seconded, and voted to approve a request from the Police Department to accept a donation in the amount of \$300 from Ed and Pat Marchetti to be deposited to the Police Gift Account.

The Board acknowledged a letter of resignation from Youth Commission member Penny Hasseli, and reviewed a recommendation from the Youth Commission to appoint Cheryl Mulvey to fill the vacancy on the Youth Commission for a partial term, ending 6/30/2020. A motion was made, seconded, and voted to approve the appointment and the Board signed the appointment card.

Concerning Conomo Point matters, a motion was made, seconded, and voted to sign a tight tank lease addendum for 11 Beach Circle, Map 108, Lot 79, Philipp Menges.

Acting in their capacity as Licensing Board, a motion was made, seconded, and voted to approve the following requests for license renewals and permits:

Antiques License Renewal:

- A.P.H. Waller; A.P.H. Waller & Son; 140 Main Street

Class II License Renewal (Signature needed, approved on 12/10/2018, lost in the mail):

- John Heath; Essex Falls Auto Body; 63 Wood Drive

Commercial Shellfish Permit Application:

- Nicholas Amero

The Board was reminded that the next regular Board of Selectmen's meeting will take place on Monday, January 28, 2019, at 6:00 p.m. in the Stage Conference Area on the 2<sup>nd</sup> floor of the Town Hall.

Chairman O'Donnell, Town Counsel Gregg Corbo, and Town Administrator Brendhan Zubricki rejoined the meeting at 6:28 p.m.

A motion was made, seconded, and unanimously voted to approve and sign the 2018 Year End Campaign Finance Report.

Co-owner, Mark Gallagher of Dynamic Auto Brokers, joined the Board and a motion was made, seconded, and unanimously voted to open the continued hearing regarding their 2019 renewal request for a Class II Automobile Dealer's License. Mr. Gallagher announced that his business site is in total compliance now. He stated that, since the last Selectmen's meeting, he has worked to remove most of the cars on the property and the only ones remaining are the ones for sale by

Dynamic Auto, the ones being repaired for customers by Specialized Auto, his own personal registered vehicles, and employee vehicles. Selectman Spinney said that he had made a site visit earlier in the day and agreed that the majority of the cars have been removed, with most cars displaying license plates. According to neighbors present at the hearing, trees planted by Mr. Gallagher to screen the property from the neighbors had died soon after they were planted and those present discussed the possibility of requesting Mr. Gallagher to erect a fence in order to comply with the Town bylaw for screening of certain activities. Mr. Gallagher agreed that the plantings had died off. Following a discussion by Board members, Town Counsel, the Building Inspector, the Planning Board Chair, and neighbors, the Board said they would like to make a site visit with the Building Inspector. The Building Inspector opined and Town Counsel deferred to his opinion that the Town's zoning bylaws require as a matter of course that this type of storage yard use be screened from abutters. They said they would also like to have the Police check if the remaining cars were properly registered. Mr. Gallagher assented to both the site visit and the police verification process. A motion was made, seconded, and unanimously voted to extend Dynamic Auto Brokers' Class II License for 2018 until January 30, 2019. And, a motion was made, seconded, and unanimously voted to continue the hearing until 6:30 p.m. on January 28, 2019. The Licensing Clerk will prepare the license extension document for Mr. Gallagher to pickup on January 8.

Mr. Gallagher, the Building Inspector, the Planning Board Chair Westley Burnham and Planning Board member Mike McConnell, and interested neighbors left the meeting.

At 7:12 p.m., citing the need to discuss the purchase, lease, or value of real property with respect to parcels at 42 Western Avenue, map 129, lot 1; 7 Lane's Road, map 120, lot 9; 0 Western Avenue, map 129, lot 4; 21 Western Avenue, map 129, lot 50; 60 John Wise Avenue, map 113, lot 1; 50 John Wise Avenue, map 120, lot 6; and, 63 Western Avenue, map 134, lot 58; and, pending litigation concerning the case of the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C; 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 and litigating strategies. She invited Town Counsel and the Town Administrator to attend the Executive Session, and said that the Board would be returning to Open Session to continue their regular business. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, Town Counsel, and the Town Administrator moved to Executive Session in the Town Administrator's Office.

The Board, their Assistant, and the Town Administrator returned to Open Meeting at 7:42 p.m. Town Counsel left the meeting.

Mr. Zubricki said that he had amended his calendar year 2019 goals to include oversight and guidance of the Town's compliance with the new OSHA rules, as requested by the Board. The Board then agreed that his goals were acceptable.

Town Accountant Virginia Antell discussed her goals for the next year with the Board. They agreed with her list and asked her to add a timeline for Town Accountant certification in her goals.

The Board also reviewed Treasurer/Collector Jeff Soulard's projected goals, agreed with his list, and asked he include a timeline for certification.

Sergeant Francis next came before the Board and discussed his goals in anticipation of his promotion to Chief of Police next August 2019. The Board agreed with his goals, which centered around restructuring certain aspects of the department's operations.

Brendhan Zubricki: Presentation of his Town Administrator's Report for the period December 15<sup>th</sup>, 2018 through January 5<sup>th</sup>, 2019, regarding the following:

Economic Development Committee Meeting Summary: Mr. Zubricki said that both he and Planner Matt Coogan had attended the December meeting of the EDC, where the committee had discussed requesting funding at Town Meeting to restripe the downtown area for parking and provide directional signage. The committee will also be taking advantage of a technical assistance grant to create an Economic Development Plan for the Town. The Board is in agreement with these goals.

At 8:00 p.m., the Board was joined by Manchester Board of Selectmen Chair Susan Beckman, and MBOS members Eli Boling, Muffin Driscoll, and Becky Jacques; as well as Manchester Town Administrator Gregg Federspiel; to discuss the Efficiency & Regionalization Community Compact Grant recently awarded to both towns. Mr. Zubricki reported that he and Mr. Federspiel had met previously to review the grant and recommended the Edward J. Collins, Jr. Center for Public Management at UMass Boston to conduct the study. Those present discussed the Collins Center's proposed scope of work and agreed that Collins was a suitable choice. Those present also agreed to have a contingent of officials meet for a work session to review interim work products. Chairman Beckman was in favor of holding a special meeting to announce the awarding of the grant. The meeting would be attended by the public and officials from both towns. The event would be held in the third floor auditorium of the Essex Town Hall. Mr. Zubricki and Mr. Federspiel agreed to work with the consulting firm to schedule the announcement date.

Regarding funding of the Memorial School construction project, Town Administrator Zubricki said that both the Essex Finance Committee and the Essex Board of Selectmen are in favor of level principal payments, as opposed to regular mortgage financing. The Manchester Board of Selectmen were inclined to agree, but said that they have not yet met with their finance committee and school officials to discuss the matter. The Manchester Select Board members and their Town Administrator left the meeting.

Chairman O'Donnell said that she would like to postpone discussion of the plan for transition from the outgoing Chief of Police to the incoming Chief of Police until the next Board of Selectmen's meeting on January 28, 2019.

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

Public Safety Building Site Selection and Design Update: The Board considered Mr. Pratt's remarks during tonight's public comment and were in agreement that they would like to hold a Special Town Meeting on February 11, 2019, to approve and fund the taking of a site for a public safety building by eminent domain. The Board and the Town Building Committee may decide to bring multiple properties to the voters and the Board was fairly certain that 42 Western Avenue would be among the choices, if not the only property. A meeting of the Board will be scheduled before the next regular meeting to discuss the STM warrant, as well as a meeting of the Town Building Committee and two public forums.

At 8:42 p.m., citing the need to discuss strategy with respect to Collective Bargaining concerning the proposed FY20 renewal of the American Federation of State, County, and Municipal Employees (AFSCME) collective bargaining agreement; strategy with respect to Collective Bargaining concerning the proposed FY20 renewal of the Essex Police Benevolent Association (EPBA) collective bargaining agreement; and, to conduct contract negotiations with the incoming Police Chief, the Town Administrator, the Treasurer/Collector, and the Town Accountant; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and bargaining strategies. She said the Board would be returning to Open Session to finish the Board's regular business and invited the Town Administrator, the Town Accountant, the Treasurer/Collector, and Sgt. Francis to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Sgt. Francis moved to Executive Session. Tina Lane and Mike Cronin left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 10:00 p.m., and Mr. Zubricki resumed discussion of his Administrator's report.

Finalization of FY20 Capital and Operating Budget Requests: Mr. Zubricki briefly reviewed the recent changes to the capital and budget proposals for fiscal year 2020. The Board agreed with the final budget documents, which Mr. Zubricki will submit to the Finance Committee in the morning.

Further Discussion Relative to 2019 Annual Town Meeting Topics: Mr. Zubricki also reviewed with the Board the latest draft of suggested topics for the May 2019 Annual Town Meeting.

Apple Street Traffic Study Technical Assistance: Mr. Zubricki reported that the Metropolitan Planning Organization will be initiating a study regarding traffic on Apple Street. The Board has recently received several complaints from parents on Turtleback Road requesting that the early

school bus pick up students on Turtleback Road, instead of on Apple Street. The second morning bus does pick up students on Turtleback Road. The study will assess the turning radius available and sight lines, etc. School policy states that it is the parent's responsibility to get the students to the designated bus stop or the school.

Future Use of Apple Street as a Strategy for Coastal Resilience: The Town Administrator and Selectman Phippen recently met with a representative from the MPO Central Transportation Planning Staff with respect to the Apple Street bus situation. They also discussed with him how the Town might get assistance from CTPS to study coastal resilience and sea level rise on the causeway and Apple Street. Mr. Zubricki and Mr. Phippen have since prepared a letter to the MPO seeking assistance for this study. The Board was in favor of the project and a motion was made, seconded, and unanimously voted to sign and send the letter.

A motion was made, seconded, and unanimously voted to adjourn the meeting at 10:38 p.m.

Documents used during this meeting include the following: None.

Attested by: \_\_\_\_\_  
Andrew C. Spinney

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