

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

January 28, 2019

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

Also Present: Virginia Antell, Laura Appeltofft, Elizabeth Beaton, Dawn Burnham, Westley Burnham, Ben Buttrick, Annie Cameron, Kristin Crockett, Ryan Davis, Paul Francis, Debbie French, Mark Gallagher, Michael Galli, Bob Jerin, Jeff Jones, Erin Kirchner, Tina Lane, Paul Rullo, Peter Silva, Jeff Soulard, Pamela Thorne, Kristen Walker, and others.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the second floor stage conference area of the Essex Town Hall at 30 Martin Street and announced that the Board would hear Public Comment.

Kristen Walker, a resident of Dodge Street, asked about two requests from the Cape Ann Rowing Club for one-day licenses on tonight's agenda (One-Day Wine & Malt License and One-Day Entertainment License: Cape Ann Rowing Club, Bob Blair, Essex River Race, for use on Saturday, May 18, 2019 between the hours of 11:00 a.m. and 2:00 p.m. within the confines of the Riversbend Marina at 35 Dodge Street). She reminded the Board of the neighbors' concerns about heavy traffic and noise. Mr. Zubricki reviewed the one-day licenses granted to the CARC in 2017 and 2018. After some discussion, the Board was in agreement that they would like to obtain more details from Mr. Blair, the president of the CARC, for review on February 25, to discuss his plans for the Essex River Race before making a decision about the licenses.

Elizabeth Beaton asked for more information regarding tonight's agenda item concerning a purchase and sale agreement for 11 John Wise Avenue. The Board said that they would be discussing this matter later in the evening and explained that any agreement would require a Town Meeting vote contingency within it.

Library Director Debbie French came before the Board to request approval for two signs. One to be placed on the Town Hall facing Martin Street, announcing the Library hours of operation. The second sign would replace the old sign for the Library and be placed on the lawn in front of the Town Hall on the Library side of the building. The Friends of the Library will pay for the purchase and installation of the signs. Director French also asked permission to prune one of the trees in front of the Library. The Board agreed to place these matters on their agenda for February 11, for an official vote.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$108,602.04.

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 1/10/2019 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	12/24/2018	\$ 475.00	Police
Ernie Nieberle	Nieberle's	12/24/2018	\$ 212.50	Fire
Jim McNeilly	McNeilly EMS	12/28/2018	\$ 184.00	Harbormaster
David Perea	Perea Plumbing	12/16/2018	\$ 1,480.00	Council on Aging

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 1/17/19 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	12/24/2018	\$ 296.20	Snow Removal
Jim McNeilly	McNeilly Ems	01/19/2019	\$1,500.00	Fire

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 1/24/19 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	01/14/2019	\$185.00	Fire
Jim McNeilly	McNeilly EMS	01/14/2019	\$185.00	Police

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 7, 2019, Open Meeting and two Executive Sessions.

A motion was made, seconded, and unanimously voted to send a second letter to the Federal Communications Commission concerning the Town's continued opposition to proposed changes to cable franchise and cable access channel rules. The Chairman signed the letter.

A motion was made, seconded, and unanimously voted to approve and sign the State forms regarding the Animal Control Officer and the Assistant Animal Control Officer.

The Board acknowledged a letter from Tom Ellsworth regarding regionalization.

Discussion and review of draft locations and text for approximately ten small artistic plaques to be placed in the Town's Great Marsh area presenting information about climate change to the public was postponed until the February 11th, Selectmen's meeting.

The Board discussed the release of minutes from past Executive Sessions relative to the matter known as Drinkwater, Trustee of the Drinkwater Essex Realty Trust v. Town of Essex, Land Court Civil Action No. 18-MISC-000391. Selectman Spinney moved that the Board find that the Executive Session purposes for said matter no longer apply and that the minutes from all meetings at which said matter was discussed be made available for inspection and copying upon request, subject to redaction or withholding on a case-by-case basis for discussions protected by

the Attorney/Client Privilege or other applicable law. The motion was seconded and unanimously voted.

A motion was made, seconded, and unanimously voted to approve a request from the Bicentennial Committee to hold a Family Celebration at Centennial Grove and the Field of Dreams on Saturday, September 9, 2019.

A motion was made, seconded, and unanimously voted to accept a painting from Virginia Mulcahy, formerly of Essex, depicting the house she lived in on Forest Avenue.

At 6:30 p.m., a motion was made, seconded, and unanimously voted to reopen the Dynamic Auto Brokers' Class II Automobile Dealer's License Hearing that was continued from the Selectmen's meeting on January 7th. Mr. Zubricki reviewed the progress of the hearing to date, and Selectman Spinney reported on his visit to the site with Officer Davis earlier today. There followed a discussion regarding the number of unregistered cars that could be kept on the lot. The Police Chief had reported 16 unregistered vehicles above the number allowed by the existing Class II license and Town bylaws when he visited the property on January 10. Selectman Spinney reported 15 such cars from the visit he and Officer Davis made this very day. Those present also discussed the subject of screening and Mr. Gallagher agreed to erect a fence to replace the evergreens that were eaten by the deer. Mr. Gallagher asserted that he was in compliance regarding the total number of unregistered cars allowed on the property. The Board disagreed with this assertion. Mr. Gallagher stated that he had retained legal counsel and offered the Board his attorney's contact information. The Board indicated it would be seeking further guidance from Town Counsel related to the situation and the Town bylaws and agreed that Town Counsel should discuss matters with Mr. Gallagher's attorney. Laura Appeltofft stated that the surplus unregistered vehicles were being stored on the property for parts, in the event that elderly people or those not able to afford new parts could purchase parts in the future. A motion was made, seconded, and unanimously voted to extend Mr. Gallagher's 2018 Class II license through March 1, 2019. A second motion was made, seconded, and unanimously voted to continue the hearing to 6:30 p.m. on Monday, February 25, 2019. In the meantime, the Board will discuss the matter with Town Counsel. Mark Gallagher, Laura Appeltofft, and others left the meeting.

Treasurer/Collector Jeff Soulard joined the Board to discuss his recommendation to stop using ADT to process the Town's payroll. He listed a variety of reasons why he would like to switch to Harpers. Subsequently, a motion was made, seconded, and unanimously voted to approve switching to Harpers.

At 7:00 p.m., the Board was joined by Town Accountant Virginia Antell, Bicentennial Chair Dawn Burnham, Planning Board Chair Westley Burnham, Finance Committee Chair Ben Buttrick, School Committee member Annie Cameron, Council on Aging Director Kristin Crockett, Officer Ryan Davis, Sergeant Paul Francis, Library Director Debbie French, DPW Superintendent Michael Galli, Town Moderator Jeff Jones, Board of Health Agent Erin Kirchner, DPW Board member Paul Rullo, Chief Peter Silva, Treasurer/Collector Jeff Soulard,

Town Clerk Pamela Thorne. Chairman O'Donnell introduced Annie Cameron as the featured speaker at tonight's Quarterly Department Head Meeting.

Ms. Cameron distributed a *handout regarding a newly formed group (ME Hub)*, of which she is a member. ME Hub is seeking to provide help with social and emotional health issues to students and their families. Issues to be addressed include personal safety, violence related behavior and bullying, depression and suicide, substance use (tobacco, alcohol, marijuana, and other drugs), sexual behavior, and lifestyle health. The group's initial project is to build an informational website.

Mr. Zubricki announced that the kick-off meeting for the shared community compact grant with Manchester will happen this Thursday in the Town Hall auditorium, which will be attended by various officials from both towns.

Chief Peter Silva announced that he has been informed that his department has achieved accreditation, which will become effective on February 26, 2019, thanks to the perseverance and hard work by Sergeant Francis and Officer Danny Bruce. Those present offered a round of applause.

Bicentennial Chair Dawn Burnham distributed the official *list of bicentennial celebration events*.

Town Accountant Virginia Antell reported that the preliminary budget for FY20 has about a large shortfall which needs to be addressed. It is common upon the first pass to realize a shortfall that can be addressed in various ways. She is working to firm up possible revenue sources that will decrease this number. The Finance Committee will also work to recommend budget cuts as necessary.

Board of Health Agent Erin Kirchner said that she has been working with town departments to prepare for when the new OSHA requirements go into effect this February.

Council on Aging Director Kristin Crockett said she was pleased to report that during Medicare Open Enrollment this year, she had worked with 40 seniors to revise their plans, saving them a collective total of \$25,000.

Superintendent Michael Galli reported that they had purchased two new pumps. He said they will be hiring a company to clean the Story Street water tank for about \$4,000. The Department of Environmental Protection has completed their study of the Town's water system. They are recommending that the Town begin to upgrade/repair between 1 and 2 percent of the system each year going forward.

Selectmen's Assistant Pam Witham reminded everyone of the February 6 deadline for submitting each department's FY2018 report to be published in the 2018 Annual Report.

Chairman O'Donnell announced that there will be a public forum held on February 6 to discuss the public safety building project and a special town meeting on February 11 to see if the Town will vote to purchase 11 John Wise Avenue and repurpose a portion of land adjoining the cemetery for the site of the new fire station.

Virginia Antell, Dawn Burnham, Westley Burnham, Ben Buttrick, Annie Cameron, Kristin Crockett, Ryan Davis, Michael Galli, Bob Jerin, Jeff Jones, Erin Kirchner, Paul Rullo, Jeff Soulard, and Pamela Thorne left the meeting.

Chairman O'Donnell said that she would like to continue her review of the plan for transition from the outgoing Chief of Police to the incoming Chief of Police and discuss it at the February 25th meeting of the Selectmen. Sergeant Francis said that he would start working on finding his replacement, training the replacement and one additional sergeant, and hiring a full-time officer. Sergeant Francis and Chief Silva left the meeting.

Acting in their capacity as Personnel Board, the Board reviewed Library Director Debbie French's request to approve a newly created position description for a Children and Teen Librarian and the proposed wage range for the position. Following a discussion, which included municipal data from other towns showing the range of rates paid for similar positions (both from Ms. French and Mr. Zubricki), a motion was made, seconded, and unanimously voted to approve the new position description, and to include the wage range in their recommendation to the Finance Committee and Town Meeting. However, the Board commented that the Finance Committee would need to separately review both the direct and the indirect costs involved if the position is to be funded. Debbie French left the meeting.

Mr. Zubricki said that the person who was being considered for Assistant Superintendent has accepted a job in another town and therefore there was no need to discuss making an exception to the allowable vacation leave standards for a first-year employee with respect to a possible job offer, pursuant to the Essex Personnel Rules & Regulations, Section 1.21(h).

Mr. Zubricki said that it had been brought to his attention that there is only one road to access the DPW barn and dump that includes a bridge over a culvert. It had been suggested that the Board consider creating a second means of ingress/egress from the site by negotiating a right of way between the Essex DPW yard and Apple Street over adjacent private property. Selectman Spinney agreed to contact a family representative of the private property at 30 Apple Street and begin a conversation.

Selectman Spinney reported on his conversations with the property owners of 11 John Wise Avenue (Map 128, Lot 90) regarding a Purchase and Sale Agreement. Mr. Zubricki has contracted with an appraiser and expects to have an appraisal of the property by February 6. The Board agreed to add discussion of the completed appraisal to their agenda for their February 6 meeting. The Board also agreed that Mr. Zubricki should engage a title examiner to research this property. Selectman Spinney will encourage the owner to begin reviewing a suggested purchase and sale agreement.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to sign a tight tank lease addendum for 187 Conomo Point Road, Map 108, Lot 70, currently leased by Mark Webber.

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

Antiques License Renewals:

- Katrina Haskell; The Essex Exchange; 101 John Wise Avenue

2019 Commercial Clamming Permit:

- Mark Jordan
- George E. Mullin

2019 Senior Commercial Clamming Permit:

- Robert Doane
- Charles McNeil

2019 Non-Resident Recreational Clamming Permit:

- Stephen Danca, Beverly, sponsored by Bob Brophy
- Martin Forde, Middleton, sponsored by Augustus Gomes, Jr.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 6th, 2019 through January 25th, 2019, regarding the following:

School Budget Group Meeting Summary: Mr. Zubricki reported that the proposed school budget currently represents an increase to Essex of 3.48%. The Board will attend the school budget hearing tomorrow night and request that the committee continue to work on reducing the proposed budget. The Board's interest in this matter has been prompted by several factors, including municipal costs such as an anticipated retirement district increase that will exhaust about half of the levy increase.

February 11 Special Town Meeting Discussion and Draft Motions: Those present discussed the motions to vote on each of the two articles on the warrant. It was agreed that Selectman Spinney would read the motion for Article One and that Selectman Phippen would read the motion for Article Two.

Preliminary Annual Town Meeting Warrant: Mr. Zubricki reviewed each of the proposed articles on the initial draft of the warrant for the May 2019 Annual Town Meeting, as well as a list of other items that might be included in this warrant or future warrants.

Proposed Tax Deferral and Reduction Programs for Senior Citizens: Mr. Zubricki said that he and the Town Accountant, the Treasurer/Collector, members of the Board of Assessors, and members of the Finance Committee had met recently with the Council on Aging Director to discuss ways to financially assist senior residents. Those present at the meeting had agreed that a good first step would be to enact a bylaw allowing elderly people with incomes higher than the

State standard to defer taxes. The current level specified is unreasonably low and raising the level to a more realistic range would allow more people to take advantage of the deferral.

Conomo Point Seawall Renovation Design Status: Mr. Zubricki reviewed the cost and possible breakdown of funding to repair the Conomo Point seawall, based on different design options. The Board prefers a concrete wall with color additives and form liners for a faux-stone face.

There will be a Board of Selectmen's meeting posted, starting at 6:30 p.m. on Wednesday, February to review the appraisal for 11 John Wise Avenue. And, the Board will be hosting a public forum starting at 7:00 p.m. that night to discuss a new public safety building.

The Board also agreed to meet at 8:00 a.m. on Friday, February 8, to prepare for the Special Town Meeting on February 11.

The Board was reminded that their next regular Board of Selectmen's meeting will take place on Monday, February 11, 2019, at 6:00 p.m. in the faculty room of the Essex Elementary School.

There will be a Special Town Meeting starting at 7:30 p.m. on February 11, 2019, in the gymnasium of the Essex Elementary School.

The Bicentennial Committee will be holding their first bicentennial celebration event, an Ice Cream Social, sponsored by Woodman's, on Friday, February 15, 2019, between the hours of 6:00 p.m. and 8:00 p.m.

Mr. Zubricki reported that there have been no new developments regarding pending litigation concerning the case of the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C or the purchase, lease, or value of real property with respect to 11 John Wise Avenue (map 128, lot 90) that would require discussion in Executive Session.

At 9:37 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, contract negotiations with the 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 bargaining, and negotiating strategies. She stated that the Board would only be returning to Open Session to adjourn the meeting and invited the Town Administrator to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. Tina Lane left the meeting.

The Board returned to Open Session at 10:10 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

List of bicentennial celebration events

Handout regarding a newly formed group (ME Hub)

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney