

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

March 11, 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: Robert Amero, Robert Blair, Sergeant Paul Francis, Jodi Harris, Town Moderator Jeff Jones, Tina Lane, Police Chief Peter Silva, Town Clerk Pam Thorne, Kristen Walker, Finance Committee Chair Ben Buttrick and FinCom members Rob Fitzgibbon, Michael Flynn, and Richard Ross.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the Stage Conference area on the second floor of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. Jodi Harris said that she and her neighbors continue to be concerned about the traffic, as well as the increased noise, on Dodge Street because of the activities at 35 Dodge Street. She asked the Board to remember those concerns when being asked to approve outdoor entertainment licenses at 35 Dodge Street and for other establishments along the waterfront. Kristen Walker also commented on this matter and agreed with the many concerns cited by Jodi Harris.

Robert Amero updated the Board on his progress seeking a Gloucester shellfish permit. Last November he moved to West Gloucester. He said that he has spoken to the Gloucester City Clerk and she stated that Gloucester will only take applications in June and the applicant must have lived in Gloucester at least 12 months prior to that. Therefore, Mr. Amero said that according to the Gloucester regulations, he will not be able to obtain a license until June of 2020. Mr. Zubricki said that Mr. Amero's understanding is contrary to the situation as recently related to him by the Shellfish Constable. However, it should be easy enough for Mr. Amero to get a written statement from the City advising him of any and all timelines and requirements. Mr. Zubricki has discussed the matter with Town Counsel and he read a suggested amendment to the Essex Shellfish Regulations that would allow Mr. Amero to continue having an Essex license until he may obtain one from Gloucester:

- D-1.2 b (5) A commercial shellfish harvester who has been licensed in Essex for at least three (3) consecutive years and moves out of Essex and into a jurisdiction which:
- a) is an abutter or an abutter to an abutter of the Town of Essex, and
 - b) requires the harvester to wait until a particular license application period before being allowed to hold a commercial shellfish license in said jurisdiction shall have the ability to continue to hold an Essex license (an extension license) if the following conditions are met:
 - i) The harvester must show evidence of the date upon which they established residency in the other jurisdiction.

- ii) The harvester must provide a letter from the other jurisdiction that states when they are eligible to receive a license there.
- iii) The duration of the extension license shall in no case exceed the next possible eligibility date in the other jurisdiction.

The Board was in favor of the amendment and a motion was made, seconded, and unanimously voted to approve it. The revised regulations will become effective April 1, 2019. The Board asked Mr. Amero to obtain a letter from his landlord verifying his residency and a letter from the City of Gloucester verifying their requirements for him to obtain a Gloucester clamming license. Mr. Amero thanked the Board and left the meeting.

Chief Silva and Sergeant Francis joined the Board to recommend approval of a memorandum of understanding with Endicott College which will allow the College to use the Police Department's breathalyzer. In the past, when it was located at the Middleton Jail, Endicott has only used it once or twice a year. Subsequently, a motion was made, seconded, and unanimously voted to approve the memorandum and authorize Chief Silva to sign it when it becomes available.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$102,064.66.

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 2/28/2019 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>
David Pereen	Pereen Plumbing	2/17/2019	\$ 3,921.30	Police

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 3/7/2019 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	2/27/2019	\$ 487.00	Police
Ernie Nieberle	Nieberle's	2/24/2019	\$ 70.00	Fire
Ernie Nieberle	Nieberle's	2/24/2019	\$ 206.10	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 25, 2019, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a recommendation from the Historical Commission to appoint Jay Tetzloff to fill a vacancy on the Commission for a partial term ending 6/30/2019. The Board signed the appointment card.

Mr. Zubricki reported that he had received the signed successor Collective Bargaining Agreement with the Essex Police Benevolent Association (EPBA) which has been approved by

the EPBA. A motion was made, seconded, and unanimously voted to approve and sign the agreement.

Mr. Zubricki also reported that he has not received the successor Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME), but that he understands it will be signed in a final version that fully reflects the parties' agreed-to language. A motion was made, seconded, and unanimously voted to approve and sign this agreement when it becomes available outside of a meeting.

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

Auction Permit:

- Blackwood March Antiques, for use on Tuesday, April 2, 2019, between the hours of 4:00 p.m. and 10:00 p.m., within the confines of 125 Main Street.

Commercial Shellfish Permit:

- Zack Appeltofft
- Clifford Baker
- Kenneth Baker
- Richard Buczko
- David Burnham
- Sheila Carter
- Nicole Coles
- Dustin Collupy
- Kelly Corrao
- Shane Fraser
- Scott Hamlen
- Timothy C. Hartford
- Ronald Hemeon
- Michael Ginn
- Michael Jacobs
- Christopher Johnson
- Ian MacDougall
- Ross MacDougall
- Steven MacDougall
- Bruce Mello
- Herbert Nunes
- Scott Reed
- Joseph D. Rizzo
- Paul Tofuri
- Richard Tofuri
- Tomaz Tofuri
- Anida Xhalia

- Eugen Xhalia

Non-Resident Recreational Shellfish Permit:

- Cliff Bathalon, Hudson, NH, sponsored by Jeffrey Garinger
- James Beck, Somerville, sponsored by Richard Merullo
- Anita Castellano, North Reading, sponsored by Paul Tofuri
- Chris Cheney, Beverly, sponsored by Pam Merullo
- Brittany Clark, Somerville, sponsored by Pam Merullo
- Christian P. Frey, Danville, NH, sponsored by Jeffrey Garinger
- Wayne Kinney, Kingston, NH, sponsored by Jeffrey Garinger
- Kirkley Luttman, Beverly, sponsored by Richard Merullo
- Scott McKenna, Ipswich, sponsored by Thomas Prentiss
- Mary A. Picariello, Boxford, sponsored by Thomas Prentiss
- Philip A. Picariello, Boxford, sponsored by Thomas Prentiss
- George Smolinski, South Hamilton, sponsored by Isabel Parlee
- Chester M. Sullivan, Methuen, sponsored by Thomas Prentiss
- Ryan Sullivan, Salem, sponsored by Richard Merullo

Senior Shellfish Permit:

- Brian Ball
- Dale S. Lowry
- Dan Marshall
- Richard Pascucci
- Leonard Woodman

Student Commercial Shellfish Permit:

- Nicholas Amero
- Alden Burnham
- Craig Carter
- Kevin Carter
- William Deschenes
- Colby Doane
- Liam Hemeon
- Amanda Loebelenz
- Todd Rogers
- Tristan Rogers
- McKenzie L. Woodman
- Izabela Xhalia
- Kasandra Xhalia

Acting in their capacity as Personnel Board, a motion was made, seconded, and unanimously voted to add the words "Serves as the Town's OSHA Coordinator, if so assigned" to the Board of Health Administrator's position description to accommodate OSHA coordination duties. Mr. Zubricki had pointed out that the Board of Health was supportive of this change.

Robert Blair, President of the Cape Ann Rowing Club, joined the Board to discuss his request for a one-day entertainment license and a one-day wine & malt license for the Essex River Race to be held on Saturday, May 18 at the Riversbend. Mr. Zubricki reviewed the recent history of one-day licenses that have been granted for 35 Dodge Street. Mr. Blair said that the Essex River Race has been taking place for 35 years or more and originally the boats were launched from places on the causeway, and later from the Essex Shipbuilding Museum and Town Landing. Most recently, it has been moved to 35 Dodge Street, eliminating a lot of traffic congestion and parking shortages on Route 133. After some discussion, Mr. Blair decided to amend his request for a one-day wine and malt license to be limited to the tented area only and to be served between the hours of 11:00 a.m. and 2:00 p.m. The Board was agreeable to the amendment and a motion was made, seconded, and unanimously voted to approve the request for a one-day wine and malt license to be used on Saturday, May 18, 2019, between the hours of 11:00 a.m. and 2:00 p.m., within the confines of the tented area at 35 Dodge Street. The Board signed the license.

Discussion continued regarding the request for a one-day entertainment license. Mr. Blair state that he was not inclined to move the music indoors or to agree to any stipulations relative to the exact type of music, whether amplified or not. Given the Board's general inclination to insert limiting conditions into the license, or to deny it outright, the Board will hold a hearing on Monday, March 25, 2019, starting at 6:05 p.m. in the 2nd floor stage conference area of the Town Hall to discuss the type of music and hours, police details, etc. Mr. Blair agreed to attend and left the meeting. Mr. Zubricki will send Mr. Blair the required, written hearing notice.

Jodi Harris and Kristen Walker also left the meeting.

Chief Silva and Sergeant Francis rejoined the Board to discuss their plan for transition from the outgoing Chief of Police to the incoming Chief of Police. Sergeant Francis said that he is working with an independent assessment company which will write the job descriptions for the two new sergeant positions and also perform the assessment of the candidates. Chairman O'Donnell said that she would like to have a copy of their transition plan showing target dates to accomplish defined benchmarks in the transition. The Chief and the Sergeant said they would continue to work on the plan and left the meeting.

The Board reviewed a *chart comparing alcoholic beverage licensing fees* in Essex with other neighboring towns. The fees charged in Essex are among the lowest charged and have been the same for many years. Subsequently, a motion was made, seconded, and unanimously voted to set the fees for the 2020 annual license renewals as follows: \$1,500 for All Alcoholic Beverage Licenses for restaurants and package stores and \$1,000 for Wine and Malt Licenses for restaurants and package stores.

Mr. Zubricki said that Senior Care would like to have a Selectman attend the Age & Dementia Friendly Cape Ann Community Summit on May 1st at the Elks at Bass Rocks in Gloucester. Selectman Spinney agreed to attend.

The Board was reminded of the following upcoming events:

- There will be a joint meeting of the Board of Selectmen and the Town Building Committee on Wednesday, March 13, 2019, starting at 7:00 p.m. in the 3rd floor auditorium of the Town Hall, 30 Martin Street.
- The next regular Board of Selectmen's meeting will take place on Monday, March 25, 2019, at 6:00 p.m. in the Stage Conference Area on the 2nd floor of the Town Hall.
- On March 28th, 10:00 a.m. to noon, the University of New Hampshire's scientific presentation concerning the Great Marsh recovery from the 2018 natural sediment deposition event, 3rd floor auditorium, Town Hall, 30 Martin Street, with an optional site visit to Jeffrey's Neck, following the presentation.

Town Moderator Jeff Jones and Town Clerk Pamela Thorne joined the Board to discuss the draft warrant for the May 6th Annual Town Meeting. Those present reviewed the proposed ballot for the Town Election. They also discussed Article 18 which would increase certain fees charged by the Town Clerk. The article would also limit the amount of those fees charged to residents over the age of 65. After some discussion, it was agreed that this would not really benefit those over 65 and would be difficult to execute, whether in person or online. As such, all agreed that the article should just increase all the fees charged for all applicants.

On another matter, Town Clerk Thorne said that Manchester-by-the-Sea is asking neighboring communities whether they would like to share the cost of purchasing clickers that would automatically tally votes at town meetings. These devices are very expensive. The Board and Town Moderator decided that they would like to wait and see how Manchester liked using them before making a decision. When these devices are rented, the engagement is expensive, since the rental company has personnel running and monitoring the system. If the devices are purchased outright, it remains to be seen who will actually run and monitor them for the Town, especially since the Town Administrator and the Town Clerk need to focus on the meeting itself. It was also pointed out that there are usually only one or two questions during any one meeting for which they would be useful.

Pam Thorne left the meeting and Finance Committee Chair Ben Buttrick and FinCom members Rob Fitzgibbon, Michael Flynn, and Richard Ross joined the meeting.

Mr. Zubricki continued his review of the proposed warrant for the May Annual Town Meeting.

Following completion of the review of the warrant Jeff Jones left the meeting.

The Finance Committee and the Board discussed the proposed FY2020 operating budget which still has a shortfall of just over \$40,000. Those present suggested various items that could possibly be reduced or eliminated. Finally, it was agreed by everyone to continue to examine the budget for places to save money. The Finance Committee will deliver its final recommendation to the Board on March 25.

Those present also examined the capital budget proposals and Mr. Zubricki agreed to ask the Department of Public Works for more information regarding their future needs. An article will be added to the warrant if necessary.

The Finance Committee left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 23rd, 2019 through March 8th, 2019, regarding the following:

Town Building Committee Meeting Summary/Public Safety Project Status and Future Application for Permit to Dismantle Structure at 11 John Wise Avenue: Mr. Zubricki reviewed highlights from the recent Town Building Committee meeting. The Committee would like to apply for a demolition permit as soon as possible so that there will be no construction delays due to the demo delay bylaw. It is anticipated that the present building on the 11 John Wise site will be dismantled and possibly reassembled. The meeting with the Conservation Committee had gone well. The ConCom said they will have no comment until a Notice of Intent is filed for the site. They said their biggest concern would be storm water runoff. Mr. Zubricki and Chairman O'Donnell had also met with Zoning Board of Appeals Chair Meg Nelson. A variance will more than likely be needed regarding the site's frontage on John Wise Avenue. The Board will work with Town Counsel and others to prepare the request, if necessary.

Request for Mechanical Clearing of Alewife Brook Channel: Mr. Zubricki reported that a request had been received from the Chebacco Lake Association requesting assistance and approval to clear the Alewife Brook Channel using mechanical means. The Board was in agreement that the Town does not have the personnel, the equipment, nor the funds to help with this project or the necessary permitting.

Preliminary Fiscal Year 2020 Wage & Salary Scale: The Board reviewed the proposed FY2020 wage and salary scale for non- union employees without an employment contract. The proposed FY2020 scale includes a 2% increase. The Board will vote to recommend the scale at their meeting on March 25 to the Annual Town Meeting.

License to Use Centennial Grove, Saint John's Prep Rowing Program: Mr. Zubricki reported that he had no new information regarding the school's request to use Centennial Grove.

Northeast Coastal Coalition (NECC) Meeting: The Board members and Mr. Zubricki all acknowledged that they had attended the recent meeting of the Northeast Coastal Coalition and that Selectman Spinney will be the lead on the rapidly unfolding regional dredging proposal.

Grant Applications for Conversion of Street Lights to LED Lamps: Mr. Zubricki said the Town Planner Matt Coogan is preparing a grant application to the Green Communities grant program to request funding for the expenses not covered by the Metropolitan Area Planning Council rapid street light retrofit grant program to convert the Town's streetlights to LED. A motion was made, seconded, and unanimously voted to approve and sign the application outside of a meeting when

it becomes available, along with a memorandum of understanding from MAPC concerning the rapid retrofit grant.

Culvert Replacement Municipal Assistance Grant Program Application: Mr. Zubricki reported that there is another grant available that may help to fund improvements to the roadway over a culvert on Apple Street near Southern Avenue that is susceptible to flooding from time to time. The Massachusetts Division of Ecological Restoration is offering design funding under its Municipal Assistance program. A motion was made, seconded, and unanimously voted to sign the grant application outside of a meeting when it becomes available.

At 9:23 p.m., citing the need to discuss contract negotiations with the incoming Police Chief, 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 strategy. She invited the Town Administrator to attend the session and said the Board would only be returning to Open Session to adjourn the meeting. 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, their Assistant, and the Town Administrator returned to Open Session at 9:36 p.m.

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

Documents used during this meeting include the following:

Chart comparing alcoholic beverage licensing fees

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney