

**Selectmen's Minutes
Essex Elementary School Cafeteria**

May 15, 2017

Present: Chairman Lisa J. O'Donnell, Selectman David A. Doane, Selectman Andrew Spinney, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: John Bediz, John Bell, Bob Blair, Alden Blodget, Lee Bresnahan, Roger Bresnahan, Dawn Burnham, Maria Burnham, Westley Burnham, Michael Davis, Scott DeWitt, Dan Doucette, Dr. Driscoll, Ginger Driscoll, Mike Dyer, Mr. & Mrs. Febiger, Deb French, Tammy Gardner, Michael Ginn, John Grennon, John Guerin, Dennis Henderson, Eric Johnson, Billie Knovak, Tina Lane, Lysa Leland, Suzanne Lynch, Peter Marshall, Dan Mayer, Jen Mayer, Ed Neal, Ed Perkins, Julie Scofield, Pete Silva, Lori Woodward, Scott Woodward, and many, many more.

The Chairman called the meeting to order at 7:00 p.m. in the cafeteria of the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. No one offered any comment.

Bob Blair, President of the Cape Ann Rowing Club, came before the Selectmen to request a One-Day Entertainment License for Saturday, May 20, 2017, between the hours of 12:00 noon and 3:00 pm, within the confines of 35 Dodge Street for the Essex River Race. The Selectmen discussed his request. Mr. Blair said that they would like to have a small band and the band will be playing next to the restaurant's deck. The Club has also hired a private duty police officer for the event. Subsequently, a motion was made, seconded, and unanimously voted to approve Mr. Blair's request. It was noted that approval of one-day entertainment license requests are issued on a case by case basis, and approval of this event does not necessarily imply that other events at the same venue in the future will be approved. Mr. Blair thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$159,507.37.

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 May 4, 2017 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	4/24/17	\$ 529.10	Police
Ernie Nieberle	Nieberle's	4/24/17	\$ 181.15	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 May 11, 2017 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	4/24/17	\$ 308.20	Fire
James McNeilly	McNeilly EMS	4/24/17	\$3,077.20	Fire
Ernie Nieberle	Nieberle's	4/24/17	\$ 659.80	Highway
Ernie Nieberle	Nieberle's	4/24/17	\$ 67.20	Cemetery

Ernie Nieberle	Nieberle's	4/24/17	\$ 22.00	Water
David Pereen	Pereen Plumbing	4/25/17	\$ 305.00	Water

A motion was made, seconded, and unanimously voted to approve an M.G.L. Chapter 44 Section 33B transfer request from the Wastewater Department in the amount of \$5,000 from Operator/Tech Wages to Contract – City of Gloucester.

A motion was made, seconded, and voted by Chairman O'Donnell and Selectman Doane to approve the minutes for the Selectmen's May 1, 2017, Open Meeting and Executive Session. Selectman Spinney abstained, since he was not present at the May 1 meeting.

The Selectmen reviewed an invitation from the Memorial Day Committee to join them on Memorial Day for the Parade. People will begin gathering at 8:30 a.m. and the parade will commence at 9:00 a.m.

The Selectmen reviewed a quotation from Pike Marine to provide a new motor for the Shellfish Constable's boat. A motion was made, seconded, and unanimously voted to approve the purchase of a new outboard motor for the Shellfish Constable's boat from Pike Marine "at cost". A second motion was made, seconded, and unanimously voted to request a Reserve Fund Transfer in the amount of \$4,365 to pay for the motor. The Chairman read a letter to Scott Woodward at Pike Marine thanking him for providing the motor to the Town "at cost" and the Board signed the letter.

The Selectmen discussed the possibility of implementing a roadside trash pickup program by Manchester Essex High School students as part of their Community Service requirements. It was agreed that Mr. Zubricki would gather information about similar programs in other towns to be discussed at the next Selectmen's meeting on June 5th.

The Selectmen discussed the possible installation of a railing on the first section of the wooden dock at the Town Landing. It was agreed that the Chairman would look up the building code section that applies to this matter and that Selectman Spinney would consult with the Building Inspector on Wednesday regarding the addition of a railing. Selectman Spinney and Selectman Doane said the materials and labor for the alteration would most likely be donated.

A motion was made, seconded, and unanimously voted to approve a request from the Friends of the Council on Aging to hold their annual BBQ at Centennial Grove, and also, to waive the rental fee, on Wednesday, June 21, 2017, between the hours of 11:00 am and 2:00 pm.

Mr. Zubricki said that National Grid will be performing some tree work when they replace poles and wires along Centennial Grove Road in the near future. Access to the Water Plant, the Grove, and residences may be blocked during this period and electrical and/or phone service may also be out. National Grid has not yet furnished a date for this work and many things could be affected as a result, including Grove rentals and the summer camp. Mr. Zubricki will continue to monitor the situation with the Superintendent of Public Works.

A motion was made, seconded, and unanimously voted to approve a request from Mass Audubon for permission to treat or pull pepperweed on sites owned by the Town of Essex as part of the Audubon's Perennial Pepperweed Program which seeks to eradicate the weed in the Great Marsh Region. The Selectmen signed the document.

The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to sign a letter of support regarding Phase II of the Ipswich River Bank Stabilization Project.

A motion was made, seconded, and unanimously voted to approve a recommendation from Fire Chief Dan Doucette to appoint John Boyle to the position of Probationary Firefighter, pending drug, medical, and CORI. The Selectmen signed the appointment card.

More than fifty people joined the Selectmen at 7:30 p.m. for a discussion regarding the proposed placement of cameras at strategic points on the Essex waterfront. The Chairman turned the meeting over to Police Chief Silva, who said that there is a State grant which will pay for the purchase and maintenance of the cameras for five years. It is part of a State FEMA project to establish camera surveillance along the eastern coast from Salisbury to just south of Plymouth. The Town would receive four stationary cameras to be mounted at the Town Landing, Woodman's Beach, Clay Point at the end of Water Street, and Conomo Point. Chief Silva turned the presentation over to John Grennon, MHAI Account Executive, and Eric Johnson, the Project Manager at Lan-Tel, the company providing the cameras. Phase II of the project would provide a thermal camera to each participating community; and, Phase III would provide a pan-tilt-zoom camera to each community. Following the presentation, Chief Silva, John Grennon, and Eric Johnson answered questions from the Selectmen and the audience, and much additional discussion ensued. The Board agreed that they would like to take the matter under advisement, until their next meeting, when they will discuss the matter again and perhaps vote to hold a public hearing to collect additional input.

All those present left the meeting, except for the Selectmen, their Assistant, the Town Administrator, Notary Public Dawn Burnham, Library Director Deb French, Library Trustee Jen Mayer, and Tina Lane.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 29th through May 12th, 2017, regarding the following:

Emergency Management Performance Grant: Mr. Zubricki reported that the Fire Department had been successful in obtaining a MEMA grant to partially fund a mobile data terminal and wireless modem in one of the Department's response vehicles. The balance of the cost will be funded from the Department's budget. A motion was made, seconded, and unanimously voted to accept the grant award on behalf of the Fire Department. Chairman O'Donnell signed the documents, which were witnessed and notarized by Dawn Burnham. The Board thanked Mrs. Burnham and she left the meeting.

Change Order for Replacement Library Exterior Lighting; Change Orders, Town Hall Light Post Alignment & Paint Vent Pipe; and Change Orders, Town Hall Railing & Bulkhead, and Library Ramp Lattice: Mr. Zubricki said that he has not yet received an estimate for the replacement Library exterior lighting. Also, it was agreed by those present, that discussion regarding approval of the change orders for straightening of the light posts, painting a galvanized vent pipe, and painting of the bulkhead would be deferred to a later date. It was suggested that perhaps CPA funds could be used for the light posts and some other items. Mr. Zubricki also expects additional project costs in order to achieve final code compliance.

Library Director Deb French said that the new book drop is bigger than the one it is replacing and it will not fit in the old location. She walked the site with Superintendent Paul Goodwin and they have agreed that it could be located in front of the maple tree, on the left of the Library-side driveway. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve the new location.

Mrs. French said that there are no electrical outlets or data drops located at the circulation desk. Mr. Zubricki said, according to the project architect, that the working plan had not called for these features in that location. Nonetheless, everyone agreed that these items are necessary. The items may be installed at a later date, either by the contractor or an independent electrician, after confirming whether or not these items were included in the working plans that had been approved by the Board of Library Trustees.

Jen Mayer and Deb French left the meeting.

A motion was made, seconded, and unanimously voted to approve the Cape Ann Chamber of Commerce's recommendation to give the Small Business Person of the Year Award in Essex to Georgeanne Lane of Sea Meadow Design. The Selectmen signed the certificate.

A motion was made, seconded, and unanimously voted to approve a proposal from DeAngelis to supply and install additional cast iron fence panels at the Spring Street cemetery.

A motion was made, seconded, and unanimously voted to approve the order of the chassis for the new Fire Department Forestry vehicle.

A motion was made, seconded, and unanimously voted to sign the Town of Essex Citizenship Award certificate to be presented at the MERSD awards ceremony on May 25, 2017. Selectman Spinney agreed to present the award.

A motion was made, seconded, and unanimously voted to accept a gift from Mr. and Mrs. Monroe of an historic Essex railroad station sign for potential display at the Town Hall.

Acting in their capacity as Personnel Board, the Selectmen discussed various options for reconstituting the Essex Youth Commission as the initial step to developing a position description for a part-time Youth Services Director or a Program Coordinator. Following the

discussion, it was agreed to refer to the responses to a recent Strategic Planning Committee survey for the names of anyone volunteering to help with youth related Town programs. Also, Mr. Zubricki will look up Town bylaws and State Law for establishment of the Town's Youth Commission to determine the maximum/minimum number of members required.

The Selectmen reviewed the revision of the position description for the Council On Aging Director and the revision of the position description for the COA Van Driver. A motion was made, seconded, and unanimously voted to approve the updated descriptions.

Concerning Conomo Point matters, the Selectmen discussed Dan Mayer's proposal to move the structures at 9 Beach Circle. A motion was made, seconded, and unanimously voted to grant permission to move structures at 9 Beach Circle over the road to 98 Conomo Point Road pursuant to the following: 1) that the structure be moved at high tide to minimize disruption to clambers who need to get back and forth along Conomo Point Road; 2) that the move occur on either a Tuesday, Wednesday, or Thursday, and the Town shall be informed of the move date, in advance of that date; 3) that the house moving company list the Town as an additional insured on an appropriate insurance policy; and lastly, 4) that the house moving company provide a narrative to this office explaining the basic progression of events (including involvement of utilities) and a basic timetable explaining how long each phase is expected to take (including expected road tie-up time and total downtime for utilities).

The Selectmen reviewed a Lease Addendum for the property at 166 Conomo Point Road, Map 108, Lot 45; and, a motion was made, seconded, and unanimously voted to approve and sign the addendum.

A motion was made, seconded, and unanimously voted to approve two requests for building permits from Robert Sisk for 113 Conomo Point Road and 29 Middle Road to install replacement windows.

Mr. Zubricki said that no new information has been received regarding the pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096, and therefore there was no reason to move to Executive Session.

A motion was made, seconded, and unanimously voted to approve the following requests for application deadline waivers and licenses:

Student Commercial Shellfish Permit and Waiver of Application Deadline:

- William F. Deschenes

Non-Resident Recreational Clamming Permit and Waiver of Application Deadline:

- Leonidha Xhalia, Beverly, MA, sponsored by Anida Xhalia

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, June 5, 2017, at 7:00 p.m. in the Town Hall Stage Conference Area at 30 Martin Street.

Mr. Zubricki said that the MERSD budget group is planning a meeting on May 25, to discuss the meeting structure for a meeting to be held with a larger group on May 30. Chairman O'Donnell agreed to attend the May 25th meeting and Mr. Zubricki said that he would ask the Finance Committee to send a member as well.

Mr. Zubricki informed the Selectmen that he will be going to Boston tomorrow to be deposed in the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A.

Mr. Zubricki said that the Town of Newbury is also applying for a coastal resilience grant and has requested a letter of support from Essex to be included in their application package. The Selectmen were in favor and a motion was made, seconded, and unanimously voted to ratify the signature of the letter, by the Board at the next meeting, since the grant deadline is prior to that.

Mr. Zubricki said that he has received a request from the Manchester-Essex Rotary Club to hold their June 28th meeting from 6 to 8 p.m. on the deck of the newly created waterfront park at northern Conomo Point. After a short discussion, the Board was in agreement that the Club was welcome to use the public park, but the Board would not grant exclusive use of the park, nor would the Board issue parking passes. Mr. Zubricki agreed to inform the Rotary of the Board's decision.

Mr. Zubricki said that he has received an estimate in the amount of \$5,400 for blinds, shades, and brackets for the Town Clerk's Office, the Library, the Assessors' Office, and the Town Accountant's/Building Inspector's Office. A motion was made, seconded, and unanimously voted to approve this order and for Mr. Zubricki to process orders for smaller items as the building is reoccupied.

Selectman Spinney said that several people have complained to him about out of town people being issued commercial clamming permits for Essex flats. The Board agreed to discuss this matter at their next meeting on June 5.

Review of Request for New Signage at Conomo Point: Mr. Zubricki reported that he had met on site with Police Chief Silva and Superintendent Goodwin to review the suggested signage to be added at Conomo Point. They were in favor of one 15 M.P.H. speed limit sign and one children playing sign at Clammers' Beach, and a stop sign at the end of Town Farm Road. The Selectmen were also in agreement, and a motion was made, seconded, and unanimously voted to approve and request placement of these signs.

Declaration of Utility Pole Rights to National Grid and Verizon: Mr. Zubricki said that he had drafted a letter to both National Grid and Verizon informing them of the Town's intention to install a fiber optic system for use by the elementary school and other Town buildings, in the space reserved for the municipality on some of the utility poles. Town Counsel had reviewed the

draft. The Selectmen reviewed the letter and a motion was made, seconded, and unanimously voted to approve and sign the letter.

Conomo Point Waterfront Access Improvement Project Update/Changes: Mr. Zubricki reviewed the progress made to date on the waterfront project. He said that installation of some items is delayed. He has ordered benches and has also received inquiries about accepting memorial benches for the area. It was agreed by those present, that the acceptance and placement of memorial benches will be deferred to a later date after completion of the park. Mr. Zubricki said that he had a change order in the amount of \$2016.28 for a gangway attachment improvement and a motion was made, seconded, and unanimously voted to approve the change order. Selectman Spinney asked if there would be any provision for dinghies at the park and the Board agreed to take the matter up at a later date. Mr. Zubricki said that he has solicited a change order proposal for a removable set of stairs, since the ramp has been removed from the design for the project.

Specifications for Centennial Grove Management Master Plan: Now that Town Meeting has approved the expenditure to develop a master plan for Centennial Grove, Mr. Zubricki asked the Board how they wanted to proceed with development of the specifications for bidding the project. Chairman O'Donnell said that she would like to ask the Finance Committee for comments regarding this matter and Mr. Zubricki said that he would relay her request.

Order for Replacement Generator, Essex Senior Center: Mr. Zubricki said that Town Meeting also approved the purchase of a replacement generator for the Senior Center. Three quotes were solicited and two quotes were received. A motion was made, seconded, and unanimously voted to approve the purchase and installation of the new generator, and removal of the old generator by FM Generator, the lowest bidder.

Order for Replacement of Town Hall Copier: A motion was made, seconded, and unanimously voted to approve an order for a new Town Hall copier for an amount no greater than \$7,000, including a \$400 trade-in of the old copier.

Contract for Completion of Wellness Room, Senior Center: Mr. Zubricki reported that the Council on Aging has obtained an estimate for completion of the wellness room at the Senior Center in the amount of \$6,200. Subsequently, a motion was made, seconded, and unanimously voted to award the contract to Dave Brindamour in the amount of \$6,200.

Solicitation of Quotations, Promotion of Town Resources and Attractions: A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to solicit bids from the Cape Ann Chamber of Commerce, the Merchants Group, and the North of Boston Visitors and Convention Bureau for the promotion of Town resources and attractions.

Third-Party Ambulance Billing Agreement Renewal: A motion was made, seconded, and unanimously voted to approve and sign the renewal agreement with Comstar for third-party ambulance billing.

Stone for Parking at 4-8 Conomo Lane: Mr. Zubricki reminded the Selectmen that the Town Meeting had voted to transfer the properties at 4 and 8 Conomo Lane from rental property to general municipal use. The Selectmen were in favor of using these sites for additional parking and a motion was made, seconded, and unanimously voted to authorize site work by the DPW and the placement of crushed stone at these locations. Parking in this area will be for residents only and a residents only parking sign will be placed at the site.

Possible Fall Development of Conomo Point Road Shoulder Parking: Mr. Zubricki suggested that the Board review the possibility of road shoulder parking at the Point this Fall.

Eventual Public Access Improvements at 1 Robbins Island Road: Mr. Zubricki said that eventually, funds permitting, picnic tables may be placed on this property which would need further site work before that can be done. Funding will be discussed in the Fall.

Production of Visual Renderings for Fire/Police Building Options: Mr. Zubricki asked the Board how they wanted to proceed with the choice of a firm to prepare the visual renderings that were approved at Town Meeting. Chairman O'Donnell said that she knows of three companies that may be interested. This matter will be discussed again at the June 5th meeting.

Process for Purchase of Street Lights from National Grid: Based on the recent approval at the Town Meeting to proceed with the purchase of the street lights in Town from National Grid, Mr. Zubricki said that he had drafted a letter to National Grid informing them of the Town's intention. A motion was made, seconded, and unanimously voted to approve the draft and sign the letter to National Grid. Mr. Zubricki said that Town Planner, Matt Coogan, may be able to obtain grant money for the Town to help with the purchase and maintenance of the lights.

Possible License for Use of Centennial Grove Cottage Area: Mr. Zubricki reported that he had received an offer from a group composed of representatives from three local schools (Endicott, Gordon, and Pingree) that would like to use the Grove Cottage area for rowing programs. The Selectmen were interested in the suggestion and authorized Mr. Zubricki to start a dialogue with the group to find out what they may be willing to offer the Town in return for use of the Cottage area for their programs, via a non-exclusive license.

Abatement of Uncollectible Conomo Point Taxes: After a short discussion, Andrew Spinney moved that the Board of Selectmen, having control of Town-owned properties at 138 Conomo Point Road, 153 Conomo Point Road, 5 Beach Circle, 9 Beach Circle, 1 Robbins Island Road, 103 Conomo Point Road, 8 Conomo Lane, and 4 Conomo Lane, request that the Board of Assessors abate unpaid taxes on said properties in accordance with the attached schedule, all pursuant to MGL Chapter 59, Section 72A:

<u>FY Real Estate</u>	<u>Balance</u>	<u>Address</u>
2007	\$ 3,893.35	138 Conomo Point Road
2008	\$ 5,363.03	138 Conomo Point Road

2009	\$ 5,936.73	138 Conomo Point Road
2010	\$ 6,519.23	138 Conomo Point Road
2011	\$13,888.22	138 Conomo Point Road
2012	\$19,291.72	138 Conomo Point Road
2013	\$11,079.82	5 Beach Circle (True)
2014	\$13,552.40	9 Beach C., 1 Robbins Is. Rd., 103 Conomo Pt. Rd., 8 Conomo Lane
2015	\$ 3,861.10	4 Conomo Lane
2016	\$ 0.00	
Total	\$83,385.60	

The motion was moved, seconded, and unanimously voted to request the Assessors to process abatements for certain Conomo Point properties with uncollectible real estate taxes.

Special Legislation to Allow Retired Officers to Work Details: Mr. Zubricki said that Town Counsel, pursuant to the vote at Town Meeting, has developed a letter to petition the State Legislature to allow the Town to utilize retired Essex Police Officers to serve on Police Details. The Board was in favor of the letter and a motion was made, seconded, and unanimously voted to sign the letter.

Municipal Vulnerability Preparedness (MVP) Program: Mr. Zubricki said that it would be advantageous to the Town to be designated a Municipal Vulnerability Preparedness Program Municipality. The designation would allow the Town to be eligible to apply for grants and technical assistance. He said that it is likely that work already done in the Town will qualify the Town for the MVP status. A motion was made, seconded, and unanimously voted to approve and submit the application.

Hazard Mitigation Plan Revision/Renewal Grant: Mr. Zubricki reported that MEMA has awarded the Town a grant in the amount \$13,500 to update the Town's Hazard Mitigation Plan. A motion was made, seconded, and unanimously voted to accept the grant and to sign the grant paperwork outside of a meeting, when available.

MA Coastal Zone Management Community Coastal Resilience Grant: Mr. Zubricki said the National Wildlife Federation would like to apply for a second round of funding to focus on emergency planning related to climate change, educational signage along the causeway, and a Coastal Hazards Atlas for the Great Marsh. A motion was made, seconded, and unanimously voted to approve the Chairman's signing of the documents when they become available.

A motion was made by Selectman Doane to reelect Lisa O'Donnell as Chair of the Board of Selectmen. Selectman Doane and Selectman Spinney voted in favor, with Selectman O'Donnell abstaining. Selectman Spinney was nominated to serve as Clerk of the Board and a motion was made, seconded, and voted by Chairman O'Donnell and Selectman Doane to approve his nomination.

A motion was made, seconded, and unanimously voted to adjourn the meeting at 11:30 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney