

Selectmen's Minutes
Senior Center

January 25, 2016

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

Also Present: Virginia Antell, John Bediz, Lee & Roger Bresnahan, Helen Brown, Maria Burnham, Wesley Burnham, Richard Cairns, Annie Cameron, Matt Coogan, Robert Coviello, Richard Denton, Sue Denton, Dan Doucette, Kim Drake, Deborah French, Paul Goodwin, Erin Kirchner, William Knovak, Tina Lane, Mark McKenna, Ken Riehl, Richard Ross, Christina St. Pierre, Bill Sanborn, Peter Silva, Keith Symmes, and Roxanne Tieri.

The Chairman called the meeting to order at 7:00 p.m. in the upstairs meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. Mr. Denton came before the Selectmen to discuss his written request for permission to perform soil testing for a septic system on property leased to he and his wife on Conomo Point (34 R Robbins Island Road, Map 108, Lot 6), and on adjacent, unleased property of the Town. Mr. Denton said that he has reviewed the proposed Robbins Island subdivision plan and it appears that a proposed right of way will be sited on the only place where, in his own estimation, a septic system could be placed for this Robbins Island property. After a short discussion, the Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to grant permission to Mr. & Mrs. Denton to have septic system testing performed in this area up to the edge of the existing road, contingent upon obtaining all required permitting from Town boards, departments, and committees, such as the Board of Health and the Conservation Commission. Mr. Denton thanked the Selectmen.

Tina Lane said that she also would like to ask one or two questions during the Public Comment period. Her first question was if there had been a vote by the Selectmen regarding a decision to seek out a management company to manage recreational events and maintenance at Centennial Grove. The management company would be in addition to the YMCA summer camp. Mr. Zubricki said that he had verified the vote after the last Selectmen's meeting and read the excerpt from the BOS minutes. Tina Lane's second comment was regarding an item on the BOS agenda to discuss funding a Police detail on Essex River Race Day and stated that she was not in favor of spending Town money to fund an event sponsored by a non-profit organization. The Chairman thanked Ms. Lane for her comments.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 9th through January 22nd, 2016, regarding the following:

Treasurer/Collector's Office Job Descriptions and Pay Scales: Mr. Zubricki reported that the Treasurer/Collector has been reviewing the growing needs of that department and will be asking to add staff in the near future. Selectman Gould-Coviello said that she would discuss this matter with the Treasurer/Collector when they meet tomorrow. The matter will also be reviewed by the Finance Committee.

Meeting with Army Corps of Engineers Regarding Thin Layer Deposition: Mr. Zubricki reported on the recent meeting that he, Chairman O'Donnell, and MAPC Representative Peter Phippen had attended with the Army Corps of Engineers. Mr. Zubricki said that the Thin Layer Deposition technique removes material from the river bed and redeposits it on the marsh, thereby deepening the channel and building up the marsh. This technique is being considered as a creative means of dredging for the Essex River. It is not a new technique and has been used a lot in the south, although it is new to this area. There are many State regulations that need to be met before this method can be implemented. The ACE is looking for assistance from the Town regarding the next step in pursuing this matter which is the identification of potential deposit sites within a two-mile area of the removal site. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to start looking for suitable sites.

Enrollment in the Agricultural/Technical School District vs. Ability to Pay: Mr. Zubricki said that current law does not allow a municipality to cap the number of students sent to a vocational school, provided each student has met enrollment criteria. He will continue to explore seeking special legislation or annual apportionment at the State level to help the Town cope with the monetary burden of funding more and more Essex students choosing to attend and meeting enrollment criteria for attendance at the vocational school. This appears to also be a concern of other towns on the north shore and the topic may be included in a future Cape Ann caucus.

Review of Present Winter Parking Ban Language: Mr. Zubricki said that the Town's parking ban language states that the ban is in effect between midnight and dawn from December 1 through April 1, which would not affect patrons of the Town's commercial establishments. The Selectmen agreed to discuss this matter at a future Selectmen's meeting.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$822,296.90.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 11, 2016, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve and sign four copies of the Warrant for Presidential Primary to be held on Tuesday, March 1, 2016, at the Memorial Fire Station on Martin Street.

A motion was made, seconded, and unanimously voted to approve a request from the American Legion Post 194, Hamilton, to pass over Essex roads during their Motorcycle Run on Sunday, May 22, 2016, to benefit veterans.

A motion was made, seconded, and unanimously voted to approve the acceptance of a donation in the amount of \$200.00 to the Police Department Gift Account; and, a motion was made, seconded, and unanimously voted to approve the acceptance of another donation in the amount of \$20.00 to the Police Department Gift Account.

A motion was made, seconded, and unanimously vote to approve the following appointments:

- Board of Appeals, Margaret Nelson to a 3-year term, commencing 2/1/16.
- Board of Appeals, Keith Carter to a partial 3-year term, commencing 2/1/16 and ending 1/31/17.
- Board of Appeals-Alternate, Michael Davis to 2-year term, commencing 2/1/16.
- Board of Appeals Alternate, Richard Carter to a 2-year term, commencing 2/1/16.

A motion was made, seconded, and unanimously voted to approve the following request for licenses and permits:

Innholders' and Common Victuallers' License Change of Name:

- The Essex Meeting & Retreat Center, LLC, d/b/a The Essex Conference Center & Retreat, Adrian Wilkins, Manager, 1 Conomo Point Road

Non-Resident Recreational Clamming Permit:

- Stephen Danca, Beverly, sponsored by Robert Brophy, Western Ave
- Michael Rogers, Georgetown, sponsored by Louise Holland, Southern Ave

At 7:30 p.m., the Chairman announced that the Board would review the Department of Revenue's Management audit of the Town, and the Board was joined at the table by Town Accountant Roxanne Tieri, Finance Committee members Richard Ross, Ken Riehl, and Mark McKenna, Assessor Richard Cairns, and Treasurer/Tax Collector Virginia Antell. Those present discussed *an analysis of the audit findings* with comments, grouped in three categories: Possible Implementation, Already Completed, and Dismiss Recommendation. Those present were in agreement with the analysis. Mr. Zubricki remarked that all of the findings in the DOR audit were administrative suggestions and the audit is nonbinding. There were no occurrences of mismanagement or impropriety found.

Mr. Denton, Judith Riggs, and Mark McKenna left the meeting.

The Chair welcomed everyone to the segment of the Selectmen's meeting reserved for discussion of current matters by Department Heads and Committee Chairs. The evolving Strategic Plan being developed by the Strategic Planning Committee was the topic for discussion this evening and the Chair asked Town Planner Matt Coogan to begin with a synopsis of the creation and representative membership of the SPC, the SPC's goals, and the progress of the plan's evolution to date. Chair O'Donnell reviewed each of the nine major prongs of the plan, which are supported by underlying action items listed in a different document. This initial draft of the plan is available on the Town's website. Those present offered comments on the nine goals. There will be a public informational hearing at the Elementary School on February 10, to present the plan to the public and seek additional input. Following the discussion, the Chair thanked everyone for coming and participating in the discussion.

All left the meeting except the Selectmen, their Assistant, the Town Administrator, Police Chief Silva, and Tina Lane.

Mr. Zubricki continued with the last topic on this meeting's edition of his Town Administrator's Report-Draft Request for Proposals for Management of Centennial Grove: Mr. Zubricki reviewed the changes he had made to the Centennial Grove Management Request for Proposals, based on the Selectmen's comments from their last meeting. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to proceed with an advertisement schedule.

In other business, the Selectmen reviewed past uses of the Special Events Fund, which included paying for Police Details at Town meetings. Selectman Gould-Coviello said that she was not in favor of using the fund to pay for police details at Town meetings, which she does not consider special events. Following discussion among those present, including Chief Silva, it was agreed that only the Officer on Duty and the Chief would be present at Town meetings unless there was a special concern. In the event of a special concern, the Chief was advised to seek authorization from the Selectmen to utilize a police detail well in advance of the meeting. On a related matter, a motion was made, seconded, and unanimously voted to approve the use of the Special Events Fund to pay for the cost of a Police Detail consisting of one policeman for 4 hours minus \$200 on Essex River Race Day (not to be confused with Essex River Day). (The Essex Merchants Group has agreed to pay for \$200 for a detail.)

Mr. Zubricki reminded the Selectmen that they are invited to attend, along with the Finance Committee, a Public Hearing regarding the FY17 MERSD Operating Budget on Tuesday, January 26, 2016, at the Essex Elementary School, starting at 7:00 p.m.

The Selectmen will meet at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School on Monday, February 1, 2016, for a short meeting before the Special Town Meeting which will start at 7:30 p.m.

The next regular Board of Selectmen's meeting will take place on Monday, February 8th, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

There will be a Public Forum and presentation of the Strategic Plan at the Essex Elementary School on Story Street on Wednesday, February 10, 2016, starting at 7:00 p.m.

The Selectmen were also reminded that the Planning Board may schedule a Public Hearing on Wednesday, February 24, 2016, regarding the proposed subdivision of Robbins Island at 8:00 p.m. in the Fire Station meeting room. This information is only tentative and is subject to change.

Selectman Gould-Coviello announced that she would not be able to attend any Selectmen's meetings scheduled on the third Monday of the month. Subsequently, the Selectmen agreed to move their previously scheduled meeting on June 20 to June 21.

Police Chief Silva reviewed his *calendar year 2015 accomplishments and 2016 goals*.

The next bargaining session with the Essex Police Benevolent Association is scheduled for January 28, 2016, starting at 7:30 a.m.

Mr. Zubricki informed the Selectmen that there is a piece of land that the Town has foreclosed on; however, the Assessors have already issued a tax bill for it, and the Treasurer/Tax Collector has asked the Selectmen to apply to the Assessors for an abatement on this property. The Selectmen were in agreement, and Chairman O'Donnell will sign the abatement application with a vote of ratification to be held at the next meeting.

Concerning Conomo Point matters, Mr. Zubricki reported that there were no new developments regarding the Town of Essex v. Leah Maher, Essex Superior Court, C.A. No. ESCV2014-00522; specifically a discussion regarding litigation strategy and potential settlement with the Estate of Paul Touher.

As of this meeting, Mr. Romano has not applied for a building permit for the leased property at 29 Robbins Island Road (Map 19, Lot 77/New Map 108, Lot 17).

At 10:13 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; and collective bargaining with respect to a successor collective bargaining agreement with the EPBA; 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 invited the Town Administrator and Police Chief Silva (for the union issues only) to attend the Executive Session and said that 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, Chief Silva, 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 11:00 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

An Analysis of the DOR Audit Findings

Calendar Year 2015 Accomplishments and 2016 Goals for the Police Chief

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello