

**Selectmen's Minutes
Essex Elementary School**

February 10, 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: Helen Brown, Maria Burnham, Richard Denton, Tina Lane, and Judith Riggs.

The Chairman called the meeting to order at 6:00 p.m. in the Teachers' Lounge of the Essex Elementary School on Story Street and announced that the Board would hear Public Comment.

The Chairman stated that since the Selectmen's meeting had been postponed from February 8th, the request from Essex Historical Commission regarding future planning for the property at 153 Conomo Point Road and a similar request from the Conomo Point Planning Committee regarding future planning for the same property at 153 Conomo Point Road would be discussed instead at the Selectmen's February 22nd meeting.

Mr. Denton and Mrs. Riggs, lessees of properties on Robbins Island, came before the Selectmen. Mr. Denton said that he would like to take the Selectmen on a tour of Robbins Island before the discussion regarding the subdivision on February 22, and provided Chairman O'Donnell with his phone number. Chairman O'Donnell agreed that a tour would be helpful and said she would be calling Mr. Denton. Mrs. Riggs also expressed her concerns regarding the proposed plans for the subdivision and said that her family had been leasing the property on Robbins Island for the last 150 years. The Selectmen thanked Mr. Denton and Mrs. Riggs for their comments.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 30th through February 5th, 2016, regarding the following:

Treasurer/Collector's Office Job Descriptions and Pay Scales: After reviewing the proposed job description for an Assistant Treasurer/Collector, Part-time, a motion was made, seconded, and unanimously voted (acting in the Board's capacity as Personnel Board) to approve and accept the position description with a recommended wage range identical to the Assistant Town Clerk.

Modification of Town Procedure for Disposition of Items of Low Value: Mr. Zubricki informed the Selectmen that State law increased the threshold under which items of low value may be disposed of via a local policy to \$10,000 a few years ago. The Town's local policy's threshold was still at \$5,000, but now may be updated to the higher threshold allowed by State law. Subsequently, a motion was made, seconded, and unanimously voted to modify the Town's procedure for sale and/or auction of items to agree with the State increase.

Disposition of Items of Value, 153 Conomo Point Road: The Selectmen were in agreement that they would like to take pictures of the contents in each room of the building at 153 Conomo

Point Road. The pictures will offered for public viewing prior to the items potentially being sold at a future auction.

Adding Flexibility to Current Winter Parking Ban Bylaw: Mr. Zubricki reported that he has received comments from Police Chief Peter Silva and Department of Public Works Superintendent Paul Goodwin regarding a change to the Town's winter parking ban bylaw. Both Chief Silva and Superintendent Goodwin have reservations about the proposed changes and the Selectmen agreed that they will not work to amend the current bylaw.

Preliminary Draft of the Annual Town Meeting Warrant: Mr. Zubricki briefly reviewed the first draft of the proposed warrant for the next Annual Town Meeting (May 2016).

Climate Resilience Planning Community Compact and Discussion Concerning Selection of Base-case Dredge Spoil Disposal Site: Mr. Zubricki reported that the Executive Office of Energy and Environmental Affairs is very interested in our community compact application to receive grant funding for research specific to climate change mitigation in the Town. This information will be extremely useful in the Town's pursuit of using the marsh as a "green" barrier to sea level rise and coastal storms. Mr. Zubricki also reported that Essex resident Peter Phippen, who is involved with numerous coastal initiatives and agencies, including Eight Towns and the Great Marsh, the Merrimac Valley Planning Council, and the MassBays National Estuary Program has offered to collaborate with Mr. Zubricki to prepare a proposal for the Town, recommending the next steps toward a technique known as thin layer deposition (casting sediment onto the marsh to elevate it and promote optimal marsh health). The hope is that the Town can both mitigate against sea level rise and improve the shallow state of the Essex River, which presents both safety and economic problems. One related step in this process is identifying a base site that could receive dredging materials that lies within a two-mile radius of the dredging area. The Town is not actually looking to use that type of conventional, land disposal process but present Army Corps of Engineers rules still require its analysis. This base site would be used as a control to measure and evaluate other options for disposal, such as thin layer deposition. Mr. Zubricki has identified a possible candidate for the designated base site located at the old Town landfill. It was agreed that Mr. Zubricki would discuss the possibility of using this site for study purposes only with the Department of Public Works and would then move on to the Army Corps of Engineers for discussion.

In other business, a motion was made, seconded, and unanimously voted to ratify the approval of the weekly warrant in the amount of \$223,296.04.

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 2/11/16 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	1/24/16	470.50	Highway
Ernie Nieberle	Nieberle's	1/24/16	54.90	Council on Aging

Ernie Nieberle Nieberle's 1/24/16 45.20 Water

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 1, 2016, Open Meeting and for the January 29, 2016 Open Meeting.

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

One-Day Entertainment License:

- Andrew St. John for use on Friday, February 12, 2016, between the hours of 7:00 and 10:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One-Day Wine & Malt License:

- Andrew St. John for use on Friday, February 12, 2016, between the hours of 7:00 and 10:00 p.m. within the confines of the Waterline Center at 66 Main Street.

A motion was made and seconded to approve a request from Robert Doane for a Senior Shellfish License. The motion was moved and seconded and voted by Chairman O'Donnell and Selectman Gould-Coviello. Selectman Doane abstained from voting.

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

Shellfish Permit Applications:

Commercial License:

- Kelly Corrao
- Jeff Fraser, Jr.
- Ronald A. Hemeon
- Kristina Jacobs
- Matthew Jacobs
- Judson Lane
- Chris Maxfield
- George E. Mullin
- Dean Rossi
- Richard Tofuri

Non-Resident Recreational License:

- Michael Neville, Reading, sponsored by Stephen Hartley, Conomo Lane

Senior License:

- Charles McNeil, Jr.
- Thomas Prentiss
- Peter Wilson

Student License:

- Alden Burnham

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, February 22nd, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

The Selectmen discussed the possibility of revising the Selectmen's Meeting Schedule for March, and decided to change the meeting date for March 14 to March 7.

A motion was made, seconded, and unanimously voted to approve and sign the contract with Patriot Properties for assessment consulting services for FY2017, subject to appropriation.

A motion was made, seconded, and unanimously voted to revise and update the authority structure for the EXXON/ MOBIL Fleet Card Services Program for the Essex Police Department.

A motion was made, seconded, and unanimously voted to approve and sign the Green Communities contract to receive a grant for the Town Hall/Library Renovation Project from the Massachusetts Department of Energy Resources in the amount of \$130,270. This item will be ratified at the next Selectmen's meeting since it could not have been reasonably anticipated by the Chairman until after the meeting posting deadline.

A motion was made, seconded, and unanimously voted to approve the *recommendation of Chief Silva to promote Robert Wheway* to the position of Part-time Police Officer from his current position as Special Police Officer for a partial one-year term, ending 6/30/16. The Board signed his appointment card. This item will also be ratified at the next Selectmen's meeting since it could not have been reasonably anticipated by the Chairman until after the meeting posting deadline.

The Selectmen reviewed proofs for new Town Landing and Parking Lot signage. All were in agreement and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to order the signs with a red border and black lettering on a white background, after he determines how certain words should be emphasized (underline or bolded, etc.).

No building permit application had been received from Mr. Romano for his leased property at 29 Robbins Island Road (Map 19, Lot 77/New Map 108, Lot 17) and discussion of this matter was postponed to a future date, pending receipt of the permit.

At 6:35 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; pending litigation concerning the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A; 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; pending litigation concerning the case of the Town of Essex v. Boston Business Services Inc., et al. Lawrence Superior Court C.A. No. 1577-CV-01310; the lease, sale, and value of real property at Conomo Point; collective bargaining with respect to successor collective bargaining agreement(s) with AFSCME and/or EPBA; and preparations for contract negotiations with non-union personnel; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session

would detrimental to the Town's litigating, negotiating, and bargaining strategies. She invited Town Administrator Brendhan Zubricki to attend the Executive Session and announced that the Board would only be returning to Open Session to adjourn to the Public Hearing being held in the cafetorium at 7:00 p.m. regarding the draft of the Town's Strategic Plan. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 7:02 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting to the Cafetorium to participate in the public forum presenting the Strategic Plan.

Documents used during this meeting include the following:

Recommendation of Chief Silva to promote Robert Wheway

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello