

**Selectmen's Minutes
Essex Elementary School**

June 21, 2016

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

Also Present: Curt Bergeron and Attorney Nancy McCann; Superintendent Paul Goodwin and Board of Public Works members Scott DeWitt and Brian Feener; Librarian Deb French, and Library Trustees Beth Cairns, Diane Kotch, and Jen Mayer; Cliff Ageloff, Michael and Ellen Attridge, Alden and Dale Blodget, Maria Burnham, Kevin Donovan, James Genest, Mark Hall, Jodi Harris, Lori Henderson, Mike Henderson, James Henderson, Tina Lane, Barry O'Brien, Sally Rich, Bob Teel, Todd Walker, Tim Walsh, and many others.

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

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

One-Day Entertainment License:

- David Gallagher, for use on Friday, July 8, 2016, between the hours of 6:00 and 11:00 p.m., within the confines of Centennial Grove.

One-Day Wine & Malt License:

- Woodman's Inc., Joan Houghton, for use on Sunday, July 3, 2016, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of 125 R Main Street.
- David Gallagher, for use on Friday, July 8, 2016, between the hours of 6:00 and 11:00 p.m., within the confines of Centennial Grove.

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

- Gerald X. Gerrior, Middleton, MA, sponsored by Dexter Tindley, Jr.
- Michael Symonds, Gloucester, MA, sponsored by Valerie Symonds
- Kenneth Symonds, Princeton, MA, sponsored by Valerie Symonds

The Selectmen were reminded that the 2nd Quarter meeting of the Essex Division of the Cape Ann Chamber of Commerce will take place on Wednesday, June 22nd at 8:00 a.m. at The Village Restaurant.

The next regular Board of Selectmen's meeting will take place on Monday, July 11th, 2016, at 7:00 p.m. in the second floor meeting room at the Senior Center on Pickering Street.

A motion was made, seconded, and unanimously voted to approve the following appointments and renewal appointments with terms commencing 7/1/16:

ADA Coordinator: William Sanborn, 1 year

Animal/Dog Control Officer: Amelia Reilly, 1 year

Building Inspector: William Sanborn, 1 year

Building Inspector's Assistant: L. William Holton, 1 year

Burial Agent: Blake Story, 1 year

CATV Representative: Barry O'Brien, 1 year

Community Preservation Committee: Peter Madsen, 3 years

Conservation Commission:

- Angus Bruce, 3 years
- Jack Schylling, 3 years

Council on Aging

- Priscilla Doucette, 3 years
- Amelia Hamlen, 3 years
- Patricia McGrath, 3 years
- Mary Wilhelm, 3 years

Eight Towns & the Great Marsh Coalition: Matt Coogan, 1 year

Electrical Inspector: Ramie Reader, 1 year

Electrical Inspector's Assistant: John Shields, 1 year

Essex Cultural Council: Jenny Harkness, 6 years

Harbormaster's Assistant:

- Brian Buck, 3 years
- Thomas Shute, 3 years

Historical Commission: Keith Symmes, 3 years

Local Emergency Planning Committee:

- Dan Doucette, 1 year
- Erin Kirchner, 1 year
- Peter Silva, 1 year
- Paul Goodwin, 1 year

MAPC Representative: Peter Phippen, 3 years

Open Space Committee:

- Julie Scofield, 1 year
- Leslie Burns, 1 year
- Tamson Gardner, 1 year
- Lysa Leland, 1 year

Plumbing & Gas Inspector: Richard Corriere, 1 year

Plumbing-Gas Inspector's Assistant: David Pereen, 1 year

Police Officer, Full-Time:

- Daniel Bruce, 3 years
- Ryan Davis, 3 years
- Alexander F. Edwards, 3 years
- Sergeant Paul Francis, 3 years
- Michael French, 3 years
- Robert Gilardi, 3 years
- James Romeos, 3 years
- Thomas P. Shamshak, 3 years

Police Officer, Part-Time:

- Katrina C. Ewing, 1 year
- David Kent, 1 year
- David Landry, 1 year
- Chad Lipinski, 1 year
- Paul C. Peoples, 1 year
- Tom Shute, 1 year
- David J. Vangelist, 1 year
- Robert Wheway, 1 year

Police Officer, Special:

- Ryan Devaney, 1 year

Shellfish Advisory Commission:

- Michael Pascucci, 3 years

Shellfish Warden: William Knovak, 3 years

Shellfish Warden's Deputy: Stephen Hartley, 3 years

Strategic Planning Committee:

- John Bediz, 1 year
- Michael Burke, 1 year
- Annie Cameron, 1 year
- Skip Crocker, 1 year
- David Gabor, 1 year
- Peter Madsen, 1 year
- Charles McNeil, 1 year
- Julie Scofield, 1 year
- Keith Symmes, 1 year

Town Counsel: Kopelman and Paige, P.C., 1 year

A motion was made, seconded, and unanimously voted by Selectman Gould-Coviello and Selectman Doane to approve the following reappointments (term commencing 7/1/16):

Local Emergency Planning Committee:

- Lisa O'Donnell, 1 year

Strategic Planning Committee:

- Lisa O'Donnell, 1 year

A motion was made, seconded, and unanimously voted by Chairman O'Donnell and Selectman Gould-Coviello to approve the following appointment (term commencing 7/1/16):

Shellfish Advisory Commission:

- Robert Doane, 3 years

A motion was made, seconded, and unanimously voted by Chairman O'Donnell and Selectman Doane to approve the following reappointment (term commencing 7/1/16):

Strategic Planning Committee:

- Robert Coviello, 1 year

In other business, a motion was made, seconded, and unanimously voted to ratify the approval of the weekly warrant in the amount of \$138,728.87.

A motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the warrant dated 6/9/16 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	6/09/16	\$ 73.00	Shellfish
Ernie Nieberle	Nieberle's	5/24/16	\$ 821.00	Police
Ernie Nieberle	Nieberle's	5/24/16	\$1,164.75	Cemetery
Ernie Nieberle	Nieberle's	5/24/16	\$ 40.85	Council on Aging
Ernie Nieberle	Nieberle's	5/24/16	\$ 51.00	Wastewater

A motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 6/23/16 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>
James McNeilly	McNeilly EMS	6/23/16	145.00	Fire
Ernie Nieberle	Nieberle's	5/27/16	821.00	Council on Aging

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 6, 2016, Open Meeting.

DEP Consent Decree Quarterly Report: Mr. Zubricki reported that he had completed the Quarterly Report to the Department of Environmental Protection for the period ending June 30, 2016. A motion was made, seconded, and unanimously voted to approve distribution of the report.

A motion was made, seconded, and unanimously voted to approve updated job descriptions for the following positions: Chief of Police, Sergeant, Detective, Patrol Officer, Accreditation Manager, Harbormaster, Prosecutor, and Police Secretary.

A motion was made, seconded, and unanimously voted to approve a request from Chief Silva to promote Thomas Shute from Special Police Officer to Part-Time Police Officer.

A motion was made, seconded, and unanimously voted to sign a letter to the MAPC informing them of Peter Phippen's reappointment to their board for a 3-year term commencing 7/1/16.

Attorney Nancy McCann and Curt Bergeron, owner of the Essex Marina, joined the Selectmen to discuss a request for a change of name and an alteration of premises for the restaurant at the Marina. Attorney McCann explained that the original name they had chosen for the restaurant had already been copyrighted by someone else and therefore they had to change the name. The Attorney General has approved their request to change their corporate name from Tides at Essex Marina, LLC, to Riversbend at Essex Marina LLC; and also, the Attorney General has approved their request to change their d/b/a (doing business as) name from Tides to Riversbend. The

Marina is now requesting that the Selectmen approve a corresponding name change on the alcohol license. The paperwork required by the Alcoholic Beverage Control Commission has been submitted to the Selectmen, along with the appropriate checks and all is in order. Subsequently, a motion was made, seconded, and unanimously voted to approve the name change and the Selectmen signed the Form 43 application. The package will now be mailed to the ABCC for their approval of the name change.

Chairman O'Donnell announced that they would begin the public hearing regarding the request by the Essex Marina for an "alteration of premise" which seeks to amend their existing annual all alcohol restaurant license to include a lawn area, a large tent, and a special events area. Chairman O'Donnell explained the public hearing procedures to those present, and a motion was made, seconded, and unanimously voted by the Board to open the public hearing. Chairman O'Donnell asked the Town Administrator to review the request before the Board. Mr. Bergeron said that he would like to change his request to only include the lawn area which is naturally bounded by the marsh and the river and restaurant on approximately three sides. The fourth side would be marked by a bollard and rope fence. Mr. Bergeron said that there will be no tables or chairs in the lawn area, but he said he had been previously approved for four fire pits on the lawn. Chairman O'Donnell asked if anyone else would like to speak in favor of the premise expansion request and no one did. Next, Chairman O'Donnell asked if anyone had any questions and several people did. The following persons asked questions which were answered by Mr. Bergeron: Mark Hall, Todd Walker, Ellen Attridge, Alden Blodget, Cliff Ageloff, Sally Rich, Robert Teel, Lori Henderson, Mike Henderson, James Henderson, Kevin Donovan, James Genest, Tim Walsh, Dale Blodget, and Maria Burnham. A number of people said they were not in favor of granting the requested expansion of the premises. A motion was made, seconded, and unanimously voted to end the public comment period. A motion was made, seconded, and unanimously voted by the Board to continue the hearing until July 11th at 7:05 p.m. in the Senior Center. Mr. Bergeron was asked to resubmit his request for an alteration of premises to only include the lawn area. Mr. Bergeron and Attorney McCann, and several others left the meeting.

Barry O'Brien, Essex Representative to Cape Ann Regional Cable Advisory Committee, joined the Selectmen to offer an update on the Comcast contract renewal negotiations. Following Mr. O'Brien's presentation, the Selectmen thanked him for doing an excellent job and he left the meeting.

Superintendent Paul Goodwin and members of the Board of Public Works, Scott DeWitt and Brian Feener, joined the Selectmen and Town Counsel.

A motion was made, seconded, and unanimously voted to reappoint Brian Feener to a 3-year term on the Board of Public Works, beginning July 1, 2016. The Selectmen signed the appointment card.

At 8:45 p.m., citing the need to discuss 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; the lease, sale, and value of real property at Conomo Point; and,

anticipated litigation, 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 litigating and negotiating strategies and invited the Town Administrator, Town Counsel, the Superintendent, and Board of Public Works members Scott DeWitt and Brian Feener to attend the Executive Session. (The Board of Public Works to be present only with respect to anticipated litigation.) The Chairman said that the Board would be returning to Open Session following the Executive Session to finish their regular business. The motion was moved and seconded. Following a unanimous Roll Call Vote by the Board of Selectmen and the Board of Public Works, both Boards, the Town Administrator, Town Counsel, the Superintendent, and the Selectmen's Assistant moved to Executive Session. Tina Lane left the meeting.

The Board, the Town Administrator, Town Counsel, and the Selectmen's Assistant returned to Open Session at 9:45 p.m.

Town Counsel Gregg Corbo left the meeting and Tina Lane rejoined the meeting, along with Librarian Deb French and Library Trustees Beth Cairns, Diane Kotch, and Jenn Mayer.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 4th through June 17th, 2016, regarding the following:

Review of Lighting Options for Essex Library: Mr. Zubricki reported that he had spoken with the Electrical Inspector about increasing the lighting in the Town Hall Library. The Electrical Inspector was not in favor of installing new fixtures, unless the entire area could be rewired. He suggested replacing the bulbs with ones that give increased light, but draw lower wattage. The Library representatives were not in favor of different bulbs. The Selectmen asked Mr. Zubricki to schedule a meeting with the Project Architect, the Library's specialized architect, the Electrical Inspector, the Trustees, and a Selectman to discuss lighting options with all interested persons. The Library Trustees and the Librarian left the meeting.

A motion was made, seconded, and unanimously voted to approve the Marina Operator's Legal Liability Insurance Policy with Travelers and the renewal of two Pollution Liability Policies, one for vessels and one for non-vessels, with Water Quality Insurance Syndicate.

A motion was made, seconded, and unanimously voted to approve the rental of Centennial Grove by David Gallagher for a birthday party, for use on Friday, July 8, 2016, between the hours of 6:00 and 11:00 p.m. The Selectmen signed the parking pass.

Concerning Conomo Point matters, the Selectmen reviewed a letter from Jeffrey Calder requesting that his wife be added to the lease for 34 Robbins Island Road. Chairman O'Donnell entertained a motion to approve a written request for the transfer of a partial interest in the leasehold for the property at 34 Robbins Island Road, Map 91, Lot 66, (New Map 108, New Lot 5) by adding Lucia Cecchetti as signatory to said lease, said approval with the caveats that the new party shall be subject to all rights and obligations set forth in said lease, and further that nothing in this approval is intended to convey or imply any right, title or interest in the subject

property, or any portion thereof, that was not already held by Jeffrey Calder. The motion was moved, seconded, and unanimously voted.

A motion was made, seconded, and unanimously voted to reaffirm the Selectmen's decision to post no parking signs at Town Landing, which will be in effect for the entire year. Violators will be subject to a fine of \$100.

Mr. Zubricki resumed his review of key items from his Town Administrator's report:

Strategic Planning Committee Meeting Recap: Mr. Zubricki reported on the recent meeting of the Strategic Planning Committee that he had attended. After listening to their guest speaker, Ms. Maria DiStefano of the Massachusetts Office of Business Development, the SPC would like to ask the Select Board to consider applying for a community compact for help with local economic development. The Selectmen were in favor and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to complete the community compact application paperwork after getting input from the Strategic Planning Committee.

Open Space and Recreation Plan - Letter of Review, Updated ADA Policy: A motion was made, seconded, and unanimously voted to approve and sign a letter of review and approve an updated ADA Policy, which is required as part of the Town's new Open Space and Recreation Plan.

Contract for the Promotion of Town Resources: Mr. Zubricki reported that only one bid had been received to promote Town Resources and that was from the Essex Merchants Group. A motion was made, seconded, and unanimously voted by Chairman O'Donnell and Selectman Doane to approve and sign a contract with the Essex Merchants Group for promotion of Town Resources.

Contract for Real Estate Agent Services, Southern Conomo Point Sales: Mr. Zubricki said that three proposals had been received. The low bidder was the Village Realty Group at 1.5 percent. The other two bids were for 3.8 percent and 5 percent. A motion was made, seconded, and unanimously voted to sign an agreement with Village Realty for the marketing and sale of five southern Conomo Point properties, contingent upon proof from Village Realty of adequate insurance.

Town Hall/Library Renovation Project Update: Mr. Zubricki reported that the contractor is working on the masonry and elevator shaft. The contractor has said that he will be able to install the old safe doors in the first floor lobby area and that he intends to refinish the wood floors in the building.

Change Order Regarding Town Hall/Library Fire Protection System: As discussed at a previous Selectmen's meeting, the change order is now ready to replace the dry fire protection system in the third floor meeting area with a wet system. A motion was made, seconded, and unanimously voted to approve and sign the change order.

On a related matter, the Project Manager is recommending that the Board approve a two-week extension to the construction schedule. The contractor has not asked for any extensions associated with several recent change orders. A motion was made, seconded, and unanimously voted to agree to up to a 2-week extension and to authorize Mr. Zubricki to sign the corresponding change order.

Contract for Northern Conomo Point Design and Permitting Services: Mr. Zubricki reported that Copley Wolff has amended their contract, based on the changes suggested at the last Selectmen's meeting. The two projects will be by Memorial Day 2017. A motion was made, seconded, and unanimously voted to approve and sign the amended contract in the amount of \$110,000.

Contract for Cloud-Based Voice Over IP (VOIP) Phone Service: Mr. Zubricki reported that he continues to work on implementing IP based phone service. He said the company has agreed to offer a one-year trial contract for the 3-year prorated price.

Potential Conversion of Southern Avenue Parcels to Passive Recreational Use: Mr. Zubricki said that the potential buyer for the Allen Southern Avenue property has declined to increase his offer to cover the unpaid real estate taxes and the unpaid court receiver fees. Greenbelt has agreed to seek out and compile existing data regarding the status of hazardous materials on the property.

Massachusetts Downtown Initiative Parking Study Grant Update: Mr. Zubricki said that he had attended the consultant's initial meeting and said that the Selectmen have been posted for the Parking Study Open House at the Senior Center from 5:00 to 7:00 p.m. on Tuesday, June 28. Mr. Zubricki will attend since at least two Selectmen have conflicts.

Army Corps of Engineers Beneficial Use Dredging Study Funding: Mr. Zubricki reported that the Army Corps of Engineers has received funding for a Section 204 study to evaluate the use of Thin Layer Disposition vs. traditional methods. They have asked for a list of appropriate sites for the study and a letter of interest from the Town. A motion was made, seconded, and unanimously voted to approve and send the letter of interest.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:40 p.m.

Documents used during this meeting include the following:

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello