

Selectmen's Minutes
Town Hall Stage Conference Area

June 26, 2017

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

Also Present: Curt & Lindsay Bergeron, Alan Budreau, Dawn Burnham, Richard Denton, Paul Goodwin, Billie Knovak, Tina Lane, Richard Ross, Paul Rullo, and Peter G. Silva.

The Chairman called the meeting to order at 7:00 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 3rd through June 23rd, 2017, regarding the following:

Award of Green Community Grant for Projects at Essex Elementary: Mr. Zubricki reported that the Town Planner, Matt Coogan, had been successful in obtaining a **Green Community Grant** from the Department of Energy Resources in the total amount of \$176,145 for three projects at the Essex Elementary School: A Lighting Upgrade, a Baseline Building Automation System, and a Steam Trap Replacement. The documents have been forwarded to the Board and a motion was made, seconded, and unanimously voted to approve the grant and sign the documents. Dawn Burnham, acting in her capacity as Notary Public, witnessed the signature. The Selectmen thanked her and she left the meeting.

Paul Rullo, a member of the Board of Public Works whose term is expiring on June 30, 2017, came before the Selectmen. He has served on the BPW for the past 12 years and before that he was a member of the Board of Health. He went on to review his many accomplishments and extensive background. Currently, he is employed by the State as a Civil Engineer.

On a related matter, a motion was made, seconded, and unanimously voted to sign a letter of thanks to the Board of Public Works for their assistance with several Town projects. Mr. Rullo thanked the Selectmen and left the meeting.

The Chairman asked if there was any Public Comment. Richard Denton said that he would like to reserve his public comment until after Chief Silva spoke about adding moorings at Conomo Point and the Board agreed.

Richard Ross also came before the Selectmen in his capacity as a member of the Finance Committee. He said that the Finance Committee had not been able to reach a quorum at their last two meetings and are working on scheduling another meeting in the near future to formulate a recommendation for the vacant seat on the Committee. The Selectmen agreed to postpone this appointment until the next BOS meeting on July 17. Richard Ross thanked the Selectmen and left the meeting.

Shellfish Constable Billie Knovak joined the Selectmen to discuss instituting a possible late fee for Commercial Shellfish License Applications submitted after the deadline. After some

discussion, a motion was made, seconded, and unanimously voted to amend the Town's Shellfish Regulations to include a late fee in the amount of \$200 for Commercial applications and a late fee in the amount of \$100 for Student Commercial applications. Those present agreed to discuss changing the regulations to further limit the number of licenses issued at the next Selectmen's meeting on July 17, 2017.

Chief Silva joined the Selectmen to discuss possible deployment of new mud moorings near winter clam flats. Shellfish Constable Knovak stated that since the proposed mooring sites will only be in use during the summer, they will have no impact on the winter clam flats. After some discussion, the Selectmen said they would have no objection to the Chief creating 10 to 20 new mud moorings. However, the Board said that they would like the Chief to come to the first Selectmen's meeting in August (8/14) for more discussion of this topic, as well as his proposed revisions to the mooring rules and regulations, and his harbor goals.

On a related matter, the Chief said that he had no objection to allowing a few dinghies to tie-up at the new Conomo Point Park float. The slips would be available to residents only and be limited in number and boat size. The Selectmen agreed to make a site visit with the Chief, once the float has been installed to determine how many dinghies would be allowed.

The Chief said that both he and the DPW Superintendent, Paul Goodwin, had visited the property at 105 Eastern Avenue. He said that there are twelve traffic signs starting at The Voyager and travelling towards the property. Many of these signs are not visible, either due to foliage overgrowth or age. He also informed the Selectmen that the last accident on the property had happened because the vehicle driver had fallen asleep. Since that part of the road is a State highway, Mr. Zubricki said he would ask MassDOT for assistance in trimming foliage and replacing worn-out signs. The Selectmen and the Chief agreed with Mr. Zubricki.

Chief Silva, Richard Ross, and William Knovak left the meeting.

Curt and Lindsay Bergeron came before the Selectmen to discuss the application process for an annual Weekday Entertainment License. A weekday entertainment license allows for entertainment to be offered on Monday through Saturday. Mr. Zubricki explained the usual process and the options available to the Selectmen. After a discussion, all agreed that Mr. and Mrs. Bergeron would provide the Board with a description of the type of entertainment they would like to provide, the location on the property where the entertainment would be offered, etc. The Board agreed to discuss the matter again at their next meeting on July 17. Curt and Lindsay Bergeron left the meeting.

Mr. Boudreau, a neighbor of the Town Hall, joined the Selectmen at the table while they reviewed a *letter from several Town Hall neighbors*, including Mr. Budreau, concerning two sodium vapor floodlights outside the Town Hall. Everyone present agreed that the two lights were unsightly and detracted from the appearance of the building. Mr. Zubricki agreed to contact National Grid and ask to have them removed. Mr. Boudreau thanked the Selectmen and left the meeting.

Mr. Zubricki continued his report regarding the Award of Roadway Resurfacing Contract: Superintendent Goodwin had opened the seven bids for the project which will be funded by Chapter 90 money from the State. The contract has been awarded to D&R General Contracting of Melrose in the amount of \$103,386.10, and has already been signed by the Board of Public Works. Subsequently, a motion was made, seconded, and unanimously voted to approve the contract and the Selectmen also signed the contract since the bid amount exceeded \$50,000. Mr. Goodwin left the 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:

Common Victualler's License:

- Weezie's Dylan, LLC, Gayle McKinley, Manager, d/b/a Shea's Riverside Inn & Motel at 132 Main Street

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

- David Carnevale, Beverly, MA, sponsored by Robert Bradley
- Stephan Landers, Hamilton, MA, sponsored by William Knovak

Senior Shellfishing Permit:

- Ernest L. Doucette
- William J. Mitchell, Jr.

Student Shellfishing Permit and Waiver of Application Deadline:

- Nicholas DiPietro
- Ian Schyilling

Ratify One-Day Wine & Malt License and Waiver of Fee:

- Cape Ann Chamber of Commerce, Ken Riehl, for use on Saturday, June 24, 2017, between the hours of 4:00 and 9:30 p.m. within the confines of Memorial Park.

Ratify One-Day Wine & Malt License:

- Woodman's Inc., Joanie Houghton, for use on Sunday, June 18, 2017, between the hours of 11:00 a.m. and 11:00 p.m. within the confines of the tented area at 125 Main Street.

One-Day Wine & Malt License:

- Woodman's Inc., Joanie Houghton, for use on Saturday, July 22, 2017, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Woodman's Function Hall, 125 Main Street.
- Woodman's Inc., Joanie Houghton, for use on Sunday, July 2, 2017, between the hours of 11:00 a.m. and 11:00 p.m. within the confines of Woodman's Tented Area, 125 Main Street.
- Woodman's Inc., Joanie Houghton, for use on Monday, July 3, 2017, between the hours of 11:00 a.m. and 11:00 p.m. within the confines of Woodman's Function Hall, 125 Main Street.

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

Cable TV Regional Representative for 3 years: Barry O'Brien

Community Preservation Committee for 3 years:

- Kim Drake
- Michael Burke
- Michael Galli
- Richard Ross
- Richard Stevens

Council on Aging for 3 years:

- Susan Coviello

Emergency Management Director for 1 year: Dan Doucette

Fire Engineers Board, Deputy Chief for 1 year: Keith Carter

Fire Engineers Board, Deputy Chief for 1 year: Ramie Reader

Fire Engineers Board, Fire Chief for 1 year: Daniel Doucette

Firefighter for 1 year:

- James Albani
- Daniel Ball
- David Barrett
- John Bateman
- Westley Burnham
- Robert Cavender
- Samuel Sturgis Crocker V
- Dexter Doane
- Richard Dort, Jr.
- Daniel Fialho
- Warren Grant, III
- Jason Heath
- Peter Hoare
- Barry Leeds
- James McNeilly
- Edward S. Neal
- Jonathan O'Bryan
- Nicholas Ouellette
- Kent Parsons
- Joan Perrigo
- Anthony Pizzo
- Amy Price
- Andrew Ray
- Ryan Reed
- Sean Reed
- Michael Soucy
- George Stavros
- Eian Woodman

Firefighter, Captain for 1 year: Ernest Nieberle, Jr.

Firefighter, Lieutenant for 1 year:

- Travis Good
- Cory Jackson
- Joseph Lafata
- David Pereen
- David Thompson

Firefighter/Arson Investigator for 1 year: Michael French

Firefighter, Probationary for 1 year:

- John Boyle
- Craig G. Carter
- Colt P. Donahue
- Timothy S. Grimes
- Ryan P. Santos

Forest Fire Warden for 1 year: Dan Doucette

Open Space Committee for 1 year:

- Leslie Burns
- Tamson Gardner
- Lysa Leland
- Julie Scofield

REPC Emergency Response Coordinator for 1 year: Daniel Doucette

Strategic Planning Committee for 1 year:

- Michael Burke
- Annie Cameron
- Robert Coviello
- Skip Crocker
- David Gabor
- Peter Madsen
- Charles McNeil
- Lisa O'Donnell
- Julie Scofield
- **(Council On Aging Representative to be determined)**

The Selectmen signed the appointment cards.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, July 17, 2017, at 7:00 p.m. in the second floor Town Hall Stage Conference Area on Martin Street.

Mr. Zubricki resumed the presentation of his Town Administrator's Report for the period June 3rd through June 23rd, 2017, regarding the following items:

Strategic Planning Committee/Economic Development Committee Update: Mr. Zubricki reported that the Town Planner will continue working with the Strategic Planning Committee to explore the merits of creating an Economic Development Committee. He said that they plan to

get comments and feedback from the Merchants Group and the Cape Ann Chamber of Commerce before meeting again to finalize their recommendation.

Possible Reconstitution of Essex Youth Commission: Mr. Zubricki said that he had sent inquiries to nine people who had responded to the SPC survey stating that they would like to help with youth activities. To date, he has heard back from two. One person is interested in the Director's job and the other would like to serve on the commission, if or when it is created. He said that Annie Cameron has provided two more names of people who may be interested. The Board was in agreement that the new commission should consist of at least 3 members and no more than 5. Mr. Zubricki will contact the two people that were suggested by Annie, and will again reach out to the seven others he did not hear back from.

Planning for Summer Town/School District Budget Meetings: Mr. Zubricki reviewed a *summary by School Committee member Annie Cameron*, regarding the recent MERSD budget meetings. A capital planning session is planned in the near future and other meetings will be held this Fall.

Further Discussion, Final Town Hall/Library Renovation Change Orders: Mr. Zubricki reported that the cost of moving back to the Town Hall from temporary quarters was less than originally budgeted, resulting in additional funding for extra items. Mr. Zubricki said that he is still waiting for the project contractor to provide cost estimates for exterior lighting and library outlets and data drops. Other items to be considered are reinforcement of the clock tower ladder, replacement of the library ramp lattice, and re-painting of the bulkhead. The Board agreed to discuss the *remaining possible change orders* at a later date, pending further information.

Planting of New Evergreen Tree/Landscaping on Town Hall Property: Mr. Zubricki said that the Holiday Committee prefers using a cut tree at the Fire Station for their memory tree ceremony. The Board agreed that they would like to wait until there is resolution regarding a new public safety building, before commissioning a professional landscaping plan for the Town Hall property or planting any new trees.

Update Concerning Municipal Fiber Optic Network: Mr. Zubricki reminded the Selectmen that Verizon has agreed to not charge the Town fees of any kind for the installation of a fiber optic network system for the Town. Verizon has provided an agreement to that effect, which Town Counsel is currently reviewing. Mr. Zubricki will reach out to National Grid, which he has not heard back from yet.

Municipal Vulnerability Preparedness (MVP) Program Grant: Mr. Zubricki explained that the Town had been awarded a grant in the amount of \$15,000 that will be received in October 2017. In order to meet the filing deadline, the Chairman had signed the commitment documents. A motion was made, seconded, and unanimously voted to ratify the Chairman's signature.

The Selectmen reviewed a *letter of interest* for a vacant ad hoc seat on the Strategic Planning Committee from John Bediz. A motion was made, seconded, and unanimously voted to appoint John Bediz to the ad hoc position. The Selectmen signed the appointment card.

Concerning Conomo Point items, Mr. Zubricki said that he had received a recent request from Nina Fletcher regarding the placement of a memorial bench at Conomo Point to honor the memory of Tattie Bent. The Board asked Mr. Zubricki to contact Miss Fletcher regarding the style/design of the memorial bench that she had in mind. The board is looking to place new, park-style benches with seat backs, along the semi-circular border at the new park, facing the water. The Board also wondered what had happened to the David Wendell memorial bench (which is a stone slab-type bench). The stones from the garden have been incorporated in the wall of the waterfront project and the old anchor will also be relocated at the site.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$499,800.97.

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 June 8, 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	Nieberles	05/24/17	\$ 905.51	Police
Ernie Nieberle	Nieberles	05/24/17	\$ 106.20	Fire
Ernie Nieberle	Nieberles	05/24/17	\$ 196.60	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 June 15, 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>
David Pereen	Pereen Plumbing	05/24/17	\$ 180.00	Board of Selectmen
Ernie Nieberle	Nieberles	05/24/17	\$ 1,530.11	Highway

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 June 22, 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>
James McNeilly	McNeilly EMS	06/12/17	\$ 145.00	Fire Dept

A motion was made, seconded, and unanimously voted to approve an MGL Chapter 44 Sec 33B transfer in the amount of \$520.00 to Assistant Town Accountant from Town Accountant Seminars, Contracted Services, and Travel.

A motion was made, seconded, and unanimously voted to approve an MGL Chapter 44 Sec 33B transfer in the amount of \$297.94 to Registrar's Supplies from Registrar's Salaries.

A motion was made, seconded, and unanimously voted to approve an MGL Chapter 44 Sec 33B transfer in the amount of \$4,740.00 to COA Operating Expense from Van Driver Wages, and

also, \$2,086.26 from Director Wages to Vehicle Maintenance, System Maintenance, and Driver Expenses.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 5, 2017, Open Meeting.

A motion was made, seconded, and unanimously voted to approve the purchase of the forestry fire vehicle body and pump assemblage.

A motion was made, seconded, and unanimously voted to approve a request from Matt and Kristina Jacobs to rent Centennial Grove on Sunday, July 16, 2017, between the hours of 12:00 noon and 3:00 p.m. The Chairman signed the application form and the parking pass.

A motion was made, seconded, and unanimously voted to approve a request from the 1st Presbyterian Church of Ipswich to rent Centennial Grove on Sunday, July 31, 2017, between the hours of 2:00 p.m. and 7:30 p.m. The Chairman signed the application form and the parking pass.

The Selectmen discussed Town Moderator Rolf Madsen's recommendation to appoint either Joe Ginn or Paul Rullo to the Board of Public Works. A motion was made, seconded, and unanimously voted to reappoint Paul Rullo to the position. The Selectmen signed his reappointment card.

A motion was made, seconded, and unanimously voted to acknowledge a Certificate of Merit and Appreciation that was awarded to Treasurer/Collector Virginia Antell by the Massachusetts Collectors and Treasurers Association. The Selectmen signed a *letter of commendation*.

The Board agreed to postpone discussion of the standing policy for opening of mail in Selectmen's Office until their next meeting on July 17.

The Board discussed the Shellfish Constable's existing position description and work plan and asked Mr. Zubricki to review it with the Shellfish Constable to make sure that he focuses on certain elements. They also asked about the scales used by the Constable to verify that the weight of clams harvested by each clammer per day is not over limit. The scales have been found, but may be broken. The Board asked Mr. Zubricki to find out if the scales are indeed broken. They also asked him to obtain prices for possible repairs or replacement, if necessary.

The Board agreed to postpone discussion of building and providing chimney swift boxes on Town property until their next meeting on July 17.

The Board agreed to postpone discussion of the scope of services for the Centennial Grove master plan Request For Proposals until their next meeting on July 17.

At 9:30 p.m., citing the need to discuss 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; the Chair entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's litigating strategy and invited the Town Administrator to attend the Session. She 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, and the Town Administrator moved to Executive Session. Tina Lane left the meeting.

The Board returned to Open Session at 9:37 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:

Green Community Grant

Letter from several Town Hall neighbors

Summary by School Committee member Annie Cameron

Remaining possible change orders

Letter of interest from John Bediz

Letter of commendation to Virginia Antell

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney