

Selectmen's Minutes
Town Hall Stage Conference Area, 2nd Floor

December 11, 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: Board of Health Chair Dr. David Driscoll and BOH member Fares Mouchantaf, Board of Health Agent Erin Kirchner, Hunter Jay, Tina Lane, Assessor Steve Poulos, Police Chief Peter G. Silva, and Alison Taylor.

The Chairman called the meeting to order at 6:00 p.m. in the 2nd floor stage conference room of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. Hunter Jay asked if the Board had seen the recent conversation on Facebook, regarding inadequate lighting of certain crosswalks in Town. He said that he is part of an ad hoc group calling themselves "Light Up Essex" whose goal is to have better lighting of the downtown areas. There followed a discussion about types of lighting and various ways to fund additional lighting. It was agreed that the Board would schedule some time at their January 8th meeting and invite representatives from the Bicentennial Committee, the Department of Public Works, the Electrical Inspector, the Fire Department, the Police, and the business community to discuss options and associated pricing for better illuminating the causeway and crosswalks. Hunter Jay thanked the Selectmen and left the meeting.

Steve Poulos left the meeting.

Police Chief Peter G. Silva came before the Selectmen to discuss options for a replacement police cruiser. Town Meeting had recently voted \$40,000 for the replacement. Although Chief Silva's first recommendation was another Ford, he also suggested a Dodge Charger or a Chevy Tahoe. After a discussion regarding the advantages and costs of each of the three choices, everyone was in agreement, and a motion was made, seconded, and unanimously voted to choose the Dodge Charger. The Chairman signed the purchase paperwork.

Those present also agreed that they have no more comments or questions regarding the revisions to the Harbor Regulations. Mr. Zubricki will work with the Chief to advertise the newly revised regulations. The Chief thanked the Selectmen and left the meeting.

Alison Taylor joined the Selectmen and introduced herself. She said that she has lived in Essex all her life and would like to apply for the vacancy on the Community Preservation Committee. She discussed her background and interests and the Chairman described the responsibilities and needs of the CPC. The Board said that they would be in touch after they had decided which of the two candidates would be selected to fill the CPC vacancy. Alison Taylor left the meeting.

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

All Alcoholic Restaurant License Renewal:

- Thomas Riordan, AuroraGray, LLC, d/b/a Periwinkles, 74 Main Street
- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- Carol Shepard, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Corey Matthews, MRG, Inc., d/b/a The Boathouse, 234 John Wise Avenue
- Curt Bergeron, Riversbend at Essex Marina, LLC, d/b/a Riversbend, 35 Dodge Street
- Kevin Ricci, Village Restaurant of Essex, Inc., d/b/a Village Restaurant, 55 Main Street
- Timothy Kennefick, Windward Grille, LLC, d/b/a Windward Grille, 109 Eastern Avenue
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street

All Alcohol Package Store Renewal:

- John Chisholm, Chebacco Liquor Mart, 201 Western Avenue

Antiques License Renewal:

- Michael Bider, Bider's Antiques, Home, Camp & Cottage, 67 Main Street
- Cheryll Conly, Farmhouse Gatherings, 166 Eastern Avenue
- Channing Howard, Howard's, 165 Eastern Avenue
- David Neligan, Neligan Antiques, 38 Main Street
- Andrew Spindler Roesle, Andrew Spindler Antiques, 163 Main Street
- A.P.H. Waller, A.P.H. Waller & Son, 140 Main Street

Auction Permit:

- Michael March, Blackwood March Antiques, for use on Wednesday, January 3, 2018, between the hours of 4:00 and 10:00 p.m., within the confines of 125 Main Street.

Automatic Amusement Device License Renewals (2):

- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue

Class II License Renewal:

- Michael Crowley, GBG Crowley, Inc., d/b/a Gaybrook Garage, 152 Western Avenue
- Eric Holdsworth, Portside Auto, 166 Eastern Avenue
- Steven Pascucci, Cape Ann Auto Body, Inc., 19 Grove Street
- Charles F. Coles, Jr. & Mark Gallagher, Dynamic Auto Brokers, 147 Eastern Avenue
- Paul Wright, Wright Industries Inc., 22 Western Avenue

- Paul Russell, Gullwing Service Company Inc., d/b/a Paul Russell and Company, 106 Western Avenue

Common Victualler's License Renewal:

- Thomas Riordan, AuroraGray, LLC, d/b/a Periwinkles, 74 Main Street
- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- John Chisholm, Chebacco Liquor Mart, 201 Western Avenue
- Amy Ahearn, Down river Ice Cream Corporation, 241 John Wise Avenue
- Adrian Wilkins, Essex Meeting & Retreat Center, LLC, d/b/a Essex Woods Meeting and Retreat Center, 1 Conomo Point Road
- Clifford Amero, Essex River Cruises & Charters, 35 Dodge Street
- Howard Lane, Essex Seafood, 143 R Eastern Avenue
- Laura Wright, Essex Village Market Company, 1 Martin Street
- Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
- Joseph K. Cellucci, Eben Creek Corp., d/b/a J.T. Farnham's, 88 Eastern Avenue
- Carol Shepard, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Corey Matthews, MRG, Inc., d/b/a The Boathouse, 234 John Wise Avenue
- Curt Bergeron, Riversbend at Essex Marina, LLC, d/b/a Riversbend, 35 Dodge Street
- Kevin Ricci, Village Restaurant of Essex, Inc., d/b/a Village Restaurant, 55 Main Street
- Gayle McKinley, Weezie's Dylan, LLC, d/b/a Shea's Riverside Inn & Motel, 132 Main Street
- Timothy Kennefick, Windward Grille, LLC, d/b/a Windward Grille, 109 Eastern Avenue
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street

Innholder's License Renewal:

- Adrian Wilkins, Essex Meeting & Retreat Center, LLC, d/b/a Essex Woods Meeting and Retreat Center, 1 Conomo Point Road

One-Day Wine and Malt License ratification:

- Georgeanne Richards, Sea Meadow Gifts, 7 Main Street

Sunday Entertainment License Renewal:

- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street

Weekday Entertainment License Renewal:

- Allen W. Matthews, Blue Marlin Grille, Inc., 63 Eastern Avenue
- Bradley Atkinson, BN Farm LLC, d/b/a The Farm, 233 Western Avenue
- James N. Stavros, Cape Ann Golf Course Corp., d/b/a Fairway Pub, 99 John Wise Avenue
- Carol Shepard, Greenbow Corporation, d/b/a Shea's Riverside Restaurant & Bar, 122 Main Street
- Patrick Shea, Hog Island Inc., d/b/a C.K. Pearl, 112 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Lobster Pool, 119 Main Street
- Stephen B. Woodman, Woodman's, Inc., d/b/a Woodman's Function Hall & Lobster Trap Pub, 125 Main Street

Wine and Malt Package Store Renewal:

- Eamon Keating, Devonshire Wine, LLC, d/b/a Essex Wine Exchange, 91 Main Street
- Gayle McKinley, Weezie's Dylan, LLC, d/b/a Shea's Riverside Inn & Motel, 132 Main Street

Wine and Malt Restaurant Renewal:

- Joseph K. Cellucci, Eben Creek Corp., d/b/a J.T. Farnham's, 88 Eastern Avenue

The Board considered a request from the Riversbend restaurant to close for cleaning and renovations, effective from October 29, 2017 through April 6, 2018; and a motion was made, seconded, and unanimously voted to approve the request. The Board also acknowledged that the establishment may host functions from time to time during the closure period.

The Board also considered a request from Eben Creek Corporation, d/b/a JT Farnhams, to close from December 24, 2017 to March 2, 2018 for cleaning, repairs, and painting; and a motion was made, seconded, and unanimously voted to approve the request.

The Selectmen reviewed a request from Shea's Riverside Restaurant and Bar to open on Sundays at 10:00 a.m. instead of at 11:00 a.m., and a motion was made, seconded, and unanimously voted to approve the request. The Selectmen signed the paperwork which will now be forwarded to the Alcoholic Beverage Control Commission.

The Selectmen were reminded of the following meetings and events:

- The Selectmen will attend a Public Hearing concerning the Manchester Essex Regional School District FY2019 tentative Operating Budget at the Manchester Essex Regional High School on December 13, 2017, starting at 7:00 p.m.
- Senator Tarr's Annual Toy Drive will take place on Thursday, December 14, 2017, at Woodman's between the hours of 1:15 and 2:15 p.m.
- There will be a Zoning Public Forum on Thursday, December 14, 2017, starting at 7:00 p.m. in the Town Hall Auditorium on the 3rd Floor.

- The next regular Board of Selectmen's meeting will take place on Monday, December 18, 2017, at 6:00 p.m. in the Town Hall Stage Conference Room on the second floor, 30 Martin Street.
- The Selectmen will attend a Manchester Essex Regional School capital budget review meeting at the Manchester Essex Regional High School on December 19, 2017, starting at 7:00 p.m.
- The Selectmen will attend a Public Hearing concerning the Manchester Essex Regional School District FY2019 final Operating Budget at the Manchester Essex Regional High School on January 30, 2018, starting at 7:00 p.m.

Mr. Zubricki asked the Board if they were ready to consider which of the two candidates they would like to fill the Community Preservation Committee vacancy. They were, and after a short discussion, a motion was made, seconded, and unanimously voted to select Alison Taylor to fill the position. An appointment card will be prepared for the Board's signature at their next meeting on December 18, 2017.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$256,672.21.

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 11/22/17 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>
Dave Pereen	Pereen Plumbing	11/05/17	\$ 150.00	Centennial Grove
James McNeilly	McNeilly EMS	11/12/17	\$ 145.00	Fire Department
Dave Pereen	Pereen Plumbing	11/05/17	\$ 305.17	Highway
Dave Pereen	Pereen Plumbing	11/05/17	\$ 1,046.10	Water

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 12/7/2017 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	11/24/17	\$ 1,146.26	Police Department

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 27, 2017, Open Meeting.

A motion was made, seconded, and unanimously voted to appoint Diane Corliss as Assistant Animal Control Officer, effective 1/1/2018, pending drug and alcohol screening. The Selectmen signed her appointment card.

Chairman O'Donnell said that she has been the Board's representative to the Strategic Planning Committee since that Committee's inception, and that she would like one of the other Board members to take over the responsibility, since she is also the Board's representative to several other committees. Selectman Spinney agreed and a motion was made, seconded, and

unanimously voted to appoint Selectman Spinney as the Board's own appointee to the Strategic Planning Committee going forward.

The Selectmen reviewed resignations from the Conservation Commission, one from Wallace Bruce and one from Elisabeth Frye; and, a motion was made, seconded, and unanimously voted to accept the resignations and sign the appreciation letters.

A motion was made, seconded, and unanimously voted to approve a request from the First Universalist Church of Essex to hold their annual lantern walk at Centennial Grove on Saturday, December 23, from 4:30 to 9:00 p.m. and to waive the rental fee.

Mr. Zubricki said that Attorney John Guerin needs more time to prepare for a discussion with respect to Laurel Lane and it was agreed to table discussion of the request to communicate with Town Counsel regarding property access.

No one from the public had appeared to discuss the rules for shellfish mess permits and discussion of that item was postponed.

The Board reviewed a letter from the Northeast Massachusetts Mosquito Control and Wetlands Management District regarding the purchase and maintenance of greenhead fly traps for FY2019. After a short discussion, a motion was made, seconded, and unanimously voted to contract with Northeast Massachusetts Mosquito Control for 40 greenhead traps for three years, commencing 2018 through 2020. The Chairman signed the agreement.

The Selectmen were reminded that three concrete pads had been poured at Conomo Point for the placement of three chimney swift boxes. The Board agreed that only one should be built initially. The other two could be built when successful occupancy of the first box was achieved. Chairman O'Donnell agreed to provide plans for the construction of the box, which will be funded from the Conomo Point Management budget.

Mr. Zubricki said that the Massachusetts Interlocal Insurance Association holds their annual meeting in conjunction with the Massachusetts Municipal Association Trade Show every January at the Hynes Auditorium in Boston. Chairman O'Donnell and Mr. Zubricki have attended the past several years, and from time to time other Selectmen have also attended. Mr. Zubricki asked who was planning to go to the 2018 January meeting, and Chairman O'Donnell said she would be attending. Subsequently, a motion was made, seconded, and unanimously voted to designate Chairman O'Donnell as the Town's voting delegate for the MIIA annual meeting on January 20, 2018.

Concerning Conomo Point matters, the Board discussed the need for repairs to the large pier at Conomo Point. The last repairs to the pier were made with cement, which absorbs water that freezes during the winter months, which in turn, pops the rocks out of the pier. Selectman Spinney said that repairs needed to be made with special urethane or epoxy that would expand

and contract and securely anchor the rocks throughout the year. The Selectmen were in agreement that Mr. Zubricki should consult with Mark Haskell regarding the proposed repairs.

A motion was made, seconded, and unanimously voted to approve a tight tank lease addendum for 2 Conomo Lane, Map 108, Lot 22. The Selectmen signed the lease addendum.

Mr. Zubricki said that he has worked with the Town's mapping consultant and the tenant to correct the lease lot lines for the properties on Map 108, Lots 73, 74, and 75, restoring them to their previous configuration. A motion was made, seconded, and unanimously voted to approve the correction to the lease lot lines for lots 74 and 74 and revised the boundary for Town lot 73. The approval will be forwarded to the Board of Assessors for inclusion in the next update of Town maps.

Mr. Zubricki said that the Town is mandating that a tight tank be installed at 34A Robbins Island Road and the home owner has requested the removal of trees in the Town right-of-way to allow access to his property by heavy equipment to install that tight-tank. The Board was in agreement and authorized Mr. Zubricki to consult with Department of Public Works Superintendent Paul Goodwin regarding possible removal of the trees. Mr. Zubricki will update the Board on this matter at the next Selectmen's meeting.

Mr. Zubricki reminded the Board that they had previously approved a renovation plan for 111 Conomo Point Road. The tenant is now requesting to make a minor change to the approved renovation plan. He would like to move the stairs accessing the building to the side. A motion was made, seconded, and unanimously voted to approve the revision request, subject to the Building Inspector also approving.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 23rd through December 8th, 2017, regarding the following:

Renewal of Order of Conditions for Alewife Brook Periodic Cleanout: Mr. Zubricki said that from time to time it is necessary to clean out the Alewife Brook to facilitate fish migration. Permission to do that must be requested from the Conservation Commission through an Order of Conditions. The current Order of Conditions is expiring and Mr. Zubricki asked the Board to authorize him to work with the Conservation Commission and/or others to renew the existing Order of Conditions. A motion was made, seconded, and unanimously voted to approve Mr. Zubricki's request.

Additional Network Penetration Testing and Other Services: Mr. Zubricki said that last year, at the recommendation of the auditors, he had contracted with a firm to test whether or not the internet interface for various Town departments could be penetrated. The firm was unsuccessful in gaining access. The auditors are recommending that the testing occur every year, and this year, Mr. Zubricki would like the testing to focus on just the Town Hall interface. The Board were in favor of the idea and Mr. Zubricki will provide more information regarding this year's proposed testing at the next Selectmen's meeting on the 18th.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki gave the Selectmen a list of suggested goals for himself for the coming year. He also provided them with a list itemizing the progress he has made in attaining this year's goals. After their review of the information, they will complete forms ranking his performance and vote on setting his goals for next year.

Town Clerk Resignation, Interim Coverage, & Process to Hire New Clerk: Mr. Zubricki said that the *Town Clerk has submitted a resignation letter*, effective in mid-January 2018. She will be leaving to fill the Town Clerk's position in Manchester. Mr. Zubricki said that the Assistant Town Clerk, Dawn Burnham, has agreed to act as interim Town Clerk during the period between when Christina St. Pierre leaves and when the Town hires a replacement. After a short discussion, the Board was in agreement, and a motion was made, seconded, and unanimously voted to pay Dawn Burnham \$29.49 per hour in her capacity as interim Town Clerk. The Board was also in agreement that they would like to advertise the job opening in the Beacon and on the Town website.

Town Accountant Resignation, Interim Coverage, & Process to Hire Replacement: In addition, Mr. Zubricki announced that the *Town Accountant has submitted a resignation letter* and she plans on leaving in February. The Assistant Town Accountant will act as interim Town Accountant while the Town searches for a replacement Town Accountant. It was agreed to advertise the position in the Beacon and on the Town website. There was some discussion regarding revising the position description and a possible internal solution, via promotion. The Finance Committee or a FinCom representative will be asked to the next Selectmen's meeting to discuss the matter.

Hiring of Town Hall/Library Custodian: Mr. Zubricki reported that one application for the new position had been received by mail and that there may be one more coming that will be submitted in person. The Selectmen were in favor of Mr. Zubricki interviewing any possible candidates and making a recommendation. Mr. Zubricki said that the application that was received is extremely promising and he will contact that applicant for an interview.

Presentation of Public Safety Building Renderings & Acquisition of Property: Mr. Zubricki said that Lincoln Architects had placed updated renderings on their file sharing site today and asked the Board to review them for future discussion. Chairman O'Donnell will put together a list of possible dates for a public forum to review the renderings. After the forum, the Board may decide to also seek an alternative site for a new facility.

Alternative Mechanism for Conversion and Maintenance of Street Lights: Discussion on this matter was postponed until the next Selectmen's meeting pending receipt of additional information.

Proposals for Potential New Auditing Firm: Mr. Zubricki said that he would like to recommend keeping the same auditing firm for at least another year until replacements are found for the

Town Clerk and the Town Accountant, and the Board agreed. Mr. Zubricki will notify the Finance Committee.

Joint Town/School Budget Group Meeting: Mr. Zubricki said that he, Chairman O'Donnell, and Finance Committee Chair Michelle Dyer had attended the school budget meeting last Friday and that there are several more meetings planned in the next few months. Mr. Zubricki explained the purpose of each meeting.

Further Review of Fiscal Year 2019 Capital Budget Request; Preliminary Review of Draft Fiscal Year 2019 Operating Budget Request; and, Preliminary List of Potential Article Topics for Annual Town Meeting: Mr. Zubricki provided the Board with the latest drafts of the capital budget request, the FY2019 operating budget request, and the list of potential topics for the May 2018 Annual Town Meeting Articles for their review and discussion at the Selectmen's meeting, next Monday on December 18th.

Municipal Vulnerability Preparedness (MVP) Grant Update and selection of grant implementation contractor: Mr. Zubricki informed the Selectmen that the person at National Wildlife Federation who was going to partner with us on this grant has taken a new position and has suggested that instead, we work with Kristen Grubbs of the Ipswich River Watershed Association, who has experience in this area. Both Mr. Zubricki and the Board have worked with Kristen on past projects and are in favor of the idea. A motion was made, seconded, and unanimously voted to sign the contract with the IRWA outside of a meeting as soon as it becomes available.

On another matter, Mr. Zubricki said that the Library has asked to reserve the auditorium for Library programs through May of 2018. After a short discussion, the Board was in agreement that their policy going forward is only to reserve meeting space 60 days out, for recurring programs. The Library will be informed of the Selectmen's decision.

Mr. Zubricki said that the office had received a letter today from MassDOT announcing that they will be repairing the causeway bridge. They will be conducting a study period from December through April. Actual construction will begin after the study is used to formulate the engineering plans for repairs. Chairman O'Donnell asked if the Town would be able to review and comment on MassDOT's plans before they are implemented and Mr. Zubricki agreed to find out.

Board of Health Chair Dr. Driscoll and Board of Health member Fares Mouchantaf, along with Health Agent/Administrator Erin Kirchner joined the Selectmen. Dr. Driscoll made a motion to convene a meeting of the Board of Health. The motion was seconded and unanimously voted by Dr. Driscoll and Mr. Mouchantaf.

At 8:06 p.m., citing the need to discuss collective bargaining with respect to the AFSCME contract, Chairman O'Donnell entertained a motion for both Boards to move to a joint Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's collective bargaining strategy and invited the Town Administrator and the Health Agent to attend the Executive Session. She said that both Boards would only be returning to Open

Session to adjourn their meetings. The motion was moved and seconded by each Board. Following a unanimous Roll Call Vote by Dr. Driscoll, Mr. Mouchantaf, Chairman O'Donnell, Selectman Doane, and Selectman Spinney, both Boards, the Health Agent, the Town Administrator, and the Selectmen's Assistant moved to Executive Session. Tina Lane left the meeting.

The Board of Selectmen, the Town Administrator, and the Selectmen's Assistant returned to Open Session at 8:29 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Town Clerk resignation letter

Town Accountant resignation letter

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney