

Selectmen's Minutes

January 22, 2018

2nd Floor, Town Hall Stage Conference Area, 30 Martin Street

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: Virginia Antell, Christina Bruce, Dawn Burnham, Westley Burnham, Stacie Capotosto, Scott DeWitt, Nancy Dudley, Brian Feener, Rachel Fitzgibbon, Paul Goodwin, Fred Hoysradt, Billie Knovak, Tina Lane, Sue Lufkin, Steve MacDonald, Pete Silva, Lee Spence, and Jessica Yurowitz. David Gabor was present on a speaker phone.

The Chairman called the meeting to order at 6:00 p.m. in the Town Hall 2nd Floor Stage Conference area at 30 Martin Street, and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$731,800.21.

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 1/11/2018 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	12/16/17	\$ 1,608.67	Fire Department
Ernie Nieberle	Nieberle's	12/24/17	\$ 20.00	Police Department
Ernie Nieberle	Nieberle's	12/24/17	\$ 33.40	Fire Department
James McNeilly	McNeilly EMS	12/19/17	\$ 75.00	Fire Department

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 1/18/2018 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>
Ramie Reader	Reader Electric	12/20/17	\$1,195.50	Sewer Department
Ernie Nieberle	Nieberle's	12/21/17	\$ 75.00	Snow & Ice
Ernie Nieberle	Nieberle's	12/24/17	\$ 848.95	Snow & Ice
James McNeilly	McNeilly EMS	01/09/18	\$ 139.50	Police Department

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 8, 2018, morning Open Meeting and Executive Session; and, for the January 8, 2018 evening Open Meeting.

A motion was made, seconded, and unanimously voted to accept two donations to the Police Department Gift Account in the total amount of \$220.00.

Mr. Zubricki asked the Board if they would like to consider moving the annual Town elections from the Fire Station to the third floor of the Town Hall. The Board was unanimously in favor of keeping the elections at the Fire Station.

Fred Hoysradt joined those present to request a waiver of the deadline for filing an application for a commercial shellfishing license for 2017, and also, to request a waiver of certain document requirements for that license. Mr. Zubricki reviewed the documents that were provided, and, after a short discussion, a motion was made, seconded, and unanimously voted to approve the requests and the Board signed their approval on the application. Mr. Hoysradt thanked the Board and left the meeting.

The Selectmen were reminded of the following meetings:

- There will be a Public Forum on Wednesday, January 24, 2018, at 7:00 p.m. in the Town Hall Auditorium to review options for a public safety building replacement.
- The Selectmen will attend a Public Hearing concerning the Manchester Essex Regional School District FY2019 final Operating Budget at the Essex Regional Elementary School on January 30, 2018, starting at 7:00 p.m.
- The next regular Board of Selectmen's meeting will take place on Monday, February 12, 2018, at 6:00 p.m. in the Town Hall Stage Conference Room on the second floor, 30 Martin Street.

At 6:30 p.m., Lee Spence, Nancy Dudley, and Sue Lufkin joined the Selectmen to discuss the history and future of Essex River Cultural District. Five years ago, Jean Grobe had been instrumental in obtaining the Cultural District designation from the State for a section of the Town. That designation is now expiring after five years and Lee Spence, Nancy Dudley, and Sue Lufkin have offered to work with the Board to complete the renewal application. Mr. Zubricki said that he has notified the State of the Town's interest in renewing the designation and is waiting to hear back from them regarding the renewal procedure. The Selectmen thanked the trio for their assistance with this project and they left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 5th, 2018 through January 19th, 2018, regarding the following:

Town Building Committee Meeting Summary: Mr. Zubricki said that the Town Building Committee had met last week to prepare for the public forum which will be held on Wednesday to exhibit pictorial renderings showing various options for placement of a new public safety building and to gather public input on the project. The possibility of acquiring property was also discussed as another option.

Preservation Award Nomination, Town Hall and Library: Mr. Zubricki said that the architect for the Town Hall/Library Renovation project has asked for the Board's approval and endorsement to nominate the project for a State preservation award. The Board liked the idea and a motion was made, seconded, and unanimously voted to approve the request and sign a *letter of support for the nomination*.

Green Crab Trapping Grant, FY18: Mr. Zubricki reported that the State has decided to offer another grant in the amount of \$10,000 for the trapping and disposal of green crabs. A motion

was made, seconded, and unanimously voted to authorize the Chairman to sign the contract with the State.

Support for Energy Efficiency on Cape Ann, as a Green Community: The Cape Ann Chamber of Commerce has asked for the Town's support in partnering with National Grid for the promotion of energy saving strategies. They are planning a kick-off event in February and have asked for at least one Town official to participate in the event. Selectman Spinney agreed to attend.

At 7:00 p.m., Chairman Lisa J. O'Donnell welcomed everyone to the Quarterly Department Head Meeting. She reminded those present of the public forum scheduled for Wednesday to view and discuss pictorial renderings showing options for a new public safety building.

Board of Public Works Superintendent Paul Goodwin reported that his new equipment operator started today and his department is now fully staffed again. He said they have been keeping the roads maintained during the recent storms.

School Committee member Rachel Fitzgibbon said they have been busy working on the school budget. They have had a big increase in the cost of insurance. She also reminded those present of the upcoming budget meetings and the meetings regarding the replacement of the Memorial School.

Dawn Burnham, who is now acting interim Town Clerk, reported that the Clerk's office has been receiving numerous census forms that were sent out. This is also the time for processing dog license renewals, as well as shellfishing permits.

Dawn Burnham is also the Bicentennial Committee Chairman, and reported the Committee had ordered 250 calendars and only have about 20 left. Plans for the celebration are moving along and the committee and the subcommittees have been meeting regularly in the 3rd floor auditorium of the Town Hall.

Acting Planning Board Chairman Westley Burnham reported that they have been working with the Building Inspector to get three properties cleaned up. Their progress has been slowed due to the recent storms. The Planning Board will be hosting a public hearing regarding a possible amendment to the Town's flood plain overlay district bylaw that may be on the May 2018 Annual Town Meeting warrant. He said they will not be seeking to amend the Town's zoning bylaw to include a mixed use zoning district.

Shellfish Constable Billie Knovak reported the Town's Shellfish truck had been flooded by the high tide that occurred during the last storm. The Town's insurance agent will be taking the truck and giving the Town \$7,200 in return. The winter flats were opened on January 15. The Constable reviewed his *letter to the Select Board* in which he reported that he has been working with a college student to explore the establishment of oyster reefs in the River. He would like the Board to change the Town's Shellfishing regulations to only allow oyster harvesting for personal

consumption. This will allow the oyster beds to grow. If commercial harvesting is permitted, the reefs would be wiped out as soon as the oysters reach the permitted size. He said each oyster filters between 20 to 50 gallons of water per day.

Treasurer/Collector Virginia Antell reported that her department has been extremely busy collecting taxes and fielding questions from the public regarding the new tax laws and possible pre-payment of taxes.

Police Chief Peter Silva reported that his department has received certification status and is now working on getting their accreditation status. The certification ceremony is February 7 and Mr. Zubricki will attend, perhaps with Selectman Spinney. They will have a mock accreditation drill in late summer to test their progress. Officer Juliano has been accepted into the Police Academy in June for a six month training course. The Chief also reported that three officers had successfully administered Narcan and CPR to an individual. There will be an award ceremony to honor the officers at the next Selectmen's meeting on February 12. Also, Chief Silva and two other police and fire officials from Wenham and Hamilton had recently saved an individual who was choking at a local restaurant where they were having lunch. They will also be honored on February 12.

Chairman O'Donnell thanked everyone for their updates and Paul Goodwin, Scott DeWitt, Brian Feener, Rachel Fitzgibbon, Dawn Burnham, Westley Burnham, and Virginia Antell left the meeting.

Mr. Zubricki reported that the Shellfish Deputy Constable has asked to be reimbursed for his gas, due to the loss of the Town truck in the recent storm. There is a Town policy to cover reimbursement based on mileage, but the Deputy has also been sitting in his truck during the cold weather and observing the flats. After some discussion, the Board agreed that they would consider reimbursement on a case by case basis. Recently, the Deputy was reimbursed for mileage, but would also like to be reimbursed for 17 hours of idling time. A motion was made, seconded, and unanimously voted to reimburse the Deputy according to a government fuel use idling study due to the recent extreme cold temperatures. Shellfish Constable Knovak was in agreement and will encourage the Deputy to use idling as sparingly as possible.

The Board discussed Mr. Knovak's recent letter regarding oyster propagation. Mr. Knovak agreed to get a copy of Ipswich's shellfish regulations and Mr. Zubricki will obtain more information about the Town's options for regulating harvesting to the resource.

William Knovak left the meeting.

Youth Commission members Christina Bruce, Stacie Capotosto, Steve MacDonald, and Jessica Yurowitz joined the Selectmen to discuss their recommendation regarding the creation of a job description for a Town Youth Director. The EYC members described their reasons for drafting various aspects of the job description. Regarding the annual Christmas Holiday Festival, they said that they would be happy to help with the event, but do not want to be responsible for

organizing the entire event. The Board said that they would like the EYC to begin working with the existing Holiday Festival Committee now to resolve how the 2018 event will be organized. The existing Holiday Festival Committee is an independent group who has been organizing the event for the last eight years and has expressed a desire to turn the event over to others.

The Board had no other questions, and, acting in their capacity as the Personnel Board, a motion was made, seconded, and unanimously voted to approve the Youth Director's job description.

The EYC members left the meeting.

Chief Silva reviewed his calendar year 2017 accomplishments. The Board also discussed some of his calendar year 2018 goals. The Board agreed that they would like additional time to review the Chief's suggestions and this item will be discussed at the next Selectmen's meeting on February 12.

Chief Silva thanked the Board and left the meeting.

Mr. Zubricki resumed discussion of his Town Administrator's report.

Schedule and Process for Town Clerk Interviews: Twenty-five resumes had been submitted to apply for the Town Clerk's position, all of which had been reviewed and rated by each individual Selectman prior to the meeting. The Board discussed the various candidates (using a numbering system) and agreed to ask seven persons to come for an interview with the Board. The interviews will be held on the evening of Tuesday, February 6, in Mr. Zubricki's office. Interim Town Clerk Dawn Burnham and Board of Registrars member Vickie Cataldo will be asked to attend.

Process for Promotion and/or Interviews, Town Accountant Vacancy: Mr. Zubricki said that three resumes have been received for the position of Town Accountant. Mr. Zubricki said that the Finance Committee will be meeting on Tuesday to discuss the three resumes and he expects to receive their recommendation on the resumes and/or whether to consider promoting an existing Town employee to the position. The Board was partial to the internal promotion scenario and asked Mr. Zubricki to continue with that process so long as the Finance Committee also supports it.

Contract for Construction of Fiber Optic Municipal Network: Mr. Zubricki reviewed past efforts regarding acknowledgement by Verizon and National Grid of the Town's right to use space on their utility poles for placement of a municipal fiber optic network. Verizon has never responded to the Town's letters and National Grid insists that the Town has no right. Other towns have not asked for confirmation of their rights, but just went ahead and strung the network. Mr. Zubricki has contacted the company used by most other towns via the State Contract and that company is preparing an agreement to perform the work for Essex in the amount of approximately \$68,000. The Board was in favor of moving ahead, and a motion was made, seconded, and unanimously voted to authorize signing a contract by the Chairman outside of a meeting with Comm-Tract for placement of the fiber optic network as soon as it is available. The Board acknowledged the

potential risk of pushback by the utilities after the Town has already contracted for the work, but is willing to take that risk, given the Town's longstanding rights in this area.

On a related matter, Mr. Zubricki reported that the IT people in Danvers have been granted \$150,000 to begin building a regional municipal fiber optic network. Also, if the Town does not continue its contract with Melrose after it expires on June 30, Danvers has agreed to become the Town's new backup site for a full, live instance of the Town's server infrastructure.

Beneficial Sediment Re-use Project Update: Mr. Zubricki said that the Army Corps of Engineers had awarded a grant a year ago to do a scientific study regarding a beneficial sediment re-use project in Essex. To date there has been no activity, and neither the ACE nor Coastal Zone Management has any information for the stalemate, despite the Town Administrator's regular efforts to obtain information. Mr. Zubricki said that he was afraid that the grant money would be withdrawn and he went through Congressman Moulton's Office recently to get the parties talking. The Board asked Mr. Zubricki to schedule a joint meeting with both groups and Chairman O'Donnell to determine how to move the project forward.

Further Review & Development of RFP for Centennial Grove Master Plan: Mr. Zubricki said that he had gotten a copy of a Request for Proposals from a town that completed a project similar to the proposed Centennial Grove master plan in the past. The town had received four proposals and had successfully chosen one to execute their project. Mr. Zubricki said he is in the process of adapting the RFP to reference our Centennial Grove project and has collected some input from those in the planning field. The Board agreed to review the draft and discuss it at their next meeting.

Further Comparison of Options for Street Light Conversion: Mr. Zubricki reported his conversation with a Metropolitan Area Planning Council representative regarding additional options for conversion of the street lights to energy saving led fixtures and the Board agreed to take this additional information under advisement, with a likely preference to work toward the lease-purchase scenario.

Preliminary Draft of Annual Town Meeting Warrant: Mr. Zubricki has completed the first draft of the warrant for the May 2018 Annual Town Meeting and briefly reviewed each of the proposed twenty-eight articles. Based on the Selectmen's comments and comments received earlier in the evening, Mr. Zubricki will revise the document for continued discussion.

Mr. Zubricki asked the Selectmen, acting in their capacity as Personnel Board to consider merit increases for Treasurer/Collector Virginia Antell and Selectmen's Assistant Pamela Witham. The Board reviewed how the merit increase is computed (based on last year's salary minus any merit increase). After a short discussion, a motion was made, seconded, and unanimously voted to approve a 3% merit increase for both Virginia Antell and Pamela Witham. In addition, Mr. Zubricki said that the Board of Library Trustees has requested that the Personnel Board approve a 3% merit increase for Library Director Deborah French, and a motion was made, seconded, and unanimously voted to approve the recommendation.

At 10:07 p.m., citing the need to conduct contract negotiations with the Town Administrator; and, to discuss the purchase, exchange, lease or value of real property relative to a possible future site for a public safety facility; the Chairman entertained a motion to move to Executive Session. She said that discussing these matters in Open Session would be detrimental to the Town's bargaining and negotiating strategies. The Chairman also stated that the Board would only be returning to Open Session to adjourn the meeting and invited the Town Administrator to attend the Executive Session. 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, their Assistant, and the Town Administrator returned to Open Session at 10:37.

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

Documents used during this meeting include the following:

- Letter of support for the State preservation award nomination*
- Shellfish Constable Letter to the Select Board*

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney