

Selectmen's Minutes
2nd Floor, Town Hall Stage Conference Area, 30 Martin Street

February 12, 2018

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: Hamilton Deputy Fire Chief Kenneth Brand and wife, Detective Ryan Davis, Sgt. Paul Francis, retired Wenham Police Lt. Lawrence Kavanagh and wife, Tina Lane, Thomas Riordan, Finance Committee member Richard Ross, Detective Thomas Shamshak, Officer Thomas Shute, Police Chief Peter Silva, and Officer Robert Wheway.

The Chairman called the meeting to order at 6:00 p.m. in the Stage conference area on the second floor of the Town Hall 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 \$107,811.95.

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 2/8/2018 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>
Ernie Nieberle	Nieberle's Service Station	1/24/18	\$ 95.00	Police
Ernie Nieberle	Nieberle's Service Station	1/24/18	\$ 289.50	Fire

A motion was made, seconded, and unanimously voted to approve six sets of minutes: Selectmen's January 22, 2018, Open Meeting and Executive Session; Selectmen's January 29th, 2018, Open Meeting and Executive Session; and, Selectmen's February 6th, 2018 Open Meeting and Executive Session.

Chief Silva joined the Selectmen and said that he would like to recognize Richard Ross for his generosity in allowing the Police Department to keep their patrol boat at his dock on Chebacco Lake at no charge to the Town and presented him with a framed award of appreciation from both the Department and the Board.

Chief Silva also described a recent incident at the Village Restaurant where he was having lunch with retired Wenham Police Lt. Lawrence Kavanagh and current Hamilton Deputy Fire Chief Kenneth Brand. They heard a woman scream and became aware that her companion was choking on some food. Deputy Brand immediately administered the Heimlich maneuver, assisted by retired Lt. Kavanagh and the Chief, which dislodged the food and allowed the man to breathe again. Chief Silva presented both men with framed recognition awards for their quick actions that resulted in saving the man's life.

The Chief also cited an incident in November when Officer Shute came upon a man who was turning blue and exhibiting symptoms of a drug overdose. Officer Shute was assisted by Detective Shamshak, and together, they administered Narcan and CPR, thereby saving the man's life. Chief Silva presented each officer with framed commendations for their actions on that day.

Following applause and thanks, Chief Silva, Sgt. Francis, retired Wenham Police Lt. Lawrence Kavanagh, current Hamilton Deputy Fire Chief Kenneth Brand, Detectives Shamshak and Davis, and Officers Shute and Wheway left the meeting and adjourned to the foyer for pictures with the awards.

Thomas Riordan joined the Selectmen while they reviewed his request for a Change of d/b/a for his restaurant Periwinkles. Mr. Riordan would like to change the name from Periwinkles to Ripple and had completed the necessary paperwork to forward to the State Alcoholic Beverage Control Commission following approval by the Board. A motion was made, seconded, and unanimously voted to approve the request and the Board signed the documents. Mr. Riordan thanked the Board and left the meeting.

Tine Lane said that she would like to voice a public comment concerning the plans for a new Manchester Memorial Elementary School, a new Essex Elementary School, and a new public safety building. She suggested that the Essex elementary students attend the Manchester elementary school and that the Essex Elementary School be modified or rebuilt as a public safety building. Chairman O'Donnell explained that years ago, when both towns had voted to regionalize, the decision had been made not to regionalize the elementary schools. Each town was in favor of the younger children continuing to attend school in their own community.

No one, except Ken Riehl appeared for a discussion of the options for improved causeway and crosswalk lighting, so the matter was postponed to a later date and Ken Riehl left the meeting.

A motion was made, seconded, and unanimously voted to sign a contract for consulting services with Odyssey Advisers regarding an OPEB actuarial study in the amount of \$7,000 for FY2019.

A motion was made, seconded, and unanimously voted to approve the following appointments to the new Economic Development Committee and the Board signed the appointment cards:

- Gayle McKinley, Shea's Riverside Inn, Business Community Rep
- Georgeann Richards, Sea Meadow, Business Community Rep
- Donna Roy, Woodman's, Business Community Rep
- Martha Mazzarino, Skin Care Professional, Business Community Rep
- Bob Coviello, Main Street Antiques, At-Large member
- Chris Larson, Rivers and Roads, At-Large member
- Michael Cataldo, Massport (formerly), At-Large member
- Westley Burnham, Planning Board Rep

A motion was made, seconded, and unanimously voted to appoint Michael Davis as Board of Appeals member; to appoint Ed Perkins as Alternate Board of Appeals member; and, to

reappoint Richard Carter as Alternate Board of Appeals member. The Selectmen signed the appointment cards.

The Board was in agreement and a motion was made, seconded, and unanimously voted to continue to maintain the Essex Visual Budget application on the Town website.

Concerning Conomo Point matters, Mr. Zubricki said that he has received a few inquiries about sponsoring additional memorial benches at Conomo Point. Five benches have already been placed at the new waterfront park, but perhaps additional benches could be placed in other areas of the Point. After some discussion, the Board was in agreement that they would like to review the matter in more detail. They suggested that Mr. Zubricki compile a waiting list of interested bench donors. If the Board determines that they would like to place additional and/or replace benches at the Point, the persons on the donor list would be contacted on a "first come, first serve" basis.

Mr. Zubricki said that the question had been raised regarding the preferred method of addressing violations of the Town's Shellfish regulations due to a recent allegation of a regulation violation. The Board asked Mr. Zubricki to schedule a hearing for their next meeting on February 26th and to invite the alleged violator to attend.

Mr. Zubricki said that the donor of the present sign in front of Town Hall, the Manchester Essex Rotary Club, has offered to replace the current signboard with an electronic sign that can be more easily updated from a keyboard inside the building. Chairman O'Donnell said that she was not in favor of an electronic sign, and that the Town Hall neighbors had contacted her to weigh in against the idea. The other Selectmen were also against this proposal. Mr. Zubricki will thank the Rotary Club and decline their offer.

Mr. Zubricki reported that he has not yet received a Military Records Office Access Agreement, to assist the Town's Regional Veterans' Agent, and discussion on this matter was postponed until the next Selectmen's meeting.

The Selectmen reviewed a preliminary proposal for affordable housing in the downtown area. The Board was in agreement that they would like more information, and also that they would like to include the Strategic Planning Committee, the Community Preservation Committee, and the Housing Authority in the discussion. Mr. Zubricki will ask for a more detailed proposal.

A motion was made, seconded, and unanimously voted to approve a request from Chief Silva to grant Police Department sponsorship of Special Police Officer Lauren Preen's attendance at the Massachusetts Law Enforcement Training Alliance as a self-sponsor, so long as she signs the Town's standard waiver form absolving the Town of all cost and liability.

The Board continued their discussion from a previous meeting with Chief Silva regarding his proposed calendar year 2018 goals. The Board has approved all of the Chief's suggested goals, including a request to explore the restructuring of supervision of the Department by adding an

Executive Officer under the Chief. The Board said that they would like the Chief to work with the Town Administrator to review union issues and how other similar departments are set up before commenting further on this goal. Even though the concept is being studied, the Board may or may not decide to support an Executive Officer.

Chief Silva left the meeting.

Mr. Zubricki reviewed National Grid's latest response to the Town's notification regarding the attachment of municipal fiber optic lines to National Grid's utility poles. The Board was in agreement that Town Counsel should try to arrive at an acceptable agreement between the Town and National Grid. However, if National Grid continues to ignore the Town's existing rights, the Board may forge on with the fiber rollout anyway. The project is already under contract and will eventually be scheduled for actual construction.

A motion was made, seconded, and unanimously voted to approve and sign the employment contract for the Town Accountant (Virginia Antell).

A motion was made, seconded, and unanimously voted to approve and sign the employment contract for the Treasurer/Collector (Jeffrey Soulard).

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for licenses and permits:

One-Day Wine & Malt License:

- Chebacco Liquor Mart, Paul Chisholm, for use on Saturday, March 17, 2018, between the hours of 6:00 p.m. and 10:00 p.m., within the confines of the Waterline Center at the Shipbuilding Museum, 66 Main Street.

Commercial Shellfish Permit:

- Kristina Jacobs
- Matthew Jacobs
- Edward G. Lane
- Elizabeth H. Lane
- Judson Lane
- Brian Loebelenz
- Josephine MacDougal
- Phillip MacDougal
- Chris Maxfield
- Dean Rossi
- Richard Tofuri

Senior Commercial Shellfish Permit:

- Dennis Henderson
- George E. Lane
- Charles A. McNeil
- Tom Prentiss

Student Commercial Shellfish Permit:

- Matthew G. Lane
- Amanda Loebelenz
- Michael Loebelenz

A motion was made and seconded to approve a Senior Commercial Shellfish Permit for Robert Doane. Selectman Doane abstained and Chairman O'Donnell and Selectman Spinney voted to approve the permit.

The Selectmen were reminded of the following events and meetings:

- The Board will attend the Town Building Committee meeting on Thursday, February 15, 2018, at 7:00 p.m. in the Town Hall Auditorium to discuss options for a public safety building replacement.
- The Town Hall will be closed on Monday, February 19, for President's Day.
- The next regular Board of Selectmen's meeting will take place on Monday, February 26, 2018, at 6:00 p.m. in the Town Hall Stage Conference Room on the second floor, 30 Martin Street.
- Municipal Vulnerability Preparedness (MVP) Workshop on Thursday, April 5th, 2018. The MVP Workshop will take place from 8am to 2:30pm in Essex Town Hall. Breakfast refreshments and lunch will be provided.
- Coastal Resilience Grant Public Workshop highlighting the inter-relatedness of emergency planning and coastal resilience planning, April 25, 6:00 to 8:30 p.m., Essex Town Hall.

Mr. Zubricki reported that he has been calling references provided by the three finalists for the Town Clerk's position. He is still waiting to hear from one more reference. It was agreed that the Board would complete their review of the references and possibly vote to fill the position at their meeting on Thursday, February 15.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 23rd, 2018 through February 10th, 2018, regarding the following:

Town Building Committee Public Forum, Public Safety Facility: Mr. Zubricki reviewed some of the comments that were received at the recent public forum to gather input regarding three options for a public safety building. The TBC, the Selectboard, and the Finance Committee will be meeting on Thursday, February 15, to review input from the forum and perhaps decide on the best option to pursue.

Constable Recommendation to Prohibit Commercial Oyster Harvesting: Mr. Zubricki has reviewed the suggested changes to the Town's shellfish regulations with Town Counsel and the Selectmen agreed with these proposed changes to prohibit the commercial harvesting of oysters. A motion was made, seconded, and unanimously voted to approve the revised regulations which will go into effect on April 1, 2018.

Army Corps of Engineers Beneficial Sediment Re-use Meeting: Mr. Zubricki reported on the meeting that he had attended earlier in the day with representatives from the Army Corps of Engineers, Town officials, the State Office of Coastal Zone Management, Senator Bruce Tarr, and others regarding the status of the ACE's project to study sediment re-use in the Essex River. Those present discussed how this might benefit the Town's ultimate goal of dredging the river and/or combatting sea level rise. Mr. Zubricki said that the State is considering offering another grant to towns within the Great Marsh ACEC (Area of Critical Environmental Concern) to evaluate the elimination of barriers to coastal flow and drainage and they are asking for letters of interest. The Board was in favor of the proposed grant and authorized Mr. Zubricki to draft and sign a letter of interest.

On a related matter, Senator Tarr said that he would like to arrange an audience with some top aides in Senator Baker's administration to discuss how to move these environmental projects forward.

Continued Development of Request for Proposals for Grove Master Plan: Mr. Zubricki reviewed his latest draft of a revised Request for Proposals for a Master Plan for Centennial Grove. The Board asked Mr. Zubricki to bring this matter up for discussion again at their meeting on February 26. It is anticipated that it will be released for bidding in late March or early April.

Surplus Vehicle Transfer from Environmental Police: Mr. Zubricki reported that Senator Tarr's office was instrumental in finding a surplus vehicle held by the Environmental Police. The vehicle would be given to the Town to possibly replace the Town's Shellfish truck. Mr. Zubricki has forwarded a request for the vehicle to the Environmental Police and is awaiting a response. If the request is approved, the Town would not purchase the used Police vehicle to replace the Shellfish truck.

Regional School District Budget Group Meeting/Budget Update: Mr. Zubricki reported that the School committee is continuing to work on the school budget and is currently projecting an increase of 3.65% to Manchester and an increase of 2.65 % to Essex. The Committee will use budget cuts and possibly, reserves, to meet these targets. Steep health insurance increases are making balancing the budget proposal difficult.

Continued Review of Draft Annual Town Meeting Warrant: Mr. Zubricki provided an updated draft of the Annual Town Meeting Warrant, along with a draft list of potential items to be included in the 2018 meetings and future meetings. The Board agreed to review the drafts for discussion at their next meeting.

Potential Coastal Zone Management Grant for Fiscal Year 2019: Mr. Zubricki reported on a meeting he recently attended with the Shellfish Constable, local consultants, and academic consultants regarding whether or not to submit a grant application to the MA Office of Coastal Zone Management in FY19. If approved by the State, the funding would be used to construct oyster reefs in Essex Bay in an effort to mitigate tidal surge and storm energy. The Board was in

favor of proceeding with the application, if the project partners are willing to put the time into it at the risk of not receiving funding.

Fiscal Year 2019 Green Communities Grant Application: Mr. Zubricki said that Town Planner Matt Coogan had been planning on reapplying for a grant to fund a new boiler at the Water Plant, but has been advised that that project has little chance of being awarded a grant. Instead, he has proposed applying for a grant to fund phase two of the installation of LED lights at the Essex Elementary School. The Board approved of the LED grant application.

At 8:50 p.m., citing the need to discuss the purchase, exchange, lease or value of real property relative to a possible future site for public safety facility; and, to conduct a strategy session in preparation for contract negotiation with the Town Administrator and with the Chief of Police; the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating strategies and said that the Board would only be returning to Open Session to adjourn the meeting. She 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 returned to Open Session at 9:03 p.m.

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

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney