

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

June 18, 2018

Present: Chairman Lisa J. O'Donnell, Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Also Present: Virginia Antell, Michael Antell, Curt Bergeron, Lee Bresnahan, Helen Brown, Allison Collins, John Collins, Debbie French, Tina Lane, and Attorney Steven Miller.

Chairman Lisa J. O'Donnell called the meeting to order at 6:00 p.m. in the 2nd Floor Stage Conference Area of the Town Hall and announced that the Board would hear Public Comment. Helen Brown, a resident of Water Street, came before the Board and said she has been trying to work with the Building Inspector and her neighbor to resolve some issues. The neighbor has rented part of his property to a landscaping company. Helen Brown would like the neighbor to erect trees or a fence to screen the view of the large trucks. Mr. Zubricki said that he has spoken with the Building Inspector, who plans to visit the site this Wednesday, and report back on the status. Helen thanked Mr. Zubricki and the Board and left the meeting with Lee Bresnahan.

Town Accountant Virginia Antell joined the Board to review the following M.G.L. Chapter 44 § 33B Transfer requests:

- Essex Youth Commission in the amount of \$10,331.03 from Employee Salary to Program Supplies.
- Essex Youth Commission in the amount of \$4,506.11 from Employee Salary to Office Supplies.
- Essex Youth Commission in the amount of \$15,752.86 from Employee Salary to Program Supplies.

The Town Accountant said she had reviewed the requests from the Youth Commission and discussed them with the Town auditors, as well as other Town Accountants. Both the Town auditors and the other accountants stated that the requested EYC 33B transfers are not proper. This type of transfer is only allowed to fund unforeseen situations and/or emergencies. It is not a way to carry unspent money into the next fiscal year. Everyone present agreed, and a motion was made, seconded, and unanimously voted by the Board to deny the EYC transfer requests.

Those present reviewed requests from other departments for 33B transfers and agreed that they all fell within the established guidelines. A motion was made, seconded, and unanimously voted to approve the following transfers:

- Shellfish Department in the amount of \$600.00 from Boat Repairs to Shellfish Deputy Payroll.
- Board of Selectmen in the amount of \$1,730.00 from Blanket Insurance to Assistant Building Inspector Payroll.
- Police Department and Board of Selectmen in the amount of \$12,000 from Police Officer Salaries to Regional Dispatch Connectivity.

- Council on Aging in the amount of \$6,200 from Outreach Coordinator to System Maintenance.
- Council on Aging in the amount of \$4,900 from Van Driver Wages to Vehicle Maintenance.
- Sewer Department in the amount of \$2,000 from Liability Insurance to Sewer Overtime.
- Wastewater in the amount of \$1,000 from Gloucester to Wastewater Overtime.

Mr. Zubricki explained the \$12,000 transfer from police wages is to replace a failing, on-premises phone system with a cloud-based VOIP system by the end of the fiscal year. The matter is urgent since service interruptions have been occurring. The Board acknowledged that Mr. Zubricki will enter into a contract immediately with the same vendor that provides VOIP services to the Regional Dispatch Center, using State Contract pricing. This action will eliminate the need for Fire and Police business callers to negotiate the phone menu at the Regional Dispatch, only to be placed into the premises land phone menu in Essex.

Mr. Zubricki said that the EYC has also requested permission to erect a bulletin board to post news of their planned programs and events. The Board agreed to take the matter under advisement for discussion at their next meeting on July 2.

Virginia Antell and Michael Antell left the meeting.

Town Hall Library Director Debbie French came before the Board to discuss the Library's request to place a little free library at Conomo Point. The Library is being offered \$300 from the Manchester Essex Rotary Club to purchase a little free library. There are currently three in Town. After a short discussion, a motion was made, seconded, and unanimously voted to approve acceptance of the \$300 from the Rotary for a Little Free Library to be placed adjacent to the parking lot at 138 Conomo Point Road. Debbie French thanked the Board and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$81,261.94.

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 6/14/18 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	5/24/2018	\$ 165.00	Police
Ernie Nieberle	Nieberle's	5/24/2018	\$ 237.27	Fire
Ernie Nieberle	Nieberle's	5/24/2018	\$ 1,267.22	Highway
Ernie Nieberle	Nieberle's	5/24/2018	\$ 2,950.00	Snow Removal
Ernie Nieberle	Nieberle's	5/24/2018	\$ 235.40	Council on Aging
David Preen	Preen Plumbing	5/20/2018	\$ 953.25	Water

At 6:30 p.m., John and Allison Collins and Attorney Steven Miller joined the Board. A motion was made, seconded, and unanimously voted to open the Public Hearing regarding a request by Flying Eagle LLC, Allison Collins, Manager, for a transfer of license, a change of manager, and an alteration of premises at 99 Main Street. Attorney Miller said that the Collins's have purchased the Fortune Palace restaurant and plan to demolish the existing building and rebuild a two-story building housing a brewery and restaurant. They hope to open in late September 2019. Allison Collins will be the manager of the new restaurant and since she has no previous work experience as a manager, they are seeking to hire a management company to run the business, possibly the Webber Group. The Board discussed the proposed hours of operation for the new restaurant/brewery and it was agreed that the closing time would be 12:45 a.m. (the same time observed by other restaurants in town) and not 2:00 a.m. Allison Collins initialed the change to the license application. There were no other comments and a motion was made, seconded, and unanimously voted to close the hearing. The Board was in agreement, and a motion was made, seconded, and unanimously voted to approve the license application and to forward it to the Alcoholic Beverage Control Commission for their approval. A motion was also made, seconded, and unanimously voted to approve closure of the restaurant until alterations are completed. Mr. and Mrs. Collins and Attorney Miller thanked the Board and left the meeting.

Curt Bergeron joined the Board to discuss his request for a One-Day Entertainment License, for use on Thursday, June 28, 2018, between the hours of 4 and 9 p.m. within the confines of the upper parking lot at 35 Dodge Street. Mr. Bergeron said he is hosting a car show and would like to have a DJ and music. After a lengthy discussion, a motion was made, seconded, and unanimously voted to approve the request for the one-day license for use between the hours of 4 and 8 p.m. on June 28, in the upper parking lot at 35 Dodge Street.

On a related matter, Mr. Zubricki reviewed a note from the Board of Health Agent regarding a recent site visit to the Riversbend restaurant by herself and the Board of Public Works Superintendent. They had counted the 92 seats in the restaurant and 48 seats on the deck. Mr. Bergeron was informed that he is in violation of his alcohol license which clearly states 98 total seats between the inside space and the deck. Mr. Bergeron stated that he uses computer software to make sure that there are no more than 98 persons seated at any time. The Board referred to their minutes from a past meeting stating that only 98 visible seats will be permitted between the deck and inside space and refused to accept use of the computer software as evidence that the license is in compliance with the seating conditions specified. Mr. Bergeron presented the Board with a page of sound monitoring from a consultant. The Board members and Mr. Bergeron discussed different options and locations for monitoring sound from his property and the Board advised that he would be wise to begin and continue some noise monitoring program so that this information would be available if future applications need to be considered.

Mr. Bergeron left the meeting.

Town Counsel Gregg Corbo joined the meeting to discuss the Open Meeting Law complaint filed by Edward Neal on June 4, 2018 relative to the 55 Main Street purchase and sale agreement. Attorney Corbo offered a review of the protocol for registering an Open Meeting

Law complaint and then compared the sequence of events in the Neal complaint with the protocol and found the complaint not to have been made in a timely manner. Nonetheless, he had prepared a draft response to the Office of the Attorney General, which he reviewed with the Board. Following the review, a motion was made, seconded, and unanimously voted to acknowledge receipt of the Open Meeting Law complaint filed by Edward Neal on June 4, 2018 and to authorize Town Counsel to respond in the manner discussed at the meeting.

Those present discussed a request from the President of North Shore Pride to raise the rainbow flag on the Town Hall flag pole. After a short discussion, the Board agreed to maintain the existing practice of only allowing the American flag, the Massachusetts State flag, or the Town Flag to be flown on the Town flag poles.

Mr. Zubricki reported that the Board of Public Works had been approached by a group of residents that would like the Town to form a Memorial Park Planning Committee, to which they could be appointed. After some discussion, the Board asked Mr. Zubricki to advise the BPW that the residents should consider forming a non-Town ad hoc committee or a Friends of Memorial Park Committee which would offer suggestions and help to the BPW from time to time regarding the playing fields.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 2nd through June 15th, 2018, regarding the following:

Signature of Street Light Purchase Documents: The Board was in agreement, and a motion was made, seconded, and unanimously voted to sign the streetlight purchase documents outside of a meeting when they become available after Mr. Zubricki has reviewed aspects of the documents which are applicable to the Town's situation. The Board acknowledged that Town Counsel had suggested some changes to the language, but that they are willing to assume the risk of moving forward as-is, in the interest of getting the project started. They doubted that National Grid would assent to any requested changes to its standard documents anytime soon.

Attorney Corbo left the meeting.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 4, 2018, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$1,500.00 from Town Hall Heating Fuel to Town Hall Electricity.

Chairman O'Donnell said that she would review the Town Clerk's proposed salary for fiscal year 2019 with the Town Clerk for discussion at the next Board of Selectmen's meeting.

A motion was made, seconded, and unanimously voted to accept two donations of \$1000.00 and of \$1692.79. Both to be deposited in the Essex Police Gift Account.

The Board acknowledged correspondence from the Department of Public Works regarding the possible use of Town property for a new public safety building.

A motion was made, seconded, and unanimously voted to approve a request from the Conservation Commission to place a video screen in the 2nd Floor Stage Conference Area for display of plans and other images during public meetings (open to any Town board or committee).

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

Emergency Management Director for 1 year: Daniel Doucette

Forest Fire Warden for 1 year: Daniel Doucette

REPC Emergency Response Coordinator for 1 year: Daniel Doucette

Fire Department for 1 year:

- Daniel Doucette, Fire Engineers Board, Fire Chief
- Keith Carter, Fire Engineers Board, Deputy Chief
- Ramie Reader, Fire Engineers Board, Deputy Chief
- Ernest Nieberle, Jr., Firefighter, Captain
- Travis Good, Firefighter, Lieutenant
- Cory Jackson, Firefighter, Lieutenant
- Joseph Lafata, Firefighter, Lieutenant
- David Pereen, Firefighter, Lieutenant
- David Thompson, Firefighter, Lieutenant
- Michael French, Firefighter/Arson Investigator

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
- Amy McNeilly
- James McNeilly
- Edward S. Neal

- Jonathan O'Bryan
- Nicholas Ouellette
- Kent Parsons
- Joan Perrigo
- Anthony Pizzo
- Andrew Ray
- Ryan Reed
- Sean Reed
- Michael Soucy
- George Stavros
- Eian Woodman

Probationary Firefighter for 1 year:

- John Boyle
- John Bruce
- Craig Carter
- Philip C. Cicala
- Colt Donahue
- Timothy Grimes
- Ryan Santos

Historical Commission for 3 years:

- Richard Stevens
- Kurt Wilhelm (Alternate)

Open Space Committee for 1 year:

- Nancy Dudley

Strategic Planning Committee for 1 year:

- John Bediz
- Michael Burke
- Westley Burnham
- Annie Cameron
- Robert Coviello
- Michelle French
- David Gabor
- Paul Goodwin
- Charles McNeil
- Julie Scofield

A motion was made and seconded to re-appoint Selectman Andrew Spinney to the Strategic Planning Committee for 1 year. Chairman O'Donnell and Selectman Phippen voted in favor of the re-appointment and the motion carried.

The Board reviewed a request for a Commercial Shellfish Permit and Waiver of the Application Deadline from Scott Wilgo. Mr. Wilgo presented a driver's license and registration, both with a

Gloucester address, and a note from an Essex resident stating that Mr. Wilgo has been staying with him in Essex. Mr. Wilgo does not have a State Bed Permit, which is also a requirement. The Board was in agreement to deny the request for a commercial permit.

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

Student Shellfish Permit and Waiver of the Application Deadline:

- Eric Fossa

Non-resident Recreational Shellfish Permit and Waiver of Application Deadline:

- Stephen Landers, S. Hamilton, MA, sponsored by Billie Knovak

Ratification of the Approval of a One-Day Wine & Malt License:

- Joan Houghton, Woodman's, for use on Wednesday, June 13, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of the tented area at 125 Main Street.

Auction Permit:

- Blackwood March Antiques, Michael March, for use on Wednesday, July 11, 2018, between the hours of 4:00 and 10:00 p.m., within the confines of Woodman's Function Hall, 125 Main Street.

One-Day Wine & Malt License:

- Joan Houghton, Woodman's, for use on Friday, July 13, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, July 28, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, August 25, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, September 8, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, September 15, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Sunday, September 16, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, September 22, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.
- Joan Houghton, Woodman's, for use on Saturday, September 29, 2018, between the hours of 11:00 a.m. and 10:00 p.m., within the confines of Woodman's Function Hall at 125 Main Street.

The Board was reminded of the following events and meetings:

- 2nd Quarter Cape Ann Innovators Collaborative (CAIC). The topic is Coastal Resilience. Wednesday, June 20, 2018, from 5:30 to 7:30 p.m., at Cruiseport, Lower Level. Chairman O'Donnell and Selectman Phippen plan to attend. Mr. Zubricki and Selectman Spinney will be attending a Strategic Planning Committee meeting on the evening of June 20.
- The next regular Board of Selectmen's meeting will take place on Monday, July 2, 2018, at 6:00 p.m. in the Stage Conference Area on the 2nd floor of the Town Hall.

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

Contract for Transition of Town Website to Drupal Platform: Mr. Zubricki reminded the Board that the FY19 budget includes an upgrade to the Town website. The transition will take place after July 1 and will include associated training. A motion was made, seconded, and unanimously voted to sign the contract.

Awarding of Two MVP Action Grants, Signature of Contracts: Mr. Zubricki reported that he had been successful in obtaining two Municipal Vulnerability Action Grants for the Town from the State which will fund important coastal resilience work. A motion was made, seconded, and unanimously voted by the Board to authorize the Chairman to sign the State contracts for the grants and agreements with the Town's subcontractors noted in the grant applications when they become available.

Update Concerning Restoration of Two-Way Traffic on Causeway: Chairman O'Donnell reviewed the current plan for the temporary repair to permit safe two-way traffic over the causeway bridge. Once the plan is finalized, it will take about four weeks to obtain the materials needed and make the repairs.

Town Building Committee Meeting Summary and Request for Proposals Concerning Property for Public Safety Building: Chairman O'Donnell, who is also chair of the Town Building Committee, reviewed the recent TBC meeting, where those present had reviewed the proposed evaluation criteria and possible weighting of that criteria for the purchase of property for a future public safety building. The Board discussed the comments and they will be incorporated into an updated list. Chairman O'Donnell said the TBC had also reviewed the option of a staged new construction plan at the present site. The Committee is presently planning to explore at least five possible site options: the John Wise Avenue site, the present site, Memorial Park, and perhaps two new sites that will be offered for sale to the Town via a future Request For Proposal process. The existing site will require soil testing as part of any design. The Committee will be reviewing the funding and determining sources for that funding needed to hire an Owner's Project Manager. The OPM would help with site evaluation, arrange for any soils testing, and find an architect to develop a building design. The Board will discuss funding these projects at two upcoming Town Meetings when they again on July 2nd.

OSHA Implementation Webinar Summary: Mr. Zubricki reviewed an introductory webinar that he had participated in regarding the recent change in State law requiring the MA Department of Labor Standards to enforce Federal OSHA standards in municipalities. Future webinars and training are planned.

Contract for Promotion of Town Resources and Attractions: Of the three requests for proposals that Mr. Zubricki had sent out, only the Essex Merchants Group had submitted a proposal for promotion of Town Resources. The Board reviewed the proposal and a motion was made, seconded, and unanimously voted to offer the contract to the Essex Merchants Group for FY 2019.

Discussion Related to Route 133 Sewer Main, Causeway Area: Due to several sewer main breaks on the causeway, Mr. Zubricki reported that the Department of Environmental Protection has asked the Board of Public Works to engage an engineering firm to review the causeway sewer system. The study would seek to find weaknesses in the design which could then be repaired. The BPW is now working with a firm to determine the scope of the project and expected cost.

Future Use of Centennial Grove Cottage Area: The Board reviewed the Essex Youth Commission's long term plan for use of the Grove and they reviewed the proposal from the Pingree School. Following a discussion, the Board asked Mr. Zubricki to share the Pingree proposal with the EYC and invite them to the Board's July 2nd meeting. The Board also said that the EYC is welcome to take any supplies from the Grove Garage, but that no repairs or cleanup of the garage or cottage should be undertaken at this time.

Downtown On-Street Parking & Wayfinding Recommendations Review: Mr. Zubricki reported that the Town Planner has informed him that there are no grants that the Town can apply for that would fund a more detailed plan for downtown parking, new road signs, and improved road striping. The Board was in favor of putting the need for design and implementation before a future Town Meeting.

Informal School Budget Group Meeting Summary: Chairman O'Donnell and Mr. Zubricki reported on the recent school meeting they had attended. The plans for the new Memorial School in Manchester will not include designated space for any Manchester town departments. Manchester Town Meeting will vote on the funding on October 15th and Essex Town Meeting will vote on October 16th. There is also a State election in November and it has been suggested that there should be two ballots instead of a combined ballot, to allow more time before final language is required. The Board agreed with the Special Town Meeting date and with the two ballot plan. More budget meetings are planned.

Northeast Coastal Coalition (NECC) Meeting Summary: Chairman O'Donnell, Selectman Phippen, and Mr. Zubricki had attended last Friday's meeting. The next meeting will be in September.

A motion was made, seconded, and unanimously voted to approve and sign a grant application seeking funding for a dam and seawall study.

There was no business before the Board requiring an EXECUTIVE SESSION.

At 10:20 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