

Selectmen's Minutes
T.O.H.P. Burnham Library

February 10, 2014

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

The Chairman called the meeting to order at 7:00 p.m. in the TOHP Burnham Library on Martin Street and announced that the Board would hear Public Comment. No one from the public was present to offer comment.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 18th, 2013 through February 7th, 2014, regarding the following:

Renewal of Information Technology Agreement with City of Melrose: Mr. Zubricki reminded the Selectmen that the original agreement with Melrose for the hosting of the Town's data had been signed back in 2011 and is now due to be renewed. The arrangement with Melrose has worked out well, and Mr. Zubricki recommended that the Selectmen approve and sign the new contract. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve and sign the contract for a five-year term.

Contract for the Provision of Summer Camp Services: Mr. Zubricki reported that the YMCA has approved and signed the contract offered by the Selectmen. A motion was made, seconded, and unanimously voted to sign the 10-year contract (with 3-year reassessments by each party) with the YMCA of the North Shore to provide summer camp services for youth at Centennial Grove.

Finalization of RFP for the Promotion of Town Resources: Mr. Zubricki reviewed the rating criteria and the insurance requirements in the Request for Proposals with the Selectmen. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to distribute the proposal for bidding after he has incorporated their comments via the Gloucester Daily Times, local posting, and direct distribution to the Merchants' Group and the Chamber of Commerce.

Hiring of an Appraiser for Potential Sales at Beach Circle: Mr. Zubricki said that only one proposal had been received regarding appraisal services of the Beach Circle area of central Conomo Point. A motion was made, seconded, and unanimously voted to sign Tyburski Appraisal Corporation's proposal for appraisal services in the amount of \$12,000.

It was announced that the discussion of Conomo Point mind maps with A. Raymond Randall, Jr. and the Conomo Point Planning Committee would be postponed until the April 7th Board of Selectmen's meeting.

Police Chief Peter G. Silva and Sergeant Paul Francis joined the Selectmen to discuss the Police Department's progress over the past year towards achievement of State certification. Chief Silva began the discussion by saying how much he appreciates having Sergeant Francis to help him with the operations of the Department, and especially, the Sergeant's dedication to pursuing certification of the Department. Sgt. Francis handed out and reviewed a 2-page ***Progress Report of the Department***'s efforts to achieve State Certification. The report also includes a sequential

list of the remaining steps to certification achievement and an anticipated time line. Once certification is achieved, the Department will only need to be reviewed by the State every three years to maintain the certification status. The Selectmen and the Chief thanked Sergeant Francis for his in-depth review of the certification process and the Sergeant left the meeting.

Police Chief Silva remained with the Selectmen to review his *calendar year 2013 accomplishments and his calendar year 2014 goals*. Highlights of the Chief's past year's accomplishments include working towards improved public awareness of the Department, promotion of department "team spirit", an improved informational website, pursuing insurance credits for the Town through Department training, conversion to regional dispatch, and police sponsorship of public events.

Chief Silva reported that the present Harbormaster's boat continues to take on water and needs to be replaced. He is currently investigating the possibility of getting a used boat that would meet Town needs from the Environmental Police.

The Chief said that he had met with the Chair of the new Public Safety Study Committee to answer questions and had hosted a tour for the Committee members of the present Police facilities. He also said that he would be happy to help the Committee with their research regarding the Town's police department requirements.

Mr. Zubricki reminded everyone that this is a contract renewal year for the Chief and the Chief should begin drafting a suggested renewal contract for the Selectmen's review so that a successor may be in place before July 1, 2014.

The Selectmen thanked the Chief for his report and he left the meeting.

Preliminary Draft Annual Town Meeting Warrant: Mr. Zubricki continued his Administrator's Report with a review of the *proposed Annual Town Meeting Warrant*. Following the discussion, Mr. Zubricki said that he would incorporate the Selectmen's comments into the warrant for review again at a future Selectmen's meeting.

Mr. Zubricki reported that since the cable contract is nearing expiration, he had contacted the municipal managers of the other three Cape Ann communities to determine if they would support a Regional Cable Advisory Committee like the one that helped negotiate the current contract. He will have more information at the next meeting. The Selectmen were in agreement with the exploration of this concept.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$176,174.54.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 17th and January 21st, 2014, Open Meeting and the January 17th, 2014, Executive Session.

A motion was made, seconded, and unanimously voted to release Board of Selectmen's Executive Session minutes from the January 10, 2011 Selectmen's meeting.

A motion was made, seconded, and unanimously voted to reappoint Richard Carter to the Appeals Board for a second 3-year term and to reappoint Margaret Nelson and Keith Carter, each, as Appeals Board Alternates for a 2-year term. The Selectmen signed the appointment cards.

A motion was made, seconded, and unanimously voted to appoint Keith Symmes to the Historical Commission at the recommendation of Historical Commission Chair Richard Stevens.

A motion was made, seconded, and unanimously voted to appoint Martha Thompson as the Essex Housing Authority's representative to the Community Preservation Committee as recommended by EHA Chair Diane Polley.

A motion was made, seconded, and unanimously voted to approve and sign an application to the MA Department of Environmental Protection to allow the Police Department and the Board of Health to hold a hazardous waste collection day (drug take-back day).

The Selectmen discussed a request for a building permit to repair a patio area at Shea's Riverside on Main Street. A motion was made, seconded, and unanimously voted to approve the request.

The Selectmen considered a request to rent Centennial Grove, the Field of Dreams, and the Grove Cottage on August 16, 2014, for a wedding. A motion was made, seconded, and unanimously voted to approve the rental of the three areas for a discounted resident's rate of \$600, plus the cost of one-day licenses and trash fee.

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

Auction Permit:

- Blackwood March Antiques, Michael March, for use on Wednesday, February 26, 2014, between the hours of 4:00 and 10:00 p.m. within the confines of Woodman's Function Hall at 125 Main Street.

One-Day Entertainment License:

- Alan McCoy Wedding for use on Saturday, August 16, 2014, between the hours of 2:00 and 11:00 pm within the confines of Centennial Grove.

One-Day Wine and Malt License:

- Alan McCoy Wedding for use on Saturday, August 16, 2014, between the hours of 2:00 and 11:00 pm within the confines of Centennial Grove, pending employment of a special Police detail for the event and a certificate of liability insurance with the Town listed as beneficiary, in the amount of \$1,000,000.

Non-Recreational Seasonal Clamming Permit:

- Kenneth F. Glass of Manchester, MA sponsored by Mike Soucy of Lakeshore Drive
- Charles D. Neville of Wakefield, MA sponsored by Stephen Hartley of Conomo Lane

Commercial Clamming Permit:

- Stephen Aiello

Senior Clamming Permit:

- Robert Doane
- Charles A. McNeil

Student Clamming Permit:

- Jonathan Guerin

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday February 24th, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

The Selectmen took the following actions regarding Personnel Board Matters:

- A motion was made, seconded, and unanimously voted to set the Cost of Living Allowance percentage at 2% for FY2015 for non-union personnel.
- A motion was made, seconded, and unanimously voted to set the FY2015 merit pay for the Treasurer/Tax Collector, the Town Clerk, the Selectmen's Assistant, and the Librarian at 3%. Merit pay will not accrue to the base wage.
- Mr. Zubricki reported that, like Essex, the towns of Rowley and Wenham do not have a leash law and pay their Animal Control Officers around \$14,000 per year. Essex's Animal Control Officer is currently paid approximately \$3600/year. Subsequently, a motion was made, seconded, and unanimously voted to approve increasing the annual stipend to \$12,000 for the Animal Control Officer. The increase will be phased in over a two-year period commencing in FY15, with an interim step of \$8,000.
- Mr. Zubricki said that salaries for Animal Health Inspectors in other towns covers a wide range. After reviewing the salaries for inspectors in other towns of similar size, Mr. Zubricki recommended increasing the Animal Health Inspector's annual stipend, which at present is approximately \$3600. Also, most other towns have the Police cover for the Animal Control Officer when the Officer is out of town. In Essex, the Animal Health Inspector covers for the Control Officer who is away several weeks per year. So, Mr. Zubricki recommended that the Inspector's salary should be a little larger than that of similar size towns, based on the additional duties. A motion was made, seconded, and unanimously voted to increase the Animal Health Officer's annual stipend in FY15 to \$5,500.

- The Selectmen discussed the proposal from the Fire Department for a full-time Fire Chief. It was noted that the Building Inspector has written a letter supporting the change to a full-time Fire Chief. The Selectmen were in agreement that they would like to discuss the matter with the Finance Committee and that they would like Mr. Zubricki to discuss the matter with Bob Jerin, the Chair of the Public Safety Study Committee.

The Selectmen reviewed a letter of concern from Sarah Cushing. It was agreed that Selectman Gould-Coviello would call her to discuss the letter.

The Selectmen also reviewed a letter from Carolyn L. Ruocco seeking permission to lease a property in the northern Conomo Point area. After some discussion, all agreed that the Board is not in a position to oblige such a request at this time.

Mr. Zubricki said that the Town's insurance carrier has asked the Town to attest to the procedure used by Town boards and committees to move to Executive Session. Mr. Zubricki had prepared a document detailing the procedure used and a motion was made, seconded, and unanimously voted to authorize the Chairman to sign the document.

The Town's insurance carrier has also asked the Town to attest to the fact that the Town's Discriminatory Harassment Policy has been updated to conform with new guidelines. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the document affirming the update to the Town's policy.

Mr. Zubricki reported that it has been almost a year since he filed an application for a grant to fund a generator for the Town Hall. He said that he is expecting to hear from FEMA and then from MEMA in the near future whether or not the grant will be approved. Recent inquiries by MEMA suggest a good chance of success.

Selectman Gould-Coviello said that she had attended a seminar while at the annual Massachusetts Municipal Association meeting regarding allocating a specific amount of money each year to a fund for future capital expenditures. She suggested that the idea merited further investigation. The Board asked Mr. Zubricki to ascertain whether a portion of money in the sale of real estate fund could be transferred by Town Meeting to a capital fund without naming a specific project.

At 9:03 p.m., citing the need to discuss pending litigation concerning the case of Glenn Mores, et al. v. Board of Assessors of the Town of Essex, ATB Docket No. F316503 and pending litigation concerning the case of Richard D. Rettberg, et al. v. Board of Assessors of the Town of Essex, ATB Docket No. F317827, and any other matters that are presently pending for the Town of Essex before the Appellate Tax Board; the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; and, a request for a Restrictive Covenant and/or Easement concerning 23-25-27 Centennial Grove Road; the Chairman entertained a motion to

move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. He said that the Board would only be returning to Open Session to adjourn the meeting and invited the Town Administrator to attend the meeting.

The Chairman also stated that discussion of pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; discussion of pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; and, discussion of complaints or charges made against a public employee pursuant to G.L. c.30A, s.21, paragraph 1 would be tabled at this time. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board and the Town Administrator moved to Executive Session.

The Board and the Town Administrator returned to Open Session at 9:30 p.m.

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

Documents used during this meeting include the following:

Progress Report of the Department

Police Chief calendar year 2013 accomplishments and calendar year 2014 goals

Proposed Annual Town Meeting Warrant

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell