

**Selectmen's Minutes**  
**Senior Center**

**March 7, 2016**

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

Also Present: Rob Amero, Justin Bourgette, Priscilla Doucette, Michelle French, David Gabor, Kay Joseph, Tina Lane, Dimitra Lavrakas, Ken Riehl, Richard Ross, Pete Silva, Kim Smith, Keith Symmes, Thayne Symmes, Roxanne Tieri, Jessica Webb, Mary Wilhelm, and others.

The Chairman called the meeting to order at 7:00 p.m. in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. Rob Amero came before the Selectmen and asked if they would permit him to pay for his Commercial Shellfish License over a 3-week period in \$100 increments. The Selectmen were in favor of the request and a motion was made, seconded, and unanimously voted to allow Mr. Amero to pay over a 3-week period, following which he would receive his license for 2016-2017. Mr. Amero thanked the Selectmen and left the meeting.

Kim Smith came before the Selectmen and spoke at length about her family's history at Conomo Point. She said that she had been evicted from 138 Conomo Point Road and had not been allowed by the Town to remove her personal items from 138 and 153 Conomo Point Road. Chairman O'Donnell said that the court had awarded the Town sole ownership rights to the properties, including the structures and their contents, for non-payment of rent and taxes for several years. Ms. Smith thanked the Selectmen for listening to her concerns and left the meeting.

The Board agreed to postpone discussion with the Shellfish Advisory Commission regarding the 2016 shellfish applications until a future Selectmen's meeting.

At 7:12 p.m., citing the need to discuss pending litigation concerning the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A; pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096; Town of Essex v. Boston Business Services Inc., et al. Lawrence Superior Court C.A. No. 1577-CV-01310; the successor collective bargaining agreements with AFSCME and/or EPBA; and, preparations for contract negotiations with non-union personnel; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's litigating, negotiating, and bargaining positions and invited the Town Administrator and Police Chief Silva (regarding only EPBA) to attend the Executive Session. She said that the Board would be returning to Open Session at 7:30 p.m. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, the Town Administrator, the Police Chief, and the Selectmen's Assistant moved to Executive Session. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 7:30 p.m.

Tina Lane and Dimitra Lavrakas rejoined the meeting. Also joining the meeting were COA Chair Keith Symmes, and COA members Priscilla Doucette, Michelle French, Kay Joseph, Thayne Symmes, Jessica Webb, and Mary Wilhelm.

Those present discussed the relationship between the COA and the COA Director. It was agreed that the COA, acting as an advisory board, would set policy and procedures to be carried out by the Director. Discussion followed regarding the progress made by the Director over the past year, despite being limited to only working 19 hours. She plans to continue to offer her services on a volunteer basis after a new director is hired. The COA said that they have chosen a new director and plan to give her more authority regarding the operations of the Center. The COA is hoping to attract a larger segment of the Town's seniors to the Center which is presently only used by about 10% to 15% of that population.

The Selectmen thanked the Council for their comments and the Council left the meeting.

At 8:05 p.m., the Chairman entertained a motion to resume meeting in Executive Session to discuss the lease, sale, and value of real property at Conomo Point. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating position and invited the Town Administrator to attend the Session. She said that the Board would be returning to Open Session at 8:30 p.m. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, the Town Administrator, and the Selectmen's Assistant moved to Executive Session. Dimitra Lavrakas and Tina Lane left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:27 p.m.

Tina Lane rejoined the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$97,691.61.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 22, 2016, Open Meeting and for the February 25, 2016 Open Meeting and Executive Session.

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

Antiques License:

- Farmhouse Gatherings, Cheryl Conly, 166 Eastern Avenue

One-Day Auction Permit:

- Blackwood March Antiques, Michael March, for use on Wednesday, March 30, 2016, between the hours of 4:00 and 11:00 p.m. within the confines of 125 Main Street.

One-Day Entertainment License and waiver of fee:

- Essex Police Department, Chief Peter Silva, 3<sup>rd</sup> Annual Car Show, for use on Sunday, May 22, 2016, between the hours of 10:00 a.m. and 2:00 p.m., within the confines of the Municipal Parking Lot and field on Shepard Memorial Drive.

Shellfish Permits:

- Non-Resident Recreational:
  - Bradford Allen, Georgetown, MA, sponsored by Gertrude Bartlett
  - David Bogdan, Georgetown, MA, sponsored by Timothy Walsh
  - Nicole Coles, Ipswich, MA, sponsored by Richard Tofuri
  - Nikki Connors, Port Charlot, FL, sponsored by Paul Tofuri
  - Gregory Drugan, Derry, NH, sponsored by Louise Holland
  - Martin Forde, Middleton, MA, sponsored by Donna DeWitt
  - Kenneth F. Glass, Manchester, MA, sponsored by Michael Soucy
  - Frank A. Hartmann, Exeter, NH, sponsored by William A. Perkins
  - Wayne Kinney, Kingston, NH, sponsored by William A. Perkins
  - David B. LaRosa, Lynnfield, MA, sponsored by Ronald A. Hemeon
  - Robin Linehan, Newbury, MA, sponsored by William A. Perkins
  - Scott McKenna, Ipswich, MA, sponsored by Tom Prentis
  - Mary A. Picariello, Boxford, MA, sponsored by Ronald Hemeon
  - Philip A. Picariello, Boxford, MA, sponsored by Ronald Hemeon
  - Chester M. Sullivan, Methuen, MA, sponsored by Edwin Perkins
- Senior Commercial:
  - Bedri Balili
  - Dan Marshall
  - Richard Pascucci
  - Leonard Woodman
  - Leonidha Xhalia

The Selectmen were reminded that the contents of 153 Conomo Point Road will be auctioned on Friday, March 11, 2016, starting at 8:30 a.m. at the Library at 245 Western Avenue.

The Strategic Planning Committee will meet on Monday, March 14, 2016 at 7:00 p.m. in the upstairs meeting room of the Senior Center on Pickering Street.

The next regular Board of Selectmen's meeting will take place on Monday, March 28<sup>th</sup>, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

Selectman Gould-Coviello announced that she will be attending a public hearing and meeting of the school committee for the North Shore Technical High School on Thursday, March 10.

A motion was made, seconded, and unanimously voted to approve the contract for the fiscal year 2016 audit with Clifton Larson Allen, subject to appropriation. The Selectmen signed the contract.

Finance Committee Chair Justin Bourgette, and FinCom members David Gabor, Ken Riehl, and Richard Ross, and Town Accountant Roxanne Tieri joined the Selectmen to discuss the Capital Budget and the FY17 Operating Budget.

Those present discussed refinements to certain budget items, as well as sources of funding. Following review of budget items, Mr. Zubricki reviewed each article on the latest edition of the draft warrant for the May 2, 2016 Annual Town Meeting.

Regarding two articles associated with Conomo Point potential sales and leases, Mr. Zubricki announced on behalf of the Board that the Board has developed and will be publicly posting on the Town website a *Comprehensive Plan for Robbins Island and Northern Conomo Point*. He further explained that the Plan holds aside some property on Robbins Island and Northern Conomo Point for near-term public use. The plan also holds some northern properties and portions of northern properties to year-to-year leases, in the event the Town elects to phase in additional public access at any time during the long-term leasing of inhabited northern properties. Regarding an article for public access improvements, all agreed that up to \$450,000 from the Sale of Real Estate Fund should be proposed to the Town Meeting for the design and construction of such improvements.

Also of note was a discussion regarding the funding of payroll tax assessments that were owed by the Town as a result of illegal actions taken by the Town's former payroll vendor, Boston Business Services. All assembled that this matter should be brought to the Town Meeting, with the funding source being Free Cash, giving the Town Meeting the chance to fund the assessments, rather than simply relying on the tax recapitulation process.

Based on comments of those present, the warrant will be revised. It will be closed and approved at the next Selectmen's meeting on March 28.

The Selectmen thanked the Finance Committee and the Town Accountant for coming and they left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 20<sup>th</sup> through March 4<sup>th</sup>, 2016, regarding the following:

Northern Conomo Point Subcommittee Meeting: The Selectmen reviewed a summary provided by Jim Heroux of Copley Wolff Design Group, of the items discussed at the meeting last Thursday of the Northern Conomo Point Subcommittee of the Conomo Point Planning Committee. Mr. Zubricki said that Mr. Heroux anticipates getting cost estimates for engineering services for the project at no cost to the Town. The Selectmen asked Mr. Zubricki to advise CPPC Chair Mark Lynch and Sub-Committee Chair Ray Randall regarding their desire to focus

on designing and constructing a small, but significant piece of the public access plan for the Point. It is the Board's intention to execute the plan incrementally, as budget and public demand permits.

Strategic Plan Development Wrap Up Conference Call: Mr. Zubricki reported that he, Chair O'Donnell, Town Planner Matt Coogan, and MAPC Representative Mark Fine had participated in a conference call to review the progress to date on the Town's strategic plan and determine the next steps to take in evolving the plan. The Town had received a grant to provide the consulting services of Mark Fine to guide the Town in the creation of an initial plan, which he has now completed. The SPC has two meetings scheduled in March and April and will begin prioritizing items on the plan, assigning budget amounts, and possibly start to implement some of the items.

Request to Amend Personnel Rules & Regulations, Probationary Period: Mr. Zubricki reported that Chief Silva has requested that the Personnel Rules & Regulations regarding the new hire probationary period for reserve and special police officers and harbor personnel be amended. The Chief is recommending that the 6-month period be increased to 1 year to allow the new hires to complete training before evaluation can be fully made. The Selectmen were in agreement with the Chief's recommendation and Mr. Zubricki will now proceed to schedule a public hearing regarding this matter on March 28.

Change Order for Project Manager Services, Town Hall/Library: Mr. Zubricki said that the installation of a third floor is planned as part of the Town Hall/Library Renovation Project and the construction period has been extended to one year. The Project Manager's contract needs to also be extended to one year, since the Project Manager originally had estimated a 9-month project. The recent Special Town Meeting funded this extra cost after hearing about the evolution of the project design. A motion was made, seconded, and unanimously voted to approve the extension to one year and the Board signed the change order.

Change Order for Potential Incorporation of Safe in Renovation: Mr. Zubricki said that the Contractor had agreed to remove the two safes from the Town Hall at no cost to the Town. However, now that there is interest in keeping one safe as an historic artifact at the Town Hall, Mr. Zubricki has been working with the Project Architect and the Contractor to identify options. There is no room to keep the entire safe and the Contractor will be providing a cost estimate for keeping only the doors and disposing of the remaining carcass and the other safe, as well as the cost to incorporate the retained pieces of the safe into the décor of the Town Hall. After the cost estimate is received, the Selectmen will decide whether to keep a part of the safe for a price or ask the Contractor to remove both whole safes at no cost to the Town.

Change Order for Asbestos Abatement, Town Hall/Library Project: Mr. Zubricki said that the Architect and the Project Manager are recommending a change order to deal with asbestos abatement. The recent Special Town Meeting had also funded this cost. A motion was made, seconded, and unanimously voted to approve this change order and the Board signed the order.

Future Change Order, Town Hall Third Floor Deck Height: Mr. Zubricki reported that it has been discovered that the building slopes and consequently, the plans for the height of the second floor ceiling are acceptable at the east end of the building, but the height tapers to only 5 feet, eight inches over the stage area. A change order is being recommended to increase the height of the second floor ceiling to an acceptable height overall. The Board is in favor of this change, conceptually, and will review an actual change order proposal at a later date.

Request for Qualifications, Preservation/Replacement of Folsom Pavilion: Mr. Zubricki reported that he will be meeting with a structural engineer who will provide a cost estimate for the design, permitting, and oversight of the needed repairs to the pavilion. Money has previously been appropriated for the repair and everyone would like the repairs to be completed in time for the summer camp season.

The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve the creation of a request for qualifications for preservation/replacement of the Folsom Pavilion as soon as possible. It may be possible to have a cost estimate for design services in time to include it in the warrant for the May 2 Annual Town Meeting.

School District Capital Planning Budget Meeting: Mr. Zubricki reported that both he and FinCom member Mark McKenna had attended a recent School District budget meeting. He said that there may be an opportunity for the District to restructure the school debt and realize a savings of about 65 thousand dollars per year.

In other business, a motion was made, seconded, and unanimously voted to approve a request from Manchester Essex Little League to pass over Essex and State roads during the MELL parade on Saturday, May 7, 2016. The Selectmen signed the State parade application permit.

A motion was made, seconded, and unanimously voted to approve a request from Chief Silva to hold his 3<sup>rd</sup> annual car show behind the Fire Station in the Municipal Parking Lot on Sunday, May 22, 2016 from 10 am to 2 pm.

A motion was made, seconded, and unanimously voted to approve a **recommendation from Chief Silva to appoint Ryan Devaney** to the position of Special Police Officer, contingent upon passing required testing and psychological screening. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to approve a request from the Merchants Group for a contribution in the amount of \$250 towards the purchase of Essex walking tour brochures.

A motion was made, seconded, and unanimously voted to pay from the Conomo Point Management budget, one-half the cost of a new DPW mower. The DPW will pay the other half.

A motion was made, seconded, and unanimously voted not to approve a request by the YMCA to offer a 1-hour "before care" option concerning Camp Dory starting at 8:00 a.m. The Board desires to keep the facility open to the public as long as possible each day.

Concerning Conomo Point matters, it was agreed to postpone discussion of a building permit for Mr. Romano's leased property at 29 Robbins Island Road (Map 19, Lot 77/New Map 108, Lot 17), since no application had been presented by meeting time.

The Selectmen reviewed the annual request from the Conomo Point Association President, Tricia Fallon, for permission to install ramps and floats at Conomo Point between April 15<sup>th</sup> and October 15<sup>th</sup>, 2016. A motion was made, seconded, and unanimously voted to approve the request and the Selectmen signed the lease agreement for 2016 season.

Mr. Zubricki said that there is interest in creating a poultry processing plant on John Wise Avenue and he has been working with Town Counsel and the Board of Health to determine the guidelines for approving the operation. A public hearing will have to be held and the Board agreed to hold that hearing on March 28, 2016.

At 9:45 p.m., the Chairman entertained a motion to resume meeting in Executive Session to discuss preparations for contract negotiations with non-union personnel. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating position. She said that the Board would be returning to Open Session to vote on this matter and adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session. The Town Administrator, the Selectmen's Assistant, and Tina Lane left the meeting.

The Board returned to Open Session at 9:50 p.m.

A motion was made, seconded, and unanimously voted to approve a 3% merit increase for both the Town Administrator and the Chief of Police, and to also award the Town Administrator extra merit pay of \$2,500 for his work in connection with the Town Hall/Library Project.

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

Documents used during this meeting include the following:

*Recommendation from Chief Silva to Appoint Ryan Devaney*

*Comprehensive Plan for Robbins Island and Northern Conomo Point*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Susan Gould-Coviello