

**Selectmen's Minutes**  
**Senior Center, 17 Pickering Street, Essex, MA**

**July 25, 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: Dawn and Westley Burnham, Beth Cairns, Annie Cameron, Matt Coogan, Debbie French, Paul Goodwin, Alva Ingaharo, Erin Kirchner, Diane Kotch, Tina Lane, Bill Liberti, Sue Lufkin, Jen Mayer, Amy Reilly, Christina and Lauren St. Pierre, Pete Silva, Morgan Talbot, and Christine and Stuart Winfrey.

The Chairman called the meeting to order at 7:00 p.m. in the Senior Center meeting room on the second floor and announced that the Board would hear Public Comment. Morgan Talbot of Southern Avenue introduced himself and said that he would like to thank the Selectmen, the Police Department, and the Department of Public Works for putting the Police speed monitor on Southern Avenue. He said that he has a small daughter and the sign has definitely made a difference in the speed that vehicles pass over Southern Avenue. The Selectmen thanked him for his comments and said they would forward them to the Police and the DPW. Mr. Talbot left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$122,603.31.

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 7/21/16 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	6/24/16	1,169.81	Highway
Ernie Nieberle	Nieberle's	6/24/16	140.00	Cemetery
Ernie Nieberle	Nieberle's	6/24/16	62.00	Council on Aging

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 7/28/16 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	7/13/16	51.00	Council on Aging
Ernie Nieberle	Nieberle's	7/19/16	65.40	Council on Aging
James McNeilly	McNeilly EMS	7/15/16	145.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 11, 2016, Open Meeting.

A motion was made, seconded, and unanimously voted to approve and sign a request from the Board of Commissioners for the Cemetery Department for a transfer from various accounts the total sum of \$18,080 towards the budget for FY17.

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

Commercial Shellfish Permit and Waiver of Application Deadline:

- John Ytzen-Handel

One-Day Wine and Malt License:

- Woodman's Inc., Joanie Houghton, for use on Saturday, August 6, 2016, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of 125 R Main Street.
- Woodman's Inc., Joanie Houghton, for use on Tuesday, August 23, 2016, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of 125 R Main Street.
- Woodman's Inc., Joanie Houghton, for use on Saturday, August 27, 2016, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of 125 R Main Street.

A motion was made, seconded, and unanimously voted to approve the following One-Year Appointments to the Fire Department (7/1/16-6/30/17):

Keith Carter	Fire Engineers Board, Deputy Chief
Ramie Reader	Fire Engineers Board, Deputy Chief
Daniel Doucette	Fire Engineers Board, Fire Chief
Daniel Doucette	Emergency Management Director
Daniel Doucette	Forest Fire Warden
Daniel Doucette	REPC Emergency Response Coordinator
James Albani	Firefighter
Daniel Ball	Firefighter
David Barrett	Firefighter
John Bateman	Firefighter
Westley Burnham	Firefighter
Robert Cavender	Firefighter
Samuel Sturgis Crocker V	Firefighter
Richard Dort, Jr.	Firefighter
Daniel Fialho	Firefighter
Ronald Gallant	Firefighter
Warren Grant, III	Firefighter
Jason Heath	Firefighter
Peter Hoare	Firefighter
Barry Leeds	Firefighter
James McNeilly	Firefighter
Edward S. Neal	Firefighter
Jonathan O'Bryan	Firefighter
Nicholas Ouellette	Firefighter
Kent Parsons	Firefighter
Joan Perrigo	Firefighter
Anthony Pizzo	Firefighter
Amy Price	Firefighter

Andrew Ray	Firefighter
Ryan Reed	Firefighter
Sean Reed	Firefighter
Scott Savory	Firefighter
Michael Soucy	Firefighter
George Stavros	Firefighter
Eian Woodman	Firefighter
Michael French	Firefighter/Arson Investigator
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
Dustin Collupy	Firefighter, Probationary

A motion was made, seconded, and voted by Chairman O'Donnell and Selectman Gould-Coviello to appoint Dexter Doane as Firefighter to a One-Year Appointment to the Fire Department (7/1/16-6/30/17).

The Selectmen were reminded their next regular meeting will take place on Monday, August 15<sup>th</sup>, 2016, at 7:00 p.m. in the second floor meeting room at the Senior Center on Pickering Street.

Christine Winfrey and Stuart Winfrey came before the Selectmen regarding a request to transfer two Robbins Island leases. After reviewing the request for the two properties, Selectman Gould-Coviello entertained a motion to approve a written request for the transfer of all interests in the leasehold for the property at 44 Robbins Island Road (Map 108, Lot 12 and a portion of Map 108, Lot 15 – formerly the entirety of Lot 14) from Dr. Eckart Sachsse to Christine and Stuart Winfrey; and further stated that nothing in this approval was intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Dr. Eckart Sachsse. The motion was moved, seconded, and unanimously voted. Mr. and Mrs. Winfrey then asked for permission to sublet the property to the Sachsse family. A motion was made, seconded, and unanimously voted to approve the request. In addition, the Winfreys said that they would like to accept the purchase and sale offer that the Selectmen had made to Dr. Sachsse for Lot 12 on Map 108. The Winfreys signed the Purchase and Sales Agreement and gave the Selectmen their deposit. The Selectmen counter-signed the agreement. Mr. and Mrs. Winfrey said that they would like permission to remove a couple of trees from the property in order to provide additional off-street parking and were advised to consult with the Conservation Commission and that the Selectmen were fine with the removal, subject to the Commission's approval. Mr. and Mrs. Winfrey thanked the Selectmen and left the meeting with Bill Liberti.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 9<sup>th</sup> through July 22<sup>nd</sup>, 2016, regarding the following:

Library Electrical Change Order: Mr. Zubricki reported that the Project Architect and the Project Electrician had prepared a change order specification, based on information provided by the Library Trustees, and asked the Library Trustees if they were in agreement with the new specifications. They were, and a motion was made, seconded, and unanimously voted by the Library Trustees to approve the change order for electrical wiring and outlets in the Library. The Project Architect will now send the specification to the General Contractor to get a price.

Review of Library Furnishing Items: Mr. Zubricki reviewed the various furniture items for the Library. Some of the built-in items are already in the contractor's contract and will be provided by him. The Library Trustees have indicated that they would like additional specialty items and will seek estimates from local artisans for these items. Mr. Zubricki will ask the Project Architect to get a price from the General Contractor for this work as well. Mr. Zubricki will include some standard items in the general furniture bid specifications and will include the specialty items in a separate section of that bid. Therefore, the specialty items will be priced three ways.

Further Development of General Furniture Bid Specification: Mr. Zubricki said that he is continuing to work on the specifications for the general furniture bid. He asked the Selectmen and the Library Trustees to consider the type of table and associated chairs they would prefer for the small shared conference room on the first floor of the Town Hall. More discussion will occur at the next meeting.

Use of Ryder Trust to Finish Third-Floor Meeting Space in Town Hall: Mr. Zubricki reported that Town Counsel has said that the Town may use the Ryder Trust money to help fund the restoration of the third floor meeting room at the Town Hall. The room will retain the original ceiling of the old meeting hall and be able to accommodate groups of perhaps 50 persons. The room will be accessible by both stairways and the elevator. Mr. Zubricki said that McGinley Kalsow is currently working on a design proposal and cost estimate for the meeting room.

Jen Mayer, Beth Cairns, Diane Kotch, and Deb French left the meeting.

Release of Grinder Pump Easement, 1 Riverview Hill Road: Mr. Zubricki said that when the sewer system was installed, certain properties required grinder pumps and the property owners at that time gave the DPW easements on their properties to install and maintain the pumps. The easements were not transferable when the property was sold. Mr. Zubricki said that Susan and Neal Whoriskey, current owners of property on Riverview Hill Road, would like to build a swimming pool on their property which would interfere with the easement granted by the previous owner. Town Counsel has prepared a release of the easement rights to be agreed to by both the Whoriskeys and the Town, which will require the Whoriskeys to maintain the sewer facilities on their property from this point forward. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign the release.

Network Security Testing and Training Review: Mr. Zubricki said that the Town's auditors have suggested certain security testing regarding the Town's emails and internet traffic. The Town's

consultant, Edgewater Technology, has suggested the firm of INS, and Mr. Zubricki has been working with them on an initial analysis of the Town's systems and practices. Mr. Zubricki said that it may be advisable to utilize their services, which could be paid from the Technology Fund, on a regular basis. Mr. Zubricki said that INS will issue a preliminary report shortly.

Masonry/Window/Insulation/Varnish Change Order Requests, Town Hall: Mr. Zubricki said that there have been changes in the masonry work required and that the change orders may be available by the next Selectmen's meeting for discussion and possible approval. Mr. Zubricki said that the Project Architect has suggested hardwood floors for the Library. However, the Trustees of the Library want the space to be carpeted.

Update Concerning Folsom Pavilion Restoration/Replacement Analysis: Mr. Zubricki reported that McGinley Kalsow is working on two design proposals for the Folsom Pavilion, one to renovate the existing structure and one to completely replace the structure.

Northern Conomo Point Public Access Design Update: Mr. Zubricki said that two meetings have been scheduled (one with Town boards and committees and one public forum) to discuss design plans for two public access areas at northern Conomo Point. Mr. Zubricki has also obtained permission from the Conservation Commission to perform an initial survey of the existing seawall at 153 Conomo Point Road to determine if it will need to be improved. Mr. Zubricki agreed with a comment made by Planning Board Chairman Westley Burnham that a Special Permit will be necessary for these new facilities.

Selectman Gould-Coviello reported that the Conomo Point Planning Committee had met recently and that they will be seeking to change the by-law that established their committee to reduce the number of members.

Deb French rejoined the meeting.

Town Clerk Christina St. Pierre led the Quarterly Department Head Meeting portion of the Selectmen's meeting. Dawn Burnham has been filling in while Christina has been on leave. Both reported that everything is running smoothly in their department and that they are busy getting ready for the upcoming election.

Board of Health Agent Erin Kirchner reported that the Board of Health is very busy doing the regular summer inspections of beaches and day camps, in addition to all the usual ones. She said that she had attended the first processing of poultry at a Western Avenue farm and it had gone smoothly and quietly.

Librarian Deborah French said that their recent root beer float event at Centennial Grove had been enormously successful and the summer reading program has been well attended. The Library is pleased with their temporary quarters on Western Avenue and it is working out well for their needs.

Matt Coogan said that the Strategic Planning Committee has had two meetings. The Committee is working to organize and prioritize items on the recently created strategic plan for the Town. The Committee is also assisting with the parking study. The Committee plans to meet again in August to discuss applying for another community compact with the State. The focus of the new compact would be to assist with economic development.

Police Chief Pete Silva reported that the Department has received a pedestrian safety grant which will be used to improve sidewalks in Town. The Department recently tested Town establishments that sell alcohol and two had failed to ask for ID's before serving alcohol to underage persons. The Chief said that the first bike patrol of the season is planned for this coming weekend. There was a serious boating accident recently out by Conomo Point that the Department assisted with and an arrest was subsequently made by the Gloucester Police. The Department is also regularly patrolling Centennial Grove and asking all non-residents to leave. Presently, he is still trying to schedule the car show for sometime this fall.

Planning Board Chair Westley Burnham reported that his Board had recently approved the Robbins Island subdivision. The Planning Board is also assisting with the downtown parking survey.

Bicentennial Committee Chair Dawn Burnham noted that her committee has been meeting for a year and a half now and have several things planned for the future celebration. She said that the money appropriated by the Town for the celebration could only be used by the Committee the year before the celebration, the year during the celebration, and the year after the celebration. As a result, the Committee is planning fund raisers to provide money for items they have to fund now. She said one of the events planned is a garden tour and Mr. Zubricki is checking with the Town's insurance carrier on the question of providing insurance for that event.

Annie Cameron and Alva Ingaharro reported that the School Committee is planning on taking an assessment tour of the school buildings. The District has recently hired some new personnel, including a new principal for one of the schools.

Animal Control Officer Amy Reilly reported that she has recently attended specialized training for apprehending various types of animals. No incidences of rabies have been reported so far this year. However, both Amy and the Board of Health Agent agreed that the number of tick bites and incidences of Lyme disease have increased. Also, there has been a large increase in the rat population on the north shore.

Superintendent Paul Goodwin reported that bids had been received for the water filter project. The successful bid was \$70,000 higher than the current funding for the project. The shortfall may be funded by a combination of money from the Reserve Fund and Line Item Transfers. He said that there had been two very bad sewer clogs on Main Street in the vicinity of the Richdale Store due to large amounts of grease. He also reminded everyone that there is a water ban in effect in Town. The Department will be using Chapter 90 money to fund paving again this year and a new truck. They are also currently improving the sidewalk on Martin Street.

Mr. Zubricki provided an update for those present on the current progress of the Town Hall/Library project. It was suggested that plans of the project be placed on the Town website.

Mr. Zubricki reported that the five remaining properties owned by the Town on southern Conomo Point have offers on them and some sale offers have already been signed by the lessees at Robbins Island.

The Chairman thanked everyone for coming to the Quarterly Meeting and everyone left except Chief Silva and Tina Lane.

Beneficial Use Study, Thin Layer Deposition, Army Corps of Engineers: Mr. Zubricki reported that the Army Corps of Engineers is interested in thin layer deposition, but is also interested in exploring an alternative method. They will be coming to Essex to explore potential sites for marsh and/or clam flat restoration with local salt marsh expert Peter Phippen.

The Selectmen reviewed and signed a letter to two Essex establishments that recently served alcohol to minors.

Concerning Conomo Point matters, the Selectmen reviewed correspondence from Thayer Adams regarding removal of the structure at 9 Beach Circle. The Selectmen were in agreement that Ms. Adams be allowed to remove the structure. It was also agreed that she would be sent another letter granting approval of the removal, but specifying that all permitting be applied for by a certain date and that the structure be removed by no later than April 15, 2017. That letter will be sent at the Board's next meeting.

The Selectmen considered offers for purchase for the five remaining, occupiable, Town-owned properties at southern Conomo Point. A motion was made, seconded, and unanimously voted to accept and sign offers for the following properties:

- 7 Cogswell Road – Map 110, Lot 29
- 19 Cogswell Road – Map 110, Lot 32
- 24 Cogswell Road – Map 110, Lot 21
- 31 Cogswell Road – Map 110, Lot 16
- 92 Conomo Point Road – Map 110, Lot 25

A motion was made, seconded, and unanimously voted to counter-sign the purchase and sale agreements when they become available from Town Counsel with each of the prospective buyers.

At 9:23 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; and, the lease, sale, and value of real property at Conomo Point; 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 and negotiating strategies and invited the Town

Administrator to attend the Executive Session. She said that the Board would only be returning to Open Session to adjourn the meeting. 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 9:37 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: \_\_\_\_\_  
Susan Gould-Coviello