

**Selectmen's Meeting Minutes
Senior Center**

September 12, 2016

Present: Chairman Lisa O'Donnell, Selectman David Doane, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Acting Administrative Assistant Dawn Burnham.

Also present: Librarian Debbie French, Library Trustees Beth Cairns, Diane Kotch and Jennifer Mayer, Dianna Hughes, Council on Aging members, Michelle French, Jess Webb, Priscilla Doucette, Trisha McGrath, Keith Symmes and Kay Joseph, Ernie & Wendy Nieberle, Beth Story, Nancy Merring, Tina Lane, Julie Scofield, Helen Brown, Maria Burnham, Sarah Wolf, Paula Newton, Anthony & Stephanie Storella, Andrea Bingham and Stephen Gondert.

The chairman called the meeting to order at 7 pm in the Senior Center meeting room on the second floor and announced that the Board would hear Public Comment. Beth Story spoke about her concerns for the Library. The Chairman noted the Library was on the agenda and invited all who were interested in the Library to stay for that part of the meeting.

Discussion with the Essex County Greenbelt concerning a proposed conservation restriction was tabled because Mr. LaPointe called in advance to say that he would not have the documents ready for the present meeting. He will contact Mr. Zubricki to reschedule.

A motion was made, seconded and unanimously voted to approve the weekly warrant in the amount of \$174,155.69.

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 09-08-16 and the 9-15-16 warrants 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	08/24/16	127.30	Shellfish
Ernie Nieberle	Nieberle's	08/24/16	367.65	Fire
Ernie Nieberle	Nieberle's	08/24/16	6.90	Harbormaster
Ernie Nieberle	Nieberle's	08/24/16	595.10	Police

A motion was made, seconded, and unanimously voted to approve the following requests for licenses, with waivers of the application deadlines concerning the two clamming licenses, due to special circumstances:

- Annual Non-resident Recreational Clamming Permit, Scott Perkins, Cape Neddick, ME
- Commercial Clamming Permit, Mark Ross, 115 Western Avenue, Essex, MA
- Approve application by Woodman's, Inc. for One-Day Wine & Malt License on September 13, 2016 from 11:00 a.m. until 11:00 p.m. within the confines of the tent area at 125 Main Street.

Council on Aging members Keith Symmes, Priscilla Doucette, Trisha McGrath, Michelle French, Kay Joseph and Jess Webb met to review status of operations. Michelle French stated the board was working well together and move forward. Two committees have been established.

One sub-committee is establishing rules, a mission statement, values and job description. The first draft of rules and been sent to Brendhan Zubricki and returned to committee for further discussion. The Council has already voted on the mission/values piece. The Council feels a revised job description is needed for the director. This will aid the director in doing her job more effectively. The Council will then also have a base for more effective performance reviews. Michelle French is acting as the liaison between the director and the Council.

The second sub-committee is dealing with transportation. The Council now has a full time van driver. Kay Joseph has been coordinating rides for seniors to get to appointments. This aspect of services has been greatly improved and is running smoothly.

The council has a Salem State intern student, Dara Goldberg, who will be working on outreach for the council. She will be developing outreach tools to see what services, programs and needs the seniors of the town are looking for. Dara reports to the director. Priscilla Doucette is now working the desk mornings, getting schedules in order and answering the phone. The Council is reviewing the director's position with the possibility of increasing this position to full time. Selectman Gould-Coviello suggested the Council attend a Finance Committee meeting to discuss this. The Council stated they are always looking for volunteers. It was also suggested to the Council they have an informational handout at the November & May Town Meetings.

Keith Symmes, Priscilla Doucette, Trisha McGrath, Michelle French, Kay Joseph and Jess Webb left the meeting.

After a brief discussion with Anthony Storella, Stephanie Storella, Stephen Gondert and Andrea Bingham to confirm they understood this property was seasonal and to confirm their willingness to accept a lease assignment, a motion was made:

I, Susan Coviello, move to approve a written request for the transfer of all interests in the leasehold for the property at 39 Middle Road, Map108, Lot 21 from **Joanne Averay to Anthony & Stephanie Storella, Andrea Bingham, and Stephen Gondert:** and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Joanne Averay. Voted Unanimously.

Mr. Zubricki began his presentation of his Town Administrator's Report for the period August 27th, through September 9th, 2016, regarding the following:

General Contractor Change Order Proposal for Library Built-in Furniture

Mr. Zubricki commented that Campbell Construction Group had not been able to provide pricing for the various custom, built-in pieces by meeting time as anticipated by the company the previous week. This matter will come back before the Selectmen, likely at the next meeting. Mr. Zubricki stated he could not get bids on these custom pieces through another avenue, the general furniture bid, until wallboard has been hung in the building. Contractors must be able to measure actual space to price each of the furniture items, including the Library the built-ins.

Beth Story questioned why the lights were not a part of original bid. Mr. Zubricki explained it had been voted on last November not to replace lighting. The lighting was fairly new. They had been approved by the Trustees and funded by the Friends of the Library. Chairman O'Donnell explained as the project progressed the lighting needs had changed, especially with respect to configuration, given that the floorplan of the Library changed. The Selectmen have already authorized a change order to ensure that any wiring changes necessary to accommodate the final light fixture positions will be made now, while the project is still in the "rough-in" state. Mr. Zubricki explained and Chairman O'Donnell confirmed that project contingency and/or an additional appropriation will be looked at by the Board for both the replacement of the light fixtures and the construction/installation of the Library built-ins.

The Library Trustees will be holding 2 informational meetings on September 19th, 10am & 7pm at the Senior Center. They will be showing pictures, a power point presentation and discussing details of the renovations at the town hall. Selectman Coviello suggested they add the completion of the third floor to their presentation to inform people before the November Town Meeting. Mr. Zubricki and Selectman Doane will attend the 10 a.m. session and Selectman Coviello will attend the 7 p.m. session.

Mr. Zubricki stated there are no prices on the completion of the third floor yet. He explained the change orders for this will come in stages and that Chairman O'Donnell had already been authorized to approve any changes necessary to keep pace with the "rough-in" stage of the project, upon favorable recommendation of the Town's Project Manager and architect. The Ryder trust will cover about half of the completion. It is the hope of the Board that the contingency fund will cover the lighting and custom built-in furniture, but additional appropriation may be necessary in November for all of these items. Selectman Gould-Coviello suggested the Town Hall Renovations be added to the Information Meeting on September 22nd. Mr. Zubricki shared what was already on the agenda for the 22nd: public waterfront access improvements in two areas of northern Conomo Point, the future of the Centennial Grove Cottage, the future of the Personnel Board, and the potential revitalization of the Youth Commission.

Jennifer Mayer, Nancy Merring, Beth Cairns, Sarah Wolf, Paula Newton, Helen Brown, Dianna Hughes and Julie Scofield left the meeting.

Preference for Removal or Preservation of Front Town Hall Sign

Mr. Zubricki stated the Architect doesn't feel there is any historical significance to the sign. He will check with the Historical Commission. Chairman O'Donnell stated she feels it is not very old. The Board was in agreement that it could be removed and kept aside for possible display within the building if the Historical Commission is not concerned about its removal.

Authorization of Chairman to Approve Plaster Repair Decisions

Mr. Zubricki explained that some walls just need repairs some need to be completely replastered. If the contractor feels that it would be more cost-effective to them to replace a section of wall rather than repairing it, there is no extra cost to the Town. However, if the Town requests a wall be completely replaced, the Town will incur additional charges. A motion was made, seconded

and unanimously voted to allow the Chairman to make decisions in regards to plaster repair issues, on a case-by-case basis.

Discussion was continued about seating at the Riversbend Restaurant. Mr. Zubricki stated he had spoken with the other restaurants in town. The seating inside does not change when these restaurants close their decks for either inclement weather or during the off-season. The Board felt they need more information before making a decision on if inside seating can be added if the deck at Riversbend is closed. Mr. Bergeron, the owner of Riversbend, has been informed by the Building Inspector that he must get an architect to certify the maximum occupancy of both the interior dining room and the outdoor deck. Questions were raised about who is checking on the number of seats on the deck and inside the restaurant. The Board explained there is no "enforcement arm". Chairman O'Donnell explained she had spoken to the owners about removing some of the seating on the deck after she found there were more than 31 seats. Mr. Zubricki explained when there is a complaint the issue is checked into. He also stated there are annual inspections. The chairman expressed the need for consistency in this matter. The decision could be creating a new policy. Selectman Gould-Coviello said she will start visiting the restaurant to do seating counts. She also thanked Mr. Zubricki for fielding the calls about this issue. Debbie French asked about the "flag" signs the restaurant has on the river side of the property. Mr. Zubricki suggested she should check with the building inspector on signage regulations.

Ernie & Wendy Nieberle left the meeting.

Mr. Zubricki continued his presentation.

Northern Conomo Point Waterfront Public Access Design Meeting

Mr. Zubricki reported all groups present at the meeting were generally pleased with the plan. Angus Bruce, Conservation Commissioner, felt it was a reasonable plan. All had agreed that the overlook deck at lot 153 should be scaled back, but still cantilevered somewhat over the water. There was a discussion about the parking area which can hold 14-16 vehicles without boat trailers. Selectman Gould-Coviello felt there should be 2 trees at the back of the parking lot. Chairman O'Donnell discussed that there will need to be a plan to in place to keep this area open for town residents who are visiting the point and suggested that an alternative planting plan incorporating low shrubs also be considered.

Debbie French left the meeting.

Continued Review of Cyber Security Analysis Proposal

Mr. Zubricki checked with other towns to see what they are doing in this regard. He stated there were towns which had not received similar recommendations from auditors and/or do nothing to test security. Other towns have received similar recommendations and have implemented both external penetration testing and special training for users regarding avoiding threats that arrive via e-mail. The pricing provided by the vendor, INS, was in line with what other municipalities are paying. Edgewater advised Mr. Zubricki with the system we have it would be possible, after base testing on all interfaces to only test one interface a year thereafter. The initial testing will

not exceed \$7,200, with user training not to exceed \$5,100. The total will likely not exceed \$10,000, once the final program is customized to our environment. Mr. Zubricki stated the Technology Fund, which receives funds from the local cable company, would be able to fund this. A motion was made, seconded, and voted unanimously to except the INS proposal to be funded from the Technology Fund.

Replacement of Electric Line on Centennial Grove Road

Mr. Zubricki explained that the electric line to the Water Filtration Plant along Centennial Grove Road has been spliced and repaired many times. Trees are continually fall on the line causing the repairs on the line to snap. National Grid would like to replace this line installing new poles that will all be on Town property. This would have to go to a Town Meeting vote to authorize the necessary easements. The Board agreed that the topic should be added to the warrant for the Fall Town Meeting.

Maria Burnham and Tina Lane left the meeting.

Mr. Zubricki brought up #4 & #8 Conomo Lane for discussion. Question was raised as to what should be done with these properties? Mr. Zubricki will check with Town Counsel on this. Chairman O'Donnell suggested the area might be used for additional parking. Mr. Zubricki will review the matter with Landscape Architect James Heroux and with Town Counsel Gregg Corbo.

Continued Review of Potential Fall Town Meeting Topics

Mr. Zubricki brought a revised and extended list of topics for discussion. He will revise the list in accordance with the Board's guidance and will bring it to the next meeting.

Diane Kotch left the meeting.

Cub Scout Pack 100 would like to use the Centennial Grove Cottage for several meetings this fall and winter. It was discussed that the police will have to open and relock the gate, along with the cottage locks and alarm system. George Mullen, the contact person understands for several of the meetings there will be no water and that no heating system exists (including the off-limits fireplace). He would like permission to remove the pine needles from the roof. The Board agreed to allow him to do this. A motion was made, seconded and unanimously voted to allow Pack 100 to use the cottage at the Grove and waive all fees.

At the Board's previous request, Mr. Zubricki had developed with Town Counsel suggested revisions to the Harbor Regulations, regarding transferability of moorings. Chairman O'Donnell suggested the Board invite Chief Silva (who she had provided the suggestions to already) to the meeting on October 3rd. The Board agreed.

A motion was made, seconded and unanimously voted to make Christina St. Pierre the Town's Record access Officer (RAO) under the recent revision to the Public Records Law.

Mr. Zubricki brought up the policy regarding charging for non-resident vehicles to use the Town Ramp to launch kayaks. Mr. Zubricki received a letter from a kayak club member who is upset with the policy. After a brief discussion the Board agreed to continue the present policy of charging non-residents \$20.00 when launching kayaks at the Town landing.

A motion was made, seconded, and voted unanimously to appoint Mr. Daniel L. Casey to the Police Department as a Special Police Officer, contingent upon successful passage of drug, medical, psychological, and any other required testing.

A motion was made, seconded and unanimously voted to sign deeds associated with the sale of the following properties:

Robbins Island:

- Riggs, 42 Robbins Island Road, Map 108, Lot 11

Southern Conomo Point:

- Kelly, 19 Cogswell Road, Map 110, Lot 32
- Sydlowski, 31 Cogswell Road, Map 110, Lot 16
- Markiewicz, 92 Conomo Point Road, Map 110, Lot 25

Mr. Zubricki stated Mr. Mayer and Ms. Mackenzie would like to remove some dead trees at 9 Beach Circle that will hinder the moving of the house to Mr. Mayer's other property. A motion was made, seconded and voted unanimously that contingent upon Conservation and Tree Warden approval, the dead trees could be removed.

A complaint was filed with the Conservation Commission and Mr. Zubricki that the tenant at 25 Robbins Island Road was filling in an area to extend their driveway. Mr. Zubricki asked the Conservation Agent to check into this matter and contacted the tenant to inform him about the allegation. The Board agreed that, should the allegation translate to a Wetlands Protection Act violation, Mr. Zubricki should work with Town Counsel to hold the tenant accountable for all costs.

Mr. Zubricki asked the Board if they wanted to again contribute \$200.00 to purchase mums through the Essex Merchants' Group. The board agreed to this. Mr. Zubricki will add this to the bills for next meeting.

The chairman commented that the office of the Attorney General has indicted John Carr of Boston Business Services after investigation of alleged misappropriation of funds and fraud. Mr. Zubricki will work through Town Counsel to ensure that the Attorney General is aware of the suit filed by the Town seeking restitution for significant State and Federal payroll taxes that the Town had to pay twice, due to Mr. Carr's alleged illegal activities.

The chairman closed the meeting at 9:26.

REMINDER: The next regular Board of Selectmen's meeting will take place on Monday, September 26, 2016, at 7:00 p.m. in the second floor meeting room at the Senior Center on

Pickering Street. The Board will also meet on Thursday, September 22, 2016, at 7:00 p.m. at the Essex Elementary School, along with other boards, for a public input forum regarding the Northern Conomo Point Improvement Project, and other items of Town interest.

Prepared By Dawn Burnham

September 13, 2016
Date

Attested By Susan Gould-Coviello

Date