

**Selectmen's Minutes  
Town Hall Stage Conference Area**

**September 11, 2017**

Present: Chairman Lisa J. O'Donnell, Selectman David A. Doane, Selectman Andrew C. Spinney, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Vickie Cataldo, Matt Coogan, and Tina Lane.

The Chairman called the meeting to order at 6:00 p.m. in the Stage Conference area on the second floor of the Town Hall at 30 Martin Street.

The Chairman asked if there was any Public Comment. Vickie Cataldo said that she had come at the request of Rolf Madsen, who had requested the release of any Board of Selectmen's Executive Session minutes regarding 89 Pond Street and Frank Bergman. Mr. Zubricki said that he had found Executive Session minutes from July 31, 1978 and from September 17, 1979 regarding this matter. He said that Town Counsel had no objection to the minutes being released. A motion was made, seconded, and unanimously voted to release the Board of Selectmen's Executive Session minutes for July 31, 1978 and September 17, 1979. Mr. Zubricki gave Mrs. Cataldo copies of the minutes and she left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$110,611.93.

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 8/31/17 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>
James McNeilly	McNeilly EMS	08/31/17	\$ 370.00	Fire Dept

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 9/7/17 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>
David Pereen	Pereen Plumbing	08/26/17	\$ 1,055.00	Council on Aging
Ramie Reader	Reader Electric	08/03/17	\$ 1,485.00	Board of Selectmen
Ernie Nieberle	Nieberles	08/31/17	\$ 722.28	Police Dept
Ernie Nieberle	Nieberles	08/30/17	\$ 191.48	Fire Dept
Ernie Nieberle	Nieberles	08/31/17	\$ 134.70	Council on Aging

A motion was made, seconded, and unanimously voted to approve a request to the Finance Committee for a Line Item Transfer in the amount of \$600.00 from Blanket Insurance to Generator Maintenance.

A motion was made, seconded, and voted (with Selectman Doane abstaining) to approve the minutes for the Selectmen's August 28<sup>th</sup>, 2017, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a *request to accept a \$200.00 donation* from the Essex Merchants Group to be deposited in the Police Department Gift Account.

The Selectmen discussed the status of Home Rule Petition, which concerns allowing retired Police Officers to work Police details, and how it was affected by the recent change in the Labor Law. The Board was of the opinion that the Special Legislation may still be appropriate, and decided that it would be brought back before the Fall Town Meeting in November.

The Board again considered the possible prohibition of clam harvesting on Sundays. Following a discussion, the Board voted (with Selectman Doane abstaining) not to change the Town's Clamming regulations.

At 6:30 p.m., Matt Coogan joined the Selectmen to discuss a possible purchase of the Town's streetlights from National Grid and to update the Board concerning the status of the Massachusetts Downtown Initiative Grant exploring a mixed use zoning overlay district in the downtown area.

Mr. Zubricki said that National Grid has increased the cost it would charge the Town to purchase the streetlights (from our earlier, 2014 cost estimate), not because the streetlights are worth more, but as a result of capital investments that the company has made in Essex. After discussion, it was agreed that Mr. Zubricki will investigate a program that may be offered by National Grid, whereby they retain ownership of the lights and convert them to LED. The Town would realize some cost savings due to the decreased use of energy. The Town's project for purchasing the lights will be put on hold, pending more information about the National Grid program.

Matt Coogan said that the Town has been successful for a second time in obtaining an MDI grant. This grant is to study the implementation of mixed-use zoning in the downtown area. He reported that the Shareholder Input Session that was held at the Town Hall on August 31, was very successful. They plan to hold a public forum and eventually provide a list of options available to the Town for better management of the downtown area.

Those present discussed the upcoming Town Building Committee meeting on September 20, 2017, to view and discuss the progress of the visual renderings of a proposed new public safety building. Mr. Coogan expressed interest in attending and the Board of Selectmen will be posted as attending as well.

Matt Coogan left the meeting.

A motion was made, seconded, and unanimously voted to approve a request by a local Girl Scout to file a Request for Determination of Applicability (RDA) under the Wetlands Protection Act

with the Conservation Commission, regarding a proposed project to restore the small pond at the Essex Elementary School for occupancy by wildlife on a year-round basis. The project will keep the pond at a higher level on a year-round basis. The document was signed by the Chairman.

A question was raised regarding the new owner's plans for the property at 99 Main Street, and it was agreed to add discussion regarding this item to the next Selectmen's meeting agenda. In the meantime, Mr. Zubricki will ask the Building Inspector and other departments, if any permit applications have been filed.

Mr. Zubricki reviewed correspondence from Town Counsel announcing an increase of \$5.00 in their hourly billing rate, effective October 1, 2017.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to ratify the increase of the number of poured concrete slabs for memorial benches at the new Conomo Waterfront Park from three to five. Mr. Zubricki reminded the Selectmen that there is a Conomo Point site visit planned for tomorrow morning at 8:30 to view the proposed locations for the bench slabs and bird box slabs.

The Selectmen considered a request that was made to Mr. Zubricki today for approval of a building permit regarding replacement of a porch and side porch at 31 Middle Road. The matter was raised since the applicant applied to the Building Inspector in mid-August, but a clerical issue may have delayed processing. The Selectmen were generally in favor of the request and the Selectmen's approval of the request will be scheduled for ratification at their next meeting pending receipt of the building permit application and other relevant information.

The Selectmen reviewed some requests for changes to parking at Conomo Point that were suggested at their last meeting:

- A motion was made, seconded, and unanimously voted to deny a request to allow non-resident buses to park in the Conomo Lane lot for private kayak tours. Selectman Spinney read a letter on a related matter regarding a request to issue parking permits to non-residents that are members of the Conomo Point Association and have moorings at the Point. A motion was made, seconded, and unanimously voted to deny this request.
- A motion was made, seconded, and unanimously voted to approve a suggestion to designate all parking spaces across from Clammers' Beach as vehicles with trailers only spaces.
- A motion was made, seconded, and unanimously voted to also approve a suggestion to designate the first two parking spaces to the left of the Front Beach ramp as a loading-and-unloading-only area.

The Selectmen asked Mr. Zubricki to check permitting regarding Dynamic Auto Brokers at 147 Eastern Avenue for discussion at their next meeting on September 25<sup>th</sup>, relative to an anonymous complaint.

A motion was made, seconded, and unanimously voted to sign cover letters offering leases for northern Conomo Point, Robbins Island, and Beach Circle as follows (Assessors' map 108 to be reconfigured in accordance with Conomo Point Commissioners' revised leasehold maps):

- Category 3: Accessory Lots without Building, 1-Year, Seasonal Leases:
  - 179 Conomo Pt Rd, Map 108, Lot 29 B
  - 165 Conomo Pt Rd, Map 108, Lot 35
  - 159 Conomo Pt Rd, Map 108, Lot 38
  - 162 Conomo Pt Rd, Map 108, Lot 44 B
  - 170 Conomo Pt Rd, Map 108, Lot 47
  - 172 Conomo Pt Rd, Map 108, Lot 48 B
  - 113 Conomo Pt Rd, Map 108, Lot 74
- Category 4: Accessory Lots with Building(s), 1-Year, Seasonal Leases:
  - 9 Conomo Ln, Map 108, Lot 26
  - 173 Conomo Pt Rd, Map 108, Lot 31
  - 163 Conomo Pt Rd, Map 108, Lot 36
  - 21 Middle Rd, Map 108, Lot 49 B
  - Conomo Pt, Map 108, Lot 50
  - 109 Conomo Pt Rd, Map 108, Lot 77B
- Category 7: Seasonal 1-Year Lease for Property with Dwelling:
  - 11 Beach C, Map 108, Lot 79
- Category 8: Robbins Island Accessory Lots with Buildings, Seasonal 1-Year Leases:
  - 43 Robbins Island Rd, Map 108, Lot 15 1
  - 44 Robbins Island Rd, Map 108, Lot 15 2
- Category 10: Lots with Building(s) and No Primary Dwelling Lot, 1-Year, Seasonal Lease:
  - 161 Conomo Pt Rd, Map 108, Lot 37
  - 159 Conomo Pt Rd, Map 108, Lot 39
  - 155 Conomo Pt Rd, Map 108, Lot 40
- Category 11: Accessory Lots with Building(s) and Septic System Components, 1-Year, Seasonal Lease:
  - 168 Conomo Pt Rd, Map 108, Lot 46

Acting in their capacity as Licensing Board, the Selectmen discussed Selectman Spinney's analysis of the disciplinary actions instituted by other Towns regarding alcohol violations. Mr.

Zubricki will develop a chart based on Mr. Spinney's analysis to be discussed at the next Selectmen's meeting for possible inclusion in the Town's current Alcohol Regulations.

Commercial Shellfish Permit and Application Deadline Waiver Request: The Selectmen considered an application from Zaim Seraj, who has already paid the application fee and the late fee. Mr. Seraj has recently moved to Essex. He can only provide alternate types of proof of residency documents, and he is not listed in the current street census. Mr. Zubricki cited D-1.2b (3) of the Town's Clamming, Sea Worm and Eel Regulations which allows an exemption for not complying with the street census requirement. Based on Mr. Seraj's presentation of alternative documents (D-1.2b (4)) and the exemption in the Town's regulations, a motion was made, seconded, and unanimously voted to approve the request for a deadline waiver and the application. The Selectmen signed the document.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 25, 2017, at 6:00 p.m. in the Town Hall Stage Conference Area on Martin Street.

Mr. Zubricki said that he had been contacted today by Mass Audubon and they are planning an educational field trip for parents and children tomorrow at Conomo Point. They are requesting permission to park in resident areas. Town policy at present, is to only issue resident stickers to residents and Mr. Zubricki will advise Mass Audubon regarding the Town policy.

Mr. Zubricki said that he had also been contacted by a motorcycle group with a request for permission to pass over Essex roads. They are planning a ride that will pass through Essex on Saturday, September 16, 2017. The group has already informed the Police Department of their intentions and promised that next year they will submit their request to the Selectmen earlier.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 26<sup>th</sup> through September 8<sup>th</sup>, 2017, regarding the following:

Designation and Management of Conservation Land: Mr. Zubricki reported that both he and Chairman O'Donnell had met recently with Open Space Committee Chair Julie Scofield and Conservation Commission Chair Michael Burke to discuss the management of conservation land. The Conservation Commission currently has a number of parcels under their care and the Open Space Committee would like to add several more properties. Unfortunately, the ConCom has no means of managing these properties. It was suggested that the Town could issue a license or enter into an agreement with a third party conservation group who would agree to and be able to better manage the properties (either existing or proposed). Town Counsel is currently reviewing a variety of issues surrounding this matter and will be preparing a list of options available to the Town. The Selectmen asked Mr. Zubricki to obtain a list of the properties proposed by the Open Space Committee as candidates to be placed in conservation.

Town Building Committee Update, Public Safety Building(s): Mr. Zubricki and Chairman O'Donnell reported on their attendance at the recent Town Building Committee meeting, where they met with a representative from Lincoln Architects. Discussion at the meeting had centered around the types of visual renderings that Lincoln could provide and which ones might best suit the Town's needs. Another TBC meeting is being planned for September 20, at which time the Lincoln representative will exhibit his progress on the project. It was agreed that the Selectmen would be posted for attendance at the meeting and that the Department of Public Works and the Finance Committee would be invited to attend.

Request for Proposals for Centennial Grove Master Plan: Those present reviewed a draft of a suggested fourth criterion to be used to rate the RFP responses that are received to provide a master plan for Centennial Grove management. All were in favor and Mr. Zubricki will add the fourth criterion to the RFP for final approval at the next Selectmen's meeting.

Cleaning Historic Safe Doors & Straightening Lamp Posts, Town Hall: Mr. Zubricki reported that he had received clarification and a new estimate regarding restoration of the safe doors that are displayed in the Town Hall entrance. He said that once the restoration procedure has been completed, it will not be necessary to place a protective shield or cage around the doors to guard against toxicity. The new estimate for the doors is \$3,400 and the Selectmen agreed to seek Community Preservation Act funding for the project at the Fall Town Meeting. Regarding straightening of the lamp posts in front of the Town Hall, Mr. Zubricki said that he has an estimate from Campbell Construction in the amount of \$6,500, but has been unable to find another contractor to bid on the project. It was suggested that Mark Haskell should be consulted regarding an estimate and that CPA funding should also be sought for this at the Fall Town Meeting.

School Budget Collaboration Group Meeting: Chairman O'Donnell and Mr. Zubricki reported that they had met with the School Committee, representatives from the Finance Committees from both Manchester and Essex, as well as School Board members and Selectmen, to discuss how to represent five-year operations budget projections for each entity. Mr. Zubricki said that he and Town Accountant Roxanne Tieri have been modifying a projection model that he obtained from another town that is extremely well suited to the needs for this process. The goal is to present a budget that provides all the information needed by each group in a cohesive and easily understood manner. Prior to a future public meeting on this projection process, School Officials will meet separately with each Finance Committee.

Further Review of Preliminary Fall Town Meeting Topic List: Mr. Zubricki reviewed each of the items on his updated list of town meeting topics in tiers 1, 2, and 3. Mr. Zubricki will incorporate the Selectmen's comments into a first draft of the actual warrant, which will be

reviewed again at the next Selectmen's meeting. It was agreed that the Finance Committee would be invited to that meeting to take part in the discussion.

There being no further business before the Board this evening, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:40 p.m.

Documents used during this meeting include the following:

*Request to accept a \$200.00 donation*

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

Attested by: \_\_\_\_\_  
Andrew C. Spinney