

**Selectmen's Minutes
Town Hall 2nd Floor Stage Conference Area**

October 30, 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: Virginia Antell, Dawn Burnham, Westley Burnham, Nat Crosby, Kim Drake, Michelle Dyer, David Gabor, Peter Genest, Peter Hoare, William Knovak, Tina Lane, Amy Robinson, Pete Silva, and Christina St. Pierre.

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 and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$169,779.16.

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 10/19/17 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>
Ernie Nieberle	Nieberle	09/24/17	\$1,447.20	Highway Dept

A second 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 10/26/17 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	10/16/17	\$ 290.00	Fire Dept

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's October 16th, 2017, Open Meeting and Executive Session.

Mr. Zubricki reported that the revised Regional Lockup Agreement with the Essex County Sheriff's Department was not yet ready for review.

A motion was made, seconded, and unanimously voted to approve a **recommendation from Town Clerk St. Pierre** to appoint Dottie Elwell to a 3-year term as back-up Assistant Town Clerk. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to approve a **recommendation from Chief Silva to appoint Lauren Pereen** to the position of Special Police Officer, contingent upon passing drug, medical, and psychological testing and screening. And, a motion was made, seconded, and unanimously voted to approve another **recommendation from Chief Silva to appoint Matthew J. Lipinski** to the position of Special Police Officer, contingent upon passing drug, medical, and psychological testing and screening. The Selectmen signed both appointment cards.

A motion was made, seconded, and unanimously voted to approve a belated *request from Essex Fortune Palace* to close October 1, 2017 and reopen at the end of December for cleaning and repairs.

Peter Genest joined the Selectmen regarding his request for a Senior Shellfishing Permit. Mr. Genest said that he is in the process of moving back to Essex, but has to spend a great amount of time helping his brother in Florida, who recently had a stroke. Mr. Genest was unable to provide the customary items for documentation of residence, but did furnish a couple other items. It was noted that he had homesteaded his house in Florida, and homesteading requires that the dwelling be a person's official residence of record. He explained that he is in the process of renting that house out. After some discussion, a motion was made, seconded, and unanimously voted to approve the issuance of a license to Mr. Genest for the remainder of the year, but that the renewal in March would be contingent upon Mr. Genest providing proof that he is residing in Essex for more than half of the year, with all of the traditionally required paperwork. Also, the Board stated that the license is provisional, and that Mr. Genest must appear before the Board personally at renewal time. He will be expected to show proof that his Florida home is rented out. The Selectmen signed the application and, after assenting to the Board's conditions, Mr. Genest thanked the Selectmen and left the meeting.

Peter Hoare, of Southern Avenue, joined the Selectmen to discuss his plans for a dog kennel, which will provide doggy day care and offer some overnight boarding. Currently, Mr. Hoare has a kennel license for an unlimited number of dogs (eleven or more). Those present discussed proposed plans for stricter regulation of dog kennels. It was agreed that if the bylaw is changed, Mr. Hoare, as the only person in town at present holding a kennel license for more than eleven dogs, would be grandfathered. After lengthy discussion, the Selectmen were in agreement that Mr. Hoare's license would be grandfathered and allow him to have between 11 and 100 dogs, as long as he met various annual inspection requirements. The Selectmen discussed drafting an amendment to the bylaw for new kennel licenses. It is anticipated that the amended bylaw will consider issuing new licenses for 11-50 dogs pending a public hearing, on a case by case basis. In addition, a public hearing will be held to re-assess the granting of any kennel license if a number of complaints are received from kennel neighbors or when a kennel proposes to add more dogs, up to the applicable cap. Mr. Hoare thanked the Selectmen and left the meeting.

Amy Robinson joined the Selectmen at the table to discuss her family's 1-year lease for 168 Conomo Point Road (Map 108, Lot 46). The Goldsberry family also has a 20-year lease for a seasonal residence at 11 Middle Road and a 1-year lease for a lot at 170 Conomo Point Road. The family would like to install a title 5 septic system on the 168 Conomo Point Road property, but are hesitant to do so, because of the 1-year lease. The Selectmen were in agreement that it is unlikely that they will want to retain #168 in the near future for increased public access. Mr. Zubricki reviewed several conditions suggested by Town Counsel that could be incorporated into

a revised long-term lease for #168. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to work with Town Counsel to draft a revised lease subject to #168 meeting certain conditions, such as soil testing, Board of Health approval, and a Certificate of Compliance. The Board made clear that this vote was based on a review of the facts concerning this particular case and that any future, similar requests will be reviewed on a case by case basis, which may or may not lead to the same result. Amy Robinson left the meeting.

Concerning another Conomo Point matter, Mr. Zubricki reported that allegations of possible habitation on an accessory leased lot at northern Conomo Point had proved to be false.

The Selectmen reviewed a *recommendation from Bicentennial Committee Chair Dawn Burnham* to appoint Susan Parady to fill the vacancy in the Committee's membership, and a motion was made, seconded, and unanimously voted to approve the appointment. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to approve a request for a Commercial Shellfishing Permit and Waiver of the application deadline for Joseph Rizzo.

Mr. Zubricki said that he had reviewed the list of people who had expressed interest in serving on Town committees and two people have said they would like to fill the opening on the Community Preservation Committee for one Ad Hoc member. The Board said that they would like to receive letters of interest from each of the people and also asked Mr. Zubricki to invite those interested to the Selectmen's November 27, 2017 meeting.

Treasurer/Collector Virginia Antell, Bicentennial Committee Chair and Assistant Town Clerk Dawn Burnham, Planning Board Chair Westley Burnham, Essex Historical Commission Chair Nat Crosby, Planning Board Co-Chair and Community Preservation Committee Chair Kim Drake, Finance Committee Chair Michelle Dyer, Finance Committee member and Strategic Planning Committee Chair David Gabor, Shellfish Constable William Knovak, Police Chief Pete Silva, and Town Clerk Christina St. Pierre joined the Selectmen for the Quarterly Department Head/Committee Chair Meeting. The featured topic for tonight was a presentation and discussion, led by Mr. Zubricki, of the warrant articles for the Fall Town Meeting.

Following the discussion of the warrant articles, the Chair asked if anyone present would like to comment on anything. Kim Drake asked if persons had been appointed to fill the two vacancies on the Community Preservation Committee. Mr. Zubricki said that they are working on selecting someone to fill the vacant Ad Hoc position. He said that the other opening is to be filled by a representative from the Essex Housing Authority and does not need approval by the Selectmen. The Housing Authority has already chosen Gregg Cooper as their representative.

Bicentennial Committee Chair Dawn Burnham reported that the Committee had had a record turnout at their last meeting of persons interested in helping to plan the celebration. She also reported that their calendar is now on sale for \$13.00 each. Calendar proceeds will help to fund the fireworks planned for the celebration, which will cost approximately \$1000 per minute.

Finance Committee Chair Michelle Dyer reported that the Committee has been working with Manchester Essex School people, Manchester and Essex finance people, and Manchester and Essex Selectmen on the school operating budget, long-term capital planning, and OPEB (Other Post-Employment Benefits). A series of meetings and public forums are being planned to address these issues.

Mr. Zubricki said that despite the fact that thirteen firms had expressed interest in the Centennial Grove Request for Proposals, not one had submitted a proposal. Feedback that Mr. Zubricki received from one of the thirteen firms was that the proposal had been too narrow and too focused. After a short discussion, it was agreed that Mr. Zubricki will seek additional feedback and revise the RFP for possible release again in the Spring of 2018.

Shellfish Constable Billie Knovak said that the boat and truck are running well. He said he has been assisting the new Director of Marine Fisheries with taking water samples and if the results continue to be favorable for the next few months, it is possible that more areas will be opened up for shellfish harvesting. He has also been researching seeding oysters on some of the flats. Currently, oysters are not covered under the Town's Shellfishing regulations and Constable Knovak asked how to add regulation of oyster harvesting to the existing regulations. The Board asked him to prepare a proposal for their review, which they will then discuss with Town Counsel and the Division of Marine Fisheries, as the first step in the process.

That concluded the Quarterly Meeting segment and everyone left the meeting except the Selectmen, their Assistant, the Town Administrator, and Tina Lane.

Mr. Zubricki reviewed the revised Shellfish Regulations that would now prohibit all Sunday harvesting of shellfish per the Board's vote at the last meeting. Everyone was agreed, and a motion was made, seconded, and unanimously voted to approve the revised Shellfish Regulations which will become effective January 1, 2018, on a trial basis through June 30, 2018.

The Selectmen considered signature of a *Request for Determination of Applicability for Conomo Point* phragmites removal, in conjunction with Mr. Derek Brown. The Selectmen were in favor of the project and a motion was made, seconded, and unanimously voted to authorize the Chair's signature on the document.

The Selectmen were reminded that they will attend a Finance Committee meeting to be held on Thursday, November 2, 2017, starting at 7:00 p.m. in the Essex Elementary School.

The next regular Board of Selectmen's meeting will take place on Monday, November 13, 2017, at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School on Story Street.

The Fall Town Meeting will be held on Monday, November 13, 2017, starting at 7:30 p.m. in the Essex Elementary School.

Chairman O'Donnell will attend the Age & Dementia Friendly Community Forum that will be held on Thursday, November 16, 2017, starting at 2:00 p.m. in the third floor auditorium at the Town Hall, Martin Street.

The Selectmen will attend a Manchester Essex Regional School operating budget review meeting at the Manchester Essex Regional High School on November 29, 2017, starting at 7:00 p.m.

The Selectmen will attend a Public Hearing concerning the Manchester Essex Regional School District FY2019 tentative Operating Budget at the Manchester Essex Regional High School on December 13, 2017, starting at 7:00 p.m.

The Selectmen will attend a Manchester Essex Regional School capital budget review meeting at the Manchester Essex Regional High School on December 19, 2017, starting at 7:00 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period October 14th through October 27th, 2017, regarding the following:

Evaluation of Proposals for Centennial Grove Master Plan: Mr. Zubricki reiterated that he will seek more feedback regarding the current RFP and then may adjust the scope accordingly to be approved for re-release perhaps early in 2018.

Potential RFP for Public Safety Building Land Acquisition: Mr. Zubricki said that he had consulted with Fire Chief Dan Doucette regarding the minimum criteria for choosing an alternative site for a new public safety building. The criteria include the following: must be within one mile of the existing public safety building; must have at least 150 feet of frontage on either Martin Street, Main Street, Eastern Avenue, Southern Avenue, Western Avenue, Story Street, or John Wise Avenue; must be a mostly flat site without steep grades; and, must have at least one acre of upland area. The Selectmen said that Story Street was probably not a candidate, but authorized Mr. Zubricki to pursue drafting more specific evaluation criteria for any site that meets the minimum criteria.

Joint School/Town Budget Group Meeting Summary: This item was already reported on earlier in the meeting.

Draft Fall Town Meeting Motions: Mr. Zubricki briefly reviewed a draft of the motions for the warrant articles for November 13 and the suggested presenters for each.

Mr. Zubricki also discussed with the Selectmen, Town Counsel's suggestions for drafting the articles regarding dogs for the Fall Town Meeting. He will work with Town Counsel to draft an appropriate article(s), based on the Selectmen's comments.

Massachusetts Downtown Initiative Mixed Use Zoning Grant Meeting: Mr. Zubricki said that they continue to make progress and something may be ready to present regarding mixed use zoning at the Annual Town Meeting next May.

At 8:42 p.m., citing the need to discuss collective bargaining with respect to the AFSCME contract, 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 bargaining strategies. She said that the Board would only be returning to Open Session to adjourn the meeting and invited Town Administrator Zubricki to attend the Executive Session. 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 8:55 p.m.

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

Documents used during this meeting include the following:

Recommendation from Town Clerk St. Pierre

Recommendation from Chief Silva to appoint Lauren Peraan

Recommendation from Chief Silva to appoint Matthew J. Lipinski

Request from Essex Fortune Palace

Recommendation from Bicentennial Committee Chair Dawn Burnham

Request for Determination of Applicability for Conomo Point

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney