

Selectmen's Minutes
2nd Floor, Town Hall Stage Conference Area, 30 Martin Street

February 26, 2018

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, Ben Buttrick, Michelle Dyer, Benn Ferriero, Rob Fitzgibbon, Michael Flynn, David Gabor, William Knovak, Tina Lane, Richard Ross, and Peter G. Silva.

The Chairman called the meeting to order at 6:00 p.m. in the Town Hall second floor Stage Conference Area at 30 Martin Street 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 \$123,796.24.

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 02/15/18 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	1/24/18	\$ 508.00	Snow Removal
Ernie Nieberle	Nieberle's	1/24/18	\$ 150.00	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 2/22/18 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	02/04/2018	\$ 1,165.00	COA

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 12, 2018, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a Military Records Office Access Agreement, which will assist the Town's Regional Veterans' Agent. The Board signed the document.

A motion was made, seconded, and unanimously voted to approve 3% merit pay increase for the Chief of Police for fiscal year 2019.

A motion was made, seconded, and unanimously voted to approve a successor employment contract for the Town Administrator.

Mr. Zubricki reminded the Board that, to date, National Grid had not satisfactorily or timely responded to the Town's letter affirming the right of the Town to use its reserved space on the

utility poles for placement of a fiber optic municipal network. The Board was in agreement that they would like to move forward with the plan for the network installation, based on the Town's existing rights, and Mr. Zubricki will inform our contractor, Comm-Tract, of the Town's decision to keep moving ahead.

Concerning Conomo Point matters, the Board discussed a Conomo Point resident's request to the Town to have a ribbon cutting event to mark the official opening of the new Conomo Point Waterfront Park, which would be followed by a privately sponsored celebration by the Conomo Point Sailing Club. The event would be an opportunity for the Sailing Club to attract new members, and plans for the event would include a beer truck, as well as food trucks. The Board was in favor of sponsoring the ribbon cutting. The Sailing Club would be responsible for obtaining any one-day licenses and complying with all the standard requirements, such as liability insurance and a police detail. Chairman O'Donnell will get more information and will report back.

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

Non-Resident Recreational Shellfish Permit:

- Bradford Allen, Georgetown, MA, sponsored by Gertrude Bartlett
- Kyle Archibald, Beverly, MA, sponsored by Charles A. McNeil
- Paul Archibald, Beverly, MA, sponsored by Charles A. McNeil
- Cliff Bathalon, Hudson, NH, sponsored by Jeffrey A. Garinger
- Tom Dukas, Reading, MA, sponsored by Kim Lundy
- Martin Forde, Middleton, MA, sponsored by Augustus Gomes
- Christian Frey, Danville, NH, sponsored by Jeffrey A. Garinger
- Wayne Kinney, Kingston, NH, sponsored by Jeffrey A. Garinger
- Scott McKenna, Ipswich, MA, sponsored by Thomas Prentiss
- Haven Novack, Boxford, MA, sponsored by Jamie Ellis
- William Pascucci, W. Palm Beach, FL, sponsored by Richard Means
- Scott Perkins, Cape Neddick, ME, sponsored by Charles McNeil
- Mary A. Picariello, Boxford, MA, sponsored by Thomas Prentiss
- Philip H. Picariello, Boxford, MA, sponsored by Thomas Prentiss
- Michael Rogers, Georgetown, MA, sponsored by Louise Holland
- William Schneider, Georgetown, MA, sponsored by Hannah Barker
- George Smolinski, S. Hamilton, MA, sponsored by Robert Parlee

Student Commercial Shellfish Permit:

- Craig Carter
- Kevin Carter
- Melanie Carter

Commercial Shellfish Permit:

- Clifford Baker
- Alden Burnham
- Sheila Carter

- Kelly Corrao
- Robert Fitzgerald
- Jeff Fraser
- Michael Ginn
- Ronald Hemeon
- Fred Hoysradt
- Matthew Lane
- Herbert Nunes
- Glenn Pike

Senior Shellfish Permit:

- Dale Lowry
- Peter Wilson

Mr. Zubricki reviewed a *letter from the Pingree School* asking permission for a rowing group to use the cottage at Centennial Grove from March through the end of May. The boats would be stored on the property and launched from the property. Mr. Zubricki said that if the Board was in favor of the idea, a license could be drafted to allow use of the property for the desired period in exchange for a designated monetary amount or for performance of a service, such as repair of the porch. The Selectmen were in favor of the idea and Mr. Zubricki will draft a license agreement for the use of the property in exchange for \$1,000 or comparable service work to be reviewed at the next Selectmen's meeting.

The Selectmen were reminded of the following events and meetings:

- The next regular Board of Selectmen's meeting will take place on Monday, March 12, 2018, at 6:00 p.m. in the Town Hall Stage Conference Room on the second floor, 30 Martin Street.
- Northeast Coastal Coalition Meeting, Friday, 12 noon, March 23, 2018. The Board asked to be posted for this meeting.
- Municipal Vulnerability Preparedness (MVP) Workshop on Thursday, April 5th, 2018. The MVP Workshop will take place from 8am to 2:30pm in Essex Town Hall. Breakfast refreshments and lunch will be provided.
- Coastal Resilience Grant Public Workshop highlighting the inter-relatedness of emergency planning and coastal resilience planning, April 25, 6:00 to 8:30 p.m., Essex Town Hall.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 11th, 2018 through February 23rd, 2018, regarding the following:

Potential Town Participation in Affordable Housing Acquisition: Mr. Zubricki said that he has not received a response to his request for more information regarding the possible acquisition of a house on Martin Street to provide affordable housing.

Finalization of Request for Proposals for Centennial Grove Master Plan: The Board was in agreement that they would like to review the proposed plan and continue discussion of it at their next meeting.

Regional School District Budget Group Meeting: Mr. Zubricki reported on the recent school budget meeting that he had attended. He said he had also reviewed the school's proposed operating budget for FY2019 and discovered that the figures for the percentage increases to each town had been incorrectly computed. The dollar amount is the same but the increase to Essex will be 3.24% not 2.65%.

Massachusetts Bays National Estuary Program Grant Application: A motion was made, seconded, and unanimously voted to approve Mr. Zubricki's signature on a letter of support regarding an application for a Mass Bays National Estuary Program Grant.

Shellfish Constable William Knovak and Benn Ferriero joined the Selectmen at 6:45 p.m., when a motion was made, seconded, and unanimously voted to open a hearing relative to an alleged violation of Town of Essex clamming regulations and/or Commonwealth of Massachusetts regulations by Benn T. Ferriero. Mr. Zubricki said that the Town's regulations had recently been changed to prohibit all shellfish harvesting on Sundays, and it had been brought to the Constable's attention that one of the licensed Essex clambers had sold clams to a Gloucester dealer on a Sunday. Also, State regulations require that all clams dug each day be turned over to a licensed dealer on that same day, so that they can be properly refrigerated, etc. Constable Knovak next reported that someone had informed him that an Essex clammer had sold clams on a Sunday to a dealer in Gloucester. The Constable had gone to the dealer and asked for his sales slips and had verified that Benn Ferriero had sold clams on Sunday, January 21. The Chairman then asked Benn about the sales slip. Mr. Ferriero said that he had dug and sold the razor clams on January 21st and had had no idea that the regulations had been changed. He had attended a Board meeting a few months back when the Board had decided not to prohibit digging on Sundays and asked when the Board had changed their decision. He also said that he had called the Shellfish phone number to see if the rain closure had ended before he dug the clams. No one else wished to speak and a motion was made, seconded, and unanimously voted to close the hearing. After a short discussion among Board members, a motion was made, seconded, and unanimously voted to take no action since the incident likely occurred due to a misunderstanding, and the hearing process could be used as an educational opportunity.

Constable Knovak and Mr. Ferriero left the meeting.

Those present discussed a *Comparison of Street Light Options* regarding three methods available to the Town for street light conversion to LED: 1) National Grid converts and owns the lights; 2) the Town enters a Lease-Purchase (subscription) with a third party; and, 3) the Town buys, converts, and owns the lights. The Board agreed that they are in favor of the third option, since it would offer the most cost savings to the Town.

Finance Committee Chair Michelle Dyer and members Ben Buttrick, Rob Fitzgibbon, Michael Flynn, Richard Ross, and David Gabor, and Town Accountant Virginia Antell joined those present for a review of the current draft of the 2018 Annual Town Meeting Warrant. As Mr. Zubricki reviewed each of the articles, there was discussion. All agreed that, regarding street light conversion, an article to appropriate additional purchase funding and to start a maintenance fund will be on the warrant. Grant funds for the actual conversion will be applied for in 2019.

At 8:10 p.m., citing the need to discuss collective bargaining strategy concerning the agreement between the Town and the Essex Police Benevolent Association; and, the purchase, exchange, lease or value of real property relative to a possible future site for a public safety facility, the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's bargaining and negotiating strategies. She said that the Board would only be returning to Open Session to adjourn the meeting and invited the Town Administrator, the Finance Committee, the Town Accountant, and Chief Silva to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote by the Board and by the Committee, the Board, their Assistant, the Town Administrator, the Finance Committee, the Town Accountant, and Chief Silva moved to Executive Session. Tina Lane left the meeting.

The Board, their Assistant, the Town Administrator, and Chief Silva returned to Open Session at 9:15 p.m. The Finance Committee and Town Accountant had left earlier in the Executive Session.

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

Documents used during this meeting include the following:

Letter from the Pingree School

Comparison of Street Light Options

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney