

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

May 21, 2018

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

Also Present: Lee Bresnahan, William Knovak, Tina Lane, Amy Robinson, and Peter G. Silva.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the second floor Stage Conference area at the Town Hall, located at 30 Martin Street, and announced that the Board would hear Public Comment. Mr. Zubricki and the Board discussed their policy regarding the Public Comment period and it was agreed that letters would not be read during that part of the meeting. Persons present at the meeting would continue to be allowed to voice Public Comment if they so desired.

Tina Lane commented that including articles for replacing Memorial School and a new public safety building on the Fall Town Meeting Warrant would be overwhelming.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 5th through May 18th, 2018, regarding the following:

Technology Hosting Agreement with the Town of Danvers: Mr. Zubricki reminded the Board that the Town's contract with Melrose to provide computer services to the Town, as well as archival backup will expire on June 30, 2018. Mr. Zubricki has arranged to have those services provided by the Town of Danvers and presented the Board with a contract for their review. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign the contract with Danvers for computer services.

Shellfish Constable William Knovak joined the Board for a review of his work plan. The Board said that they had reviewed the plan and only had one change that they would like to make. After a short discussion, a motion was made, seconded, and unanimously voted to add a requirement for the Constable to meet incoming clambers and weigh the clam harvests from at least half of all tides.

Next, those present discussed whether to extend the moratorium on Sunday shellfish harvesting. The moratorium will expire as of June 30, 2018. It was agreed, and a motion was made, seconded, and unanimously voted to continue the Sunday prohibition on commercial digging, but to allow non-commercial Sunday digging, effective June 1, 2018.

Chairman O'Donnell read a letter from Nicholas DiPietro explaining why he had missed the application deadline for a Student Shellfish Permit. Mr. DiPietro had already paid the standard fee and the late application penalty fee. A motion was made, seconded, and unanimously voted to approve the permit and the Board signed the application.

Mr. Knovak left the meeting.

Police Chief Peter Silva joined the Board to discuss the possible installation of additional radar speed indicator signs in an Essex neighborhood. Those present discussed various types of signs available. The one on John Wise Avenue, near Western Avenue, cost \$10,000. The Board decided that they were not in favor of more speed indicator signs and agreed instead to discuss lowering the posted speed limit at their next meeting.

The Board discussed the recent developments regarding the weakened structural soundness of the causeway bridge and whether or not the Memorial Day Parade route should be changed. The Memorial Day Committee is in charge of determining the route. Mr. Zubricki said that MassDOT has offered to meet with Town officials informally to discuss the status of the bridge and the time line and plan for repairing/replacing it. Mr. Zubricki also said that he will request legislative assistance for a timely solution.

Chief Silva left the meeting.

Amy Robinson joined the Board to review the status of her family's attempt to install a leaching facility on their leased property at 168 Conomo Point Road (Map 108, Lot 46), for the benefit of the house at 11 Middle Road (Map 108, Lot 57). Those present reviewed the plan for the system that was presented to the Board at an earlier meeting and compared it to the plan currently before the Board of Health. After extensive discussion, the Board determined that the present proposal to install a new tank that will discharge to an old leach pit does not meet the intent of the lease language for conversion of the lease for 168 Conomo Point Road to a long-term lease. The Board said that the lessees could place part of the new tank on the second lot at their own risk, but that the Town could not guarantee that the Town would or would not decide to terminate the 1-year lease for that lot at some point in the future.

The Board reviewed another request from Amy Robinson and her sister, Joan Woodward, to remove the name of their father, John Goldsberry, Jr., who had recently passed away, from the leases for 168 Conomo Point Road (Map 108, Lot 46); 170 Conomo Point Road (Map 108, Lot 47); and 11 Middle Road (Map 108, Lot 57). A motion was made, seconded, and unanimously voted to approve the request.

Amy Robinson left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$713,878.99.

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 5/10/18 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	04/24/2018	\$ 566.47	Police
Ernie Nieberle	Nieberle's	04/24/2018	\$ 2,111.74	Fire

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 5/17/18 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	04/24/2018	\$ 567.24	Highway
Ernie Nieberle	Nieberle's	04/24/2018	\$ 838.58	Snow
Ernie Nieberle	Nieberle's	04/24/2018	\$ 276.75	Council on Aging

The Board reviewed the current list of site options for a new public safety building. Chairman O'Donnell said that the Town cannot afford to build two new public safety buildings. Therefore, the proposed new building would either be a combined facility or house only the Fire Department. The John Wise Avenue site is not favored by the Fire Department, and if chosen, would require installation of a traffic light. The Memorial Park site would impact the neighborhood and detract from the newly restored Town Hall. Chairman O'Donnell presented drawings that she had prepared depicting a 3-stage construction of a combined facility on the existing fire/police site. The staged construction will allow continued use of the building as each old section is removed and replaced, eliminating the need to find and pay for temporary space during the construction. Her suggestion was well received by the other Board members and a motion was made, seconded, and unanimously voted to pursue this option. Initially, the Board will seek comments on the staged project idea from the Finance Committee and the Town Building Committee.

After lengthy discussion, it was agreed that the earliest time for the Town to consider a new public safety option would be the May 2019 Annual Town Meeting. In the interim, the Board will explore bringing an article to a Special Town Meeting or the Fall Town Meeting for the necessary assessment and preliminary design work at the existing site.

The Board was also in favor of the issuance of a Request for Proposals to determine if private property owners are interested in selling property to the Town for a future fire and/or police building construction. Mr. Zubricki reviewed a list of criteria that the Board had developed last Fall and he will share that with the Fire Chief and the Town Building Committee before developing the RFP further. The Board will work to finalize the criteria at the next meeting.

The Board was advised of two public records requests: 1) For a copy of the Purchase & Sale Agreement between the Town and the owners of the Village Restaurant; and 2) For a copy of the Phase I Environmental Site Assessment associated with the proposed purchase of the Village Restaurant property. Board members had no questions or concerns about Mr. Zubricki's intent to release the requested documents, now that the formal opportunity to purchase the Village property has been terminated.

The Board was in agreement and a motion was made, seconded, and unanimously voted to release the portions of the executive session minutes held on 10/16/17, 1/22/18, 1/29/18, 2/6/18, 2/12/18, 2/15/18, 2/26/18, 3/12/18, 3/26/18, 3/28/18, 4/23/18, and 5/7/18 that discussed the proposed acquisition of the Village Restaurant property for the future site of a new fire station.

Mr. Zubricki reported that he had been advised of an interest by Colleen Enos, Ramie Reader, and Mark McKenna in being appointed to the Town Building Committee. The Board was in favor of making new appointments, since the TBC membership had declined from 12 members to 8. The Board will consider specific appointments at their next meeting on June 4.

Lee Bresnahan left the meeting.

Purchase of Street Lights from National Grid: Mr. Zubricki reported that he had received the documents from National Grid for the purchase of the streetlights, and the Board was in agreement that the documents should be forwarded by Mr. Zubricki to Town Counsel for review. It is likely that final documents will be presented to the Board for signature on June 4.

Third-Party Ambulance Billing Agreement Renewal: Mr. Zubricki reported that it is time to renew the agreement with Comstar for third-party ambulance billing, if the Board is so inclined. The Board was in favor, and a motion was made, seconded, and unanimously voted to approve and sign the renewal agreement.

Joint Municipal-School Capital Planning Public Forum: Mr. Zubricki reported that he had attended the public forum, along with Board and FinCom members. The group is moving forward with plans to replace Memorial School. A new facet of the project is the proposed addition of a building wing to house senior services and park & recreation space for Manchester. There are many questions surrounding this suggestion and it was agreed to discuss the matter with Town Counsel. Mr. Zubricki explained that Counsel's review will likely be subject to a disclosure and consent process, since KP Law represents both towns.

Renewal of License to Use the Area Known as Paglia Park: Mr. Zubricki reported that the owner of Paglia Park has signed a renewal license for the use of Paglia Park and a motion was made, seconded, and unanimously voted to countersign the document.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 7, 2018, Open Meeting and Executive Session, and the minutes for the Selectmen's May 15, 2018, Open Meeting.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a letter of support for two coastal resiliency grant applications submitted by the Town of Newbury.

The Board reviewed a letter from Rob Fitzgibbon regarding the possible loan of a stone head that was discovered in Essex in 1810 and now resides at the Peabody Museum in Salem for the Town's bicentennial celebration. The Selectmen were in favor of the idea and a motion was made, seconded, and unanimously voted for the Bicentennial Committee to ask the Peabody to loan the Town the head for exhibit, if the Bicentennial Committee is in agreement.

The Board reviewed the police and fire accident coverage insurance proposal for FY2019, and a motion was made, seconded, and unanimously voted to approve the proposal.

After reviewing a request from the Essex Cub Scouts to hold their annual cookout at Centennial Grove on Thursday, May 24, 2018, between the hours of 5:30 and 7:00 p.m., and a waiver of the rental fee, a motion was made, seconded, and unanimously voted to approve both requests. The Chairman signed the parking pass.

The Board reviewed a request from the Friends of the Library to hold their annual Summer Reading Kickoff at Centennial Grove and a waiver of the rental fee on Thursday, June 21, 2018, between the hours of 12:00 noon and 3:00 p.m. A motion was made, seconded, and unanimously voted to approve the requests and Chairman O'Donnell signed the parking pass.

The Board was informed that Scott DeWitt's appointment to the Board of Public Works expires this year. He is the Selectmen's candidate, and has indicated that he would like to continue on the BPW. The other two BPW members are nominated by the Town Moderator and the Planning Board, respectively. The Board agreed to review the re-appointment of Mr. DeWitt or the appointment of a new person at their next meeting on June 4.

A motion was made, seconded, and unanimously voted to approve a recommendation from Chief Silva to appoint Brittney Lazarides to the position of Special Police Officer, contingent upon passing all pre-employment drug and psychological testing. The Board signed her appointment card.

The Board acknowledged receipt of a letter from Susan Gould Coviello regarding the May 2018 Annual Town Meeting Articles 14 and 15.

Mr. Zubricki reported that there is no need to consider an amendment of the summer camp contract with the YMCA since it already allows a period of up to 9 weeks. The YMCA has requested permission to offer an end of school year field day at the Grove on June 13, and a motion was made, seconded, and unanimously voted to approve the request.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to approve and sign a Lease Addendum Tight Tank Notification for the Murphy family at 171 Conomo Point road, Map 108, Lot 32.

Mr. Zubricki reported that a request had been received for the use of portions of Conomo Point for filming of a German TV series segment. The group has also requested use of the Conomo Lane parking lot for the four days of filming. After a short discussion, a motion was made, seconded, and unanimously voted to approve the use of the parking lot from 5/31 to 6/4/18, contingent upon receipt of a \$2,000 fee.

Former Selectman David Doane was the Board's representative to the Eastern National Veterans' District. The Board agreed to reflect on possible candidates to replace Mr. Doane and choose a representative at their next meeting on June 4.

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

One-Day Entertainment License and Waiver of Fee:

- Cape Ann Chamber of Commerce, Ken Riehl, Essex River Day, for use on Saturday, June 23, 2018, between the hours of 4:00 and 9:30 p.m., within the confines of Memorial Park.

One-Day Wine and Malt License and Waiver of Fee:

- Cape Ann Chamber of Commerce, Ken Riehl, Essex River Day, for use on Saturday, June 23, 2018, between the hours of 4:00 and 9:30 p.m., within the confines of Memorial Park.
- Chebacco Liquor Mart, Paul Chisholm, for use on Saturday, June 2, 2018, between the hours of 2:00 and 8:00 p.m., within the confines of the Waterline Center at 66 Main Street.

The Board agreed that newly elected Selectman Peter Phippen would present the Selectmen's Citizenship Award at the MERHS graduation on May 24, 2018, starting at 7:00 p.m. in the Manchester Essex Regional High School auditorium.

The Board was reminded that the next regular Board of Selectmen's meeting will take place on Monday, June 4, 2018, at 6:00 p.m. in the Stage Conference Area on the 2nd floor of the Town Hall.

Mr. Zubricki reported that the Town Clerk had received a request for resident parking stickers for a resident's adult children who live in another town. After a short discussion, the Board was in agreement that resident stickers are only for residents.

Mr. Zubricki informed the Board that the State is getting ready to launch its next round for a grant program for seawall repair. The successful grant application will include a narrative by professionals in the field encompassing assessment of the problem area through to recommendations and implementation of construction. Mr. Zubricki suggested that Seaport Bond funding for the proposed causeway boardwalk (which is indefinitely on hold by the State) might be reprogrammed to fund an engineering study for the seawall repair grant application. The Board was in favor of the idea. Otherwise, Mr. Zubricki will attempt to work with an engineering firm for up-front assistance at no cost. If a grant is awarded, the assisting firm would be hired.

Meeting to Discuss Replacement Process for Route 133 Bridge: Due to new information regarding additional structural weakness of the causeway bridge, Mr. Zubricki reported that the borings that were scheduled to take place will not be happening. According to MassDOT, the project is on hold pending a feasibility study which could recommend corrective actions that may take up to 3 to 4 months to complete. In the meantime, traffic over the bridge has been restricted

to one lane, resulting in backups and gridlock in many places, including at the Martin Street/Main Street intersection. MassDOT has stated that they will be replacing the traffic light that they initially installed to control the one lane traffic with a better one. The Board discussed various suggestions which included detouring traffic up Western Avenue, keeping a police presence, and a parking ban from the Village to bridge. They do not want to encourage people to use Apple Street as a detour, but considered placing signs along that street advising caution. Chairman O'Donnell has met with Mr. Stedman from MassDOT to discuss the problem and its severe impact on the Town's commerce and the Newburyport-Cape Ann corridor whose primary resource is summer tourism. The Chairman and Mr. Zubricki will also seek help from other State officials, such as Senator Tarr, for a speedy solution to this unexpected development. The goal is to have the State implement a repair to the rotted beam, as opposed to waiting for a temporary bridge.

A motion was made, seconded, and unanimously voted to reappoint Lisa J. O'Donnell as Chairman of the Board and to reappoint Selectman Spinney as Clerk of the Board.

At 10:10 p.m., citing the need to discuss the effects of past tax taking and conversion to Town conservation land on parcels that may have been encumbered with specific, third party property rights prior to Town involvement, pursuant to G.L. c. 30A, §21(a)(6); 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 negotiating strategy 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 10:30 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: _____
Andrew C. Spinney