

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

September 25, 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: Bedri Balili, Julian Balili, Tom Barrieau, Ben Buttrick, Scott DeWitt, Michelle Dyer, Brian Feener, Rob Fitzgibbon, Mike Flynn, Paul Goodwin, Tina Lane, Richard Ross, Paul Rullo, and Roxanne Tieri.

Chairman Lisa O'Donnell called the meeting to order at 6:00 p.m. in the Town Hall Stage Conference Area on the second floor and announced that the Board would hear Public Comment. Tom Barrieau of 39 Spring Street introduced himself and said that he would like to ask whether there were plans to replace the stairs and the float sometime in the future at the new northern Conomo Point waterfront park. He said that he likes to kayak and the float is very small and it is hard to negotiate the stairs with a kayak. Chairman O'Donnell said that the original plan had called for a ramp instead of stairs, but the cost was prohibitive and stairs had been installed as a cheaper alternative. They would like to replace the stairs eventually. However, whatever is placed there needs to be removable (stairs or ramp or float).

On another matter, Mr. Barrieau suggested that a bike rack be installed in the small area of dead grass by the new parking lot on Conomo Lane. He said he would be willing to organize a group of volunteers to get it done. The Board liked his suggestion and said that they would take the matter under advisement. Mr. Barrieau thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$793,306.51.

A motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 9/14/17 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 Perea	Perea Plumbing	08/26/17	\$1,108.00	Water Dept
Ernie Nieberle	Nieberles	08/24/17	\$ 385.21	Highway 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 9/21/17 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 Perea	Perea Plumbing	08/26/17	\$1,448.05	Fire Dept

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 11th, 2017, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a ***request from the Police Department*** to accept proceeds in the amount of \$1,831.00 from their car show to be deposited in the Police Gift Account.

A motion was made, seconded, and unanimously voted to approve a *request from the Police Department* to accept a donation in the amount of \$500 from the Police Benevolent Association to be deposited in the Police Gift Account.

A motion was made, seconded, and unanimously voted to approve the submittal of a regional Letter of Intent to seek grant funding from the Tower Foundation to continue the work of the North Shore Substance Abuse Prevention Coalition (of which Essex is a member).

Bedri and Julian Balili joined the Selectmen to discuss Mr. Bedri Balili's application for a Senior Commercial Shellfishing permit. Mr. Balili was not able to furnish the usual forms of proof needed to obtain a permit, but had provided alternate items. He has also been listed on the Town's census in past years. Mr. Zubricki cited different parts of the Town's Shellfish Regulations regarding the Selectmen's ability to accept alternative documents. After a short discussion, a motion was made, seconded, and unanimously voted to approve Mr. Bedri Balili's request for a Senior Commercial Shellfishing Permit. (Note: There is no application deadline for a senior permit.) After a short review of the paperwork, a motion was also made, seconded, and unanimously voted to approve a Commercial Shellfishing Permit and Waiver of Application Deadline for Anida Xhalia. Both Mr. Bedri Balili and Mr. Julian Balili thanked the Selectmen and left the meeting.

Selectman Doane asked that a discussion about digging clams on Sundays be added to the next Selectmen's agenda (10/16/17).

Mr. Zubricki said that next year and the year after, the Veteran's Day holiday will fall on the day scheduled for the Fall Town Meeting (the second Monday in November). He suggested amending the Town's bylaws to allow the Selectmen to use their discretion to choose a more optimum date for the meeting in years where a conflict exists. The Selectmen were in agreement, and authorized Mr. Zubricki to work with Town Counsel to draft an article for this year's Fall Town Meeting to establish new wording for the bylaw.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to ratify the approval of Paul Collins' request for a building permit application to perform alterations on the premises located at 31 Middle Road, subject to all terms and conditions of the Land Lease for said premises, including, but not limited to Articles V and IX. The Chairman initialed the permit.

Mr. Zubricki said that a tenant at Conomo Point has offered to pull the stairs and float at the northern Conomo Point waterfront park and store them on his leasehold during the course of the winter. Mr. Zubricki has checked with Town Counsel on this matter, and Town Counsel has advised that if the Town chooses to accept this offer, there would have to be a significant

addendum to the tenant's lease, and additionally, there could be liability issues. It would be preferable for the Town to hire their own contractor to pull the stairs and float and store them in the Conomo Lane parking lot over the winter. The Selectmen asked Mr. Zubricki to get more information regarding their options and a motion was made, seconded, and unanimously voted to authorize the Chairman to approve a decision regarding this matter when more information becomes available.

A motion was made, seconded, and unanimously voted to approve the following requests for licenses and permits:

One-Day Wine and Malt License ratification:

- Chebacco Liquor Mart, Paul Chisholm, for use on Saturday, September 23, 2017, between the hours of 1:00 p.m. and 7:00 p.m., within the confines of the Waterline Center at 66 Main Street.

One-Day Wine and Malt License:

- Chebacco Liquor Mart, Paul Chisholm, for use on Sunday, October 15, 2017, between the hours of 11:00 a.m. and 3:00 p.m., within the confines of the Waterline Center at 66 Main Street.
- Chebacco Liquor Mart, Paul Chisholm, for use on Saturday, November 4, 2017, between the hours of 6:00 p.m. and 10:00 p.m., within the confines of the Waterline Center at 66 Main Street.

Mr. Zubricki reviewed a chart showing progressive discipline for various alcohol regulation violations occurring within a two-year period, based on the discussion at the last Board meeting. The Selectmen were generally in favor of the chart and asked Mr. Zubricki to work with Town Counsel to incorporate the chart and appropriate wording into the Town's Alcoholic Beverage Licensing Regulations for final approval at the next Selectmen's meeting on October 16, 2017. The updated regulations will then be sent by certified mail to all establishments in Town with alcoholic beverage licenses.

Mr. Zubricki reviewed the following reminders with the Selectmen:

- Town Hall will be closed on Monday, October 9, 2017, in observance of the holiday.
- The Cape Ann Chamber of Commerce Focus on Education Roundtable will be held on Friday, October 13, 2017, starting at 7:30 a.m. and ending at 9:30 a.m. at Gorton's in Gloucester.
- The next regular Board of Selectmen's meeting will take place on Monday, October 16, 2017, at 6:00 p.m. in the Town Hall Stage Conference Area on Martin Street.
- A Manchester Essex Regional School budget review meeting will be held at the Essex Elementary School on Wednesday, October 18, 2017, starting at 7:00 p.m.

- The Selectmen have been invited to the Open Door Autumn Breakfast on Thursday, October 26, 2017 at Cruiseport in Gloucester, starting at 7:30 a.m. Reservations are requested.
- Cape Ann Chamber's Government Affairs Council is sponsoring the Fall 2017 Cape Ann Caucus, and it will be held on Friday, October 27, from 7:30 to 9:15 AM, at the Essex Town Hall, 30 Martin Street, Essex.
- A Manchester Essex Regional School budget review meeting will be held at the Manchester Essex Regional High School on November 29, 2017, starting at 7:00 p.m.
- A Manchester Essex Regional School budget review meeting will be held 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 September 8th through September 22nd, 2017, regarding the following:

Future Development Plan for Site of Former Fortune Palace Restaurant: Mr. Zubricki reported that he had asked the Board of Health, the Building Inspector, the Conservation Commission, the Department of Public Works, and the Planning Board whether anyone had approached them regarding plans for the site of the former Fortune Palace restaurant on Main Street which was recently sold. All departments have heard rumors, but no one has approached any of the town departments or boards to date.

National Grid Program to Convert Streetlights to LED: Mr. Zubricki said that he had contacted National Grid to get more information regarding their new program to convert streetlights to LED lamps, and National Grid has provided him with three analyses: two regarding the Town's purchase of the lights and one regarding National Grid's retention of ownership and conversion of the lamps. The Board was in agreement that the Town does not possess the resources to purchase, convert, and maintain the lights (even after grant opportunities are considered). Therefore, from the Town's perspective, it would be more advantageous for National Grid to continue to own the lights, make the conversion, and maintain them. The LED lamps come in different intensities and colors. At present, National Grid is only offering conversion to 4000K medium white lamps, which is a stark, white light. The Board preferred the 3000K warm white lamps and authorized Mr. Zubricki to continue negotiations with National Grid seeking conversion to the 3000K lamps.

Town Accountant Roxanne Tieri and Finance Committee Chair Michelle Dyer and FinCom members Ben Buttrick, Rob Fitzgibbon, Mike Flynn, and Richard Ross joined the Selectmen to discuss the proposed articles for the Fall Town Meeting. Mr. Zubricki said that in addition to the articles on the current draft of the warrant, the Board was considering adding two more: one to amend the Town Bylaws regarding the timing of the Fall Town Meeting, and, the second to change the compensation for the Assistant Animal Control Officer (per a recent request from the Animal Control Officer). The Finance Committee was not in favor of the Assistant Animal

Control Officer article and will take the matter up with the ACO during the FY19 budget process.

Those present discussed each of the proposed 28 warrant articles in depth.

At 8:00 p.m., the Board of Public Works (Scott DeWitt, Brian Feener, and Paul Rullo) and Superintendent Paul Goodwin joined the meeting. They discussed the timing, cost, and scope of work that might be involved in commissioning a study for future water main replacement work. All were in agreement that an article for funding for a water system facilities plan should be considered in May, at the Annual Town Meeting. They also discussed two proposed articles on the warrant regarding the Sewer Enterprise Fund Maintenance line item and the Department of Public Works' Storm Water Compliance budget line item.

Mr. Zubricki announced that there were no renderings of the proposed public safety building options as yet to discuss. He said that the Town Building Committee would be meeting with the architect next Wednesday evening in the auditorium to view the first draft of the renderings and discuss the project and invited the BPW and the FinCom to attend.

Those present thanked the BPW and Superintendent for their comments and they left the meeting.

Discussion continued regarding the remaining articles on the warrant. Following discussion of the last article, the FinCom and the Town Accountant left the meeting. Mr. Zubricki will update the warrant based on tonight's comments and prepare it for final approval and signature on October 16, 2017.

Placement of Concrete Pads, Benches, and Swift Boxes at Conomo Point: Mr. Zubricki reported that all of the concrete pads for the benches and bird boxes have been poured. The pads need to cure before the benches and/or boxes can be fastened to them. Also, the benches need to be assembled and a plan is needed for construction of the bird boxes.

Great Marsh ACEC Regional Resource Management Plan Summit: Mr. Zubricki reported on the ACEC Summit meeting that he hosted at the Town Hall last week which was also attended by Chairman O'Donnell and Selectman Spinney. The summit was well attended by representatives from various groups throughout the five communities that belong to the ACEC. Those present agreed to work within their communities to determine the local support for a regional resource Management Plan and may meet again after the unveiling of the Great Marsh Regional Coastal Adaptation Plan in November.

Zoning Prohibition Relative to Junk Yards: Mr. Zubricki said that he had had a discussion, at the Board's request, with the Building Inspector and the Planning Board Chair regarding a large

accumulation of old junk vehicles at an Eastern Avenue repair business. It was the opinion of both the Building Inspector and the Planning Board Chair that the storage of more than two junk vehicles is prohibited by Town law. In addition, the Eastern Avenue business has 16 vehicles for sale on the site, which it is permitted to do under a Class II License. The Building Inspector said that he will be discussing the junk cars with the business owner in the near future and it is expected that the junk cars will have to be removed from the property.

Recommendations for Management of Town Conservation Land: Mr. Zubricki reported that Town Counsel has provided suggestions for the management of Town-owned property in the custody of the Conservation Commission and for the management of property that the Town may acquire for conservation purposes in the future. In the meantime, the Board of Assessors is in the process of verifying the locations and boundaries of the properties already in conservation and those that may be added in the future. It was agreed not to continue researching a management plan until the Board of Assessors has completed their project.

Recommendations for Revisions to Town Harbor Regulations: Mr. Zubricki reviewed the recommended changes to the Town's Harbor Regulations from Town Counsel, Harbormaster Silva, and Mr. Zubricki. The Selectmen agreed with the suggested changes. Mr. Zubricki will work with Town Counsel to incorporate all the revisions for review again on October 16.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:37 p.m.

Documents used during this meeting include the following:

- Request from the Police Department to accept the Car Show proceeds*
- Request from the Police Department to accept the donation from the EPBA*

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney