

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

August 14, 2017

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

Also Present: Julian Balili, Bill Bradford, Benn Ferriero, Peter Ferriero, Matt Jacobs, Ed Lane, Tina Lane, Chris Maxfield, Ed Perkins, Dean Rossi, Patrick Shea, Peter Silva, Paul Tofuri, and others.

The Chairman called the meeting to order at 7:00 p.m. in the Town Hall Stage Conference area on the second floor 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 \$126,890.47.

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 August 10th, 2017 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	Nieberles	07/24/17	\$ 185.00	Police Dept
Ernie Nieberle	Nieberles	07/24/17	\$ 133.91	Fire Dept.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 31, 2017, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a request from the Essex County Greenbelt to pass over Essex roads during their 5.3 Miler Road Race on Saturday, August 26, 2017, starting at 9:00 a.m.

A motion was made, seconded, and unanimously voted to approve the Automobile Fleet Schedule, the Statement of Values Schedule, and the Special Property Supplement providing required information for FY 2018 insurance policies to the Town's insurance company.

Bill Bradford and Ed Perkins joined the Selectmen to discuss possible relocation of the granite monument that is currently on Town land near the Town Landing between Periwinkles restaurant and the Essex Shipbuilding Museum. Mr. Bradford reviewed the history of the purchase and commission of the monument back in the 1970's by the Lions Club to commemorate the Town's shipbuilding heritage. The design is an exacting replication of the wheelhouses that were on Essex-built vessels and the monument wheel is a casting of an original Stoddard wheel that was typically found on the old boats. Mr. Bradford and Mr. Perkins represent a group that would like to see the monument moved to a permanent home where it can be better appreciated by the

public. They would like to see it located on the causeway and suggested it be placed in Paglia Park. Mr. Zubricki said that the Paglia Family was asked recently about the monument and they did not want the monument placed in the Park. Paglia Park is owned by the Paglia Family, who has entered into a license agreement with the Town to allow the public to enter and use the premises for a period of two years, commencing June, 2016. Mr. Perkins said that he owns some land on the causeway and would be happy to gift it to the Town for placement of the monument. However, he said that an Order of Condition would need to be approved by the Conservation Commission regarding the proposed placement of the monument on the marsh. Chairman O'Donnell and Selectman Spinney agreed that there were at least four options for the monument and will take the matter under advisement for discussion at their next meeting on August 28, 2017. Mr. Bradford and Mr. Perkins thanked the Selectmen and left the meeting.

At 7:25 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096; and, pending litigation concerning the case of the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C; the Chairman entertained a motion to move to Executive Session. She stated that the Board would be returning to Open Session for discussion of the remaining agenda items and invited the Town Administrator and Town Counsel to attend the Executive Session. She said that discussing these matters in Open Session would be detrimental to the Town's litigating strategies. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session in the Town Administrator's Office.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session in the Town Hall Stage Conference area at 8:03 p.m.

Town Counsel left the meeting.

Chief Peter Silva, acting in his capacity as Harbormaster, joined the Selectmen and reviewed a draft of his calendar year 2017 harbor goals, including *general revisions to the Harbor Regulations*. The Selectmen said that they would take the matter under advisement and discuss it again at a later date.

Chief Silva reported that he had received a proposal from Live PD to film the operations of the Essex Police Department. The actual broadcasts would not be live, but would be delayed one half hour before airing. The Selectmen were in agreement and said that they were not in favor of accepting the proposal from Live PD.

A motion was made, seconded, and unanimously voted to approve a recommendation to promote Part-time Officer Michael Juliano to Full-time Officer, contingent upon his successful

completion of the Full-time Police Academy and any required screening. The Selectmen signed his appointment card.

The Chief said that he is also working on the *Police Department Car Show*, to be held on September 10, 2017. He has asked John Guerin for comments regarding a letter to neighboring residents informing them about the car show and traffic restrictions. He also discussed the traffic restrictions with the Board.

The Selectmen said that they would like to discuss possible changes to the shellfishing regulations and mud moorings after meeting with Patrick Shea, the owner of the C.K. Pearl restaurant on the causeway. Patrick Shea came before the Selectmen and said that he has an annual Weekday Entertainment License for outdoor live, acoustic music, but would like to request a One-Day Entertainment License for use on Wednesday, September 20, 2017, between the hours of 6:30 and 9:00 p.m., within the confines of his deck at 112 Main Street, to play amplified acoustic guitar music to celebrate the end of the season. He said that in the 3 years that he has had his annual license, there has only been one complaint. The complaint was the result of the music continuing one evening for fifteen minutes beyond the specified time period. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve and sign the One-Day Entertainment License upon receipt of the one-day application and fee. Patrick Shea thanked the Selectmen and left the meeting.

The Selectmen said that they would like to continue their discussion from their last meeting regarding the recommendations for changes to the Town's Shellfishing regulations by the Essex Clam Enhancement Group, which were:

- Closing all of N7 areas to harvesting on Sundays.
- Halt deployment of new "mud moorings" until an ecologically friendly alternative can be adopted.
- Open the "Winter Flats" each January 15th, as opposed to each December 15th.

Mr. Zubricki reported that the Shellfish Commission had held a meeting after the last Selectmen's meeting, and he reviewed their recommendations as follows:

- Closing of all flats on Sunday to commercial harvesting, except mess diggers this year; and, closure to all diggers on Sunday next year (with certain exceptions in the event of a red tide or rain closure for five or more days).
- Delaying the opening of the winter flats until January 15th from December 15th.
- Banning of all mud moorings, unless ecologically friendly.

The Commission had also voiced concern regarding a shellfish dealer who was ticketed for parking at Conomo Point. The Board agreed that the dealer could park at the Point, so long as he did not block or interfere with other traffic or activity in the area. Chief Silva refuted a report that the Police Department had told the dealer he could not return to the area.

The Chairman asked if anyone present would like to comment on the proposed changes to the regulations and Enhancement Group member Dean Rossi said that the Group would like to change their recommendation to allow only ecological friendly mud moorings to banning all mud moorings, pending further scientific study. Ed Lane and Chris Maxfield also spoke in favor of the Group's recommendations, while Peter Ferriero, Paul Tofuri, and Benn Ferriero spoke against the recommendations made by both the Group and the Commission. There was further discussion and Mr. Zubricki reminded everyone that it is the Harbormaster's right and duty to set the harbor regulations and it is the Selectmen's right to set the shellfishing regulations.

The Board was in favor of approving the recommendation to delay opening of the winter clam flats until January 15th, and a motion was made, seconded, and unanimously voted to amend the regulations to reflect the 1/15 opening. The regulations will be amended, duly posted, and the Division of Marine Fisheries will be notified of the change.

Chairman O'Donnell said the Board would review and discuss the other suggested changes to the shellfish regulations at their next meeting on August 28.

The Board agreed to postpone discussion of an All Alcohol Restaurant License violation report regarding the recent underage service by Woodman's, Inc. Lobster Pool until their next meeting on August 28, 2017.

Everyone left the meeting except the Selectmen, their Assistant, the Town Administrator, and Tina Lane.

The Selectmen discussed a commercial sign on a National Grid utility pole on Town-owned land at the corner of Spring Street and Dodge Street. The Selectmen reaffirmed the Town policy of not allowing commercial signage to be placed on Town Property. Mr. Zubricki will ask the owner of the business to voluntarily remove the sign. If the sign is not removed, the Building Inspector will be asked to issue a cease and desist order. On a similar matter, it has been noticed that Historic New England has placed a sandwich board on the Town-owned island at the corner of Main Street and Spring Street. The Selectmen asked Mr. Zubricki to ask that that sign also be removed.

A motion was made, seconded, and unanimously voted to adopt the Town's Community Septic Management Program. And, a motion was made, seconded, and unanimously voted to authorize Board of Health Administrator Erin Kirchner to administer the Town's Community Septic Management Program, including the submittal of a formal application to the Massachusetts Clean Water Trust. The Board resolved as follows:

1. That Erin Kirchner is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the Applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made, the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Concerning Conomo Point matters, the Selectmen reviewed a request to transfer all leasehold interests in the lease for 154 Conomo Point Road, Map 108, Lot 42. Subsequently, Selectman Spinney entertained a motion to approve a written request for the transfer of all interests in the leasehold for the property at 154 Conomo Point Road (Map 108, Lot 42) from the Trust Agreement of Franklin T. and Marjorie B. Richardson, Diane Lowry, Trustee, and Harlan and Carol Wendell to the Harlan L.P. Wendell Jr. and Carol Dillon Wendell Revocable Trust; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by the Trust Agreement of Franklin T. and Marjorie B. Richardson, Diane Lowry, Trustee, and Harlan and Carol Wendell, contingent upon receipt of a request signed by all three parties. The motion was moved, seconded, and unanimously voted.

The Selectmen discussed a request for a privacy or buffer solution of some sort between a private home at 7 Beach Circle and the Town lot at 9 Beach Circle. The Selectmen acknowledged that plans for augmenting Clammers' Beach are still indefinite. Therefore, a motion was made, seconded, and unanimously voted to ask Mr. Zubricki to make arrangements to have the Town lot at 9 Beach Circle roped off from public use until further notice, with appropriate signage.

The Selectmen continued their discussion regarding permitting of dinghy tie-up at the new Conomo Point float. Three people have kept their dinghies on that property in the past and they have been offered tie-up permission. Any other available tie-up space will be offered on a first come/first serve basis, to people who have moorings on that side of Cross Island for dinghies under a certain size, without motors (i.e. dinghies that are always rowed).

The Selectmen reviewed a *Lease Addendum-Tight Tank Notification* for the property at 25 Middle Road, Map 108, Lot 52, and a motion was made, seconded, and unanimously voted to approve and sign the Addendum.

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

One-Day Entertainment License:

- Essex County Greenbelt, Shelley Raymond, for use on Saturday, September 16, 2017, between the hours of 12:00 noon and 4:00 p.m., within the confines of the Cox Reservation, 82 Eastern Avenue.

One-Day Entertainment License and Waiver of Fee:

- Essex Police Department Annual Classic Car Show, Chief Silva, for use between the hours of 1 and 4 p.m. on Sunday, September 10, 2017 (Raindate 9-17-17), within the confines of the Martin Street Municipal Lot and the Town Hall Lot.

One-Day Wine and Malt License:

- Essex County Greenbelt, Shelley Raymond, for use on Saturday, September 16, 2017, between the hours of 12:00 noon and 4:00 p.m., within the confines of the Cox Reservation, 82 Eastern Avenue.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, August 28, 2017, at 7:00 p.m. in the Town Hall Stage Conference Area on Martin Street.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 29th through August 11th, 2017, regarding the following:

Selection of Firm to Produce Public Safety Building Visual Renderings: Mr. Zubricki reported that two companies had responded to the Town's Request for Proposals for artistic renderings depicting how a new public safety building might look if situated between the Fire Station and the Town Hall. The Selectmen discussed the two proposals, and a motion was made, seconded, and unanimously voted to award the project to Lincoln Architects LLC. Mr. Zubricki will review the proposed contract and will negotiate edits with Lincoln prior to signature by the Chairman.

Finalization of Request for Proposals, Centennial Grove Master Plan: Mr. Zubricki reviewed the comments that he had received from various Town boards and commissions regarding the scope of services to develop a Master Plan for Centennial Grove. The Board asked that the comments be incorporated into the scope, which will be added to the RFP for a final review on August 28. Mr. Zubricki will include suggested ranking criteria in the RFP document.

Construction of Concrete Pads for Park Benches/Chimney Swift Boxes: Mr. Zubricki said that he had asked Craig Mello and Mark Haskell for quotes to fabricate six concrete pads: three for memorial benches at the new northern Conomo Point waterfront park and three to serve as bases for chimney swift nest boxes. The Board discussed adding half of the cost for each pad to the cost for each memorial bench. The balance of the cost of the bench pads will be paid from funds for the waterfront project and the cost of the pads for the bird boxes will be paid from the Town Property Management budget. Since Mr. Haskell's price per pad was significantly lower than Mr.

Mello's, the Board authorized Mr. Zubricki to proceed with Mr. Haskell, after verifying that his scope of work will be identical to Mr. Mello's.

Dredging Listening Session: Chairman O'Donnell reported on the informational forum about dredging that she had attended in Beverly, along with representatives from other coastal towns and cities, which was sponsored by Representative Ann Margaret and Senator Bruce Tarr. Those present shared their community's needs and concerns.

On a related matter, both Chairman O'Donnell and Selectman Spinney had attended an award ceremony in Dennis celebrating grants awarded to some coastal towns to fund studies on coastal resiliency matters. Essex was awarded \$71,450 as part of the State FY18 Coastal Resilience Program.

Massachusetts Downtown Initiative (MDI) Grant Kickoff Session: Mr. Zubricki reported that Essex has received a State grant to study the creation of a mixed-use overlay district in downtown Essex and the State has chosen the design firm of Harriman to assist with the project. Harriman will be hosting a site walk and informational gathering on August 31 from 9:30 am to 4:00 pm.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:30 p.m.

Documents used during this meeting include the following:

General Revisions to the Harbor Regulations
Police Department Car Show
Lease Addendum-Tight Tank Notification

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney