

Selectmen's Minutes
T.O.H.P. Burnham Library

June 20, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Counsel Gregg Corbo, Paula Filias, Catherine Beadle, Brad Atkinson, Ryan Cox, Aude Sisk, Steve Cuthbertson, Jim Haskell, Bing Gao, Chris Langathianos, and Kevin Duff.

Chairman Jones called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street and announced that the Board would hear Public Comment. No one offered any comment.

Kevin Duff came before the Selectmen to request a waiver of the application filing deadline and approval for a commercial clamming license. He said that he was unaware of the March filing deadline. A motion was made, seconded, and unanimously voted to waive the filing deadline and approve the clamming permit for Mr. Duff. Mr. Duff thanked the Selectmen and left the meeting.

Paula Filias came before the Selectmen with one of her tenants from her apartment building on Western Avenue, Catherine Beadle. Mrs. Filias said that she would like to voice her concerns regarding numerous patrons from The Farm (the restaurant which is across the street from her apartment building) parking in the apartment parking lot. She also said that the tenant who is renting the property next to her apartment building has been having loud parties which are keeping her tenants awake. Catherine Beadle said that she gets home from work about 12:30 a.m. and has been unable to sleep because of the noise coming from next door. The Police have been notified on numerous occasions, but the problem continues. Brad Atkinson and Ryan Cox, owners of The Farm, said that they have been careful to keep the noise at the restaurant under control. Ryan Cox also rents the property next to the Filias apartment building and he said that he has always heeded the Police when there have been noise complaints. Chairman Jones said that the noise coming from the private residence was not in the Selectmen's jurisdiction and was a Police matter. He urged both parties to meet with Chief Silva to discuss the matter further and indicated that he would speak with the Chief about the matter. The Selectmen asked that a sign be posted in a highly visible area at The Farm advising patrons not to park across the street in the apartment parking lot. Mr. Atkinson and Mr. Cox agreed to do so as soon as possible. The Selectmen thanked everyone for their comments and Mrs. Filias, Ms. Beadle, Mr. Atkinson, and Mr. Cox left the meeting.

Bing Gao, the owner of the Riverside Bistro, and his entertainment consultant, Chris Langathianos, came before the Selectmen to discuss Mr. Gao's recent request for a Sunday Entertainment License. After some discussion, a motion was made, seconded, and unanimously voted to approve and sign outside of a meeting, a State application for a Sunday Entertainment License for the Riverside Bistro to offer acoustic music on their deck or inside the restaurant at 112 Main Street between the hours of 5:00 and 8:00 p.m. on Sundays for a 60-day trial period. If no complaints are received during the 60-day trial period, the Selectmen agreed to extend the license for the balance of the year. Mr. Gao and Mr. Langathianos thanked the Selectmen and left the meeting.

Planning Board Chair Kim Drake and members Westley Burnham, Dexter Doane, William French, and Corey Jackson, joined the Selectmen to recommend that Skip Crocker be appointed to fill a vacancy on the Planning Board. After some discussion, a motion was made and seconded to appoint Skip Crocker to the balance of a 1-year term on the Planning Board. This seat will be voted on and filled at the next annual Town election in May for the remainder of the usual 5-year term. Following a unanimous Roll Call Vote by both the Board of Selectmen and the Planning Board, the Selectmen signed Mr. Crocker's appointment card for the Planning Board position. The Planning Board members left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 1st, 2013 through June 18th, 2013, regarding the following items:

Fiscal Year 2014 Prisoner Lockup Contract: Mr. Zubricki said that the Town will need to make arrangements to use the Manchester Lockup Facility until the new regional facility in Middleton becomes available. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a contract in the amount of \$1,000, payable in two, \$500 installments, plus applicable per-prisoner fees, with Manchester for a period of one year, commencing July 1, 2013. The contract may be terminated at any time by either participant pending 30 days' notice.

Phragmites Management Plan and Winter Moth Control: Mr. Zubricki reported that the Conservation Commission has taken a resident's concerns about phragmites under advisement. He also said that this issue may be addressed in studies being conducted by two separate groups: the ACEC (Areas of Critical Environmental Concern) and/or the National Wildlife Federation. Since this plant will only grow in freshwater, it has also been suggested that the rise in sea level may serve to naturally curtail the spread of this invasive plant in the future. The Selectmen reviewed a *second communication from the resident* concerning the invasion of the winter moth and its destruction of forest leaf production. Selectman O'Donnell said that she would speak with the Wenham Tree Warden since the resident pointed out that Wenham recently used a parasitoid fly to curb the winter moth population there.

Chris Wilson and Dave Warner joined the Selectmen to voice their concerns regarding the threat of mosquito-borne diseases to residents of the Town. The Selectmen were informed and given a *list of 7 residents* who had called the Selectmen's Office to say that they could not attend tonight's Selectmen's meeting, but were in favor of the Town actively participating in a mosquito control program. Mr. Wilson said that he was very surprised when the Annual Town Meeting last May voted not to join the Northeast Mosquito Control and Wetlands Management District. After a discussion by those present, it was agreed to ask the Town to vote again on membership in the District at a Special Town Meeting in the fall. In the meantime, the Selectmen suggested the Mr. Wilson and his fellow mosquito-control advocates launch a campaign to inform Town residents of the many options available for mosquito control. The Selectmen said that the Board of Health or the State may have materials available for informing the public and also suggested having an information booth at the Clam Fest held in the fall. Mr. Zubricki also said that the Town's Code Red system could be used to alert voters to the question on the Special Town Meeting Warrant. Mr. Wilson and Mr. Warner thanked the Selectmen and left the meeting.

At 7:52 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; and, pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing court C.A. No. 09H77SP003249; the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. Chairman Jones invited Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo to attend the Executive Session and said that the Board would be returning to Open Session in approximately one hour. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session and Mrs. Sisk and Mr. Cuthbertson left the room.

The Board returned to Open Session at 9:08 p.m. Attorney Corbo left the meeting and Mrs. Sisk and Mr. Cuthbertson rejoined the meeting.

In other business, a motion was made, seconded, and unanimously voted to ratify the approval of the weekly warrant in the amount of \$74,536.02.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 3rd, 2013, Open Meeting and the June 3rd, 2013, Executive Session.

Public Safety Committee Charge and Interview Questions: Mr. Zubricki said that he has updated the draft of the *charge for the new public safety committee* to include the questions for member candidates that were discussed at the last Selectmen's meeting. After some discussion, a motion was made, seconded, and unanimously voted to authorize the creation of a new Public Safety Committee and to approve the draft charge dated June 20, 2013. It was agreed that a request for interested candidates be advertised in the Boston Globe. Mr. Zubricki said that he has already been contacted by Donna Roy who is interested in joining the new committee.

Police Department Staffing: Mr. Zubricki said that the Police Department will be adding a full-time police patrolman position and are thinking about also adding a part-time position with benefits. Chief Silva would like to have someone (either a part-time police person and/or the Police Clerk) at the vacated Emergency Center some weekdays during business hours. It was agreed that Mr. Zubricki would ask the Finance Committee and Chief Silva to the next Selectmen's meeting on July 1 to discuss various aspects of this matter.

Phase IV Contract for Assessors Digital Mapping Project: Mr. Zubricki reported that the Board of Assessors has been working with Cartographic Associates, an independent consulting firm, to produce digital maps of the Town. The project is divided into four phases, the first three of which have been completed. The final phase is anticipated to begin in July 2013 and complete in September of 2014. A motion was made, seconded, and unanimously voted to approve and sign the phase four contract with Cartographic Associates.

Contract for Historic Properties Survey Plan: Mr. Zubricki reported that the Historic Commission has chosen a person to conduct the survey plan from the quotations submitted and that a contract has been prepared. A motion was made, seconded, and unanimously voted to approve and sign the contract with Wendy Frontiero to execute the survey plan of historic properties in Town.

Demolition of Structures at 5 Beach Circle: Mr. Zubricki updated the Selectmen on the status of the demolition of the structures on this property. To date, sign-offs were obtained from several departments by Mr. Zubricki and asbestos removal was completed. The buildings were demolished and carted away in five dumpsters on June 13th. The Department of Public Works will now complete cleanup of the site and stabilize the ground to prevent erosion as required by the Conservation Commission.

Assessment of Asbestos in Town Hall/Library: Mr. Zubricki said that the recent testing of the Town Hall and Library had resulted in the discovery of small amounts asbestos in several areas, that are not presently hazardous, but that will need to be attended to as part of the construction of the planned improvements are begun.

Federal Channel Dredging Discussion: Mr. Zubricki reported that both he and Selectman O'Donnell had met recently with local marina owners to discuss their views in favor of the need to dredge the Essex River channel. The Selectmen agreed with Mr. Zubricki's recommendation to ask Vine Associates, the professional consulting firm who has helped the Town with its proposed causeway boardwalk project, for a cost estimate to perform a study of the encroachments on the Essex River channel. The study will enable the Town to create a chronological list of actions needed to move from the existing condition of the channel to a perfected channel in the future.

Mr. Zubricki also mentioned that Senator Tarr is working with an alliance of municipalities north of Essex, who are seeking to replenish the vast amounts of sand that have been eroded during recent storms. It has been suggested that perhaps the sand that has been deposited in Essex from the storms could be returned to the northern communities.

Final Judgment Quarterly Report: Mr. Zubricki said that this quarter's report has been completed and a motion was made, seconded, and unanimously voted to approve and distribute the report.

Proposed Special Legislation, Town of Hamilton: Mr. Zubricki reported that Senator Tarr has said that there will be no decision on this matter until the three towns involved (Essex, Hamilton, and Wenham) can have a joint meeting of the Town Counsels to discuss the impact of the legislation on each community.

Massachusetts Downtown Initiative Technical Assistance Program: Mr. Zubricki announced that the Town has been awarded \$10,000 to develop a scope of services necessary to plan for an

improved Town Landing facility as the centerpiece of the newly created cultural district. He will serve as the Town's point of contact and a kick-off meeting will be held at the site on July 9.

Downtown Boardwalk Construction Grant Application: Mr. Zubricki said the Mr. Gao of the Riverside Bistro is in favor of the proposed boardwalk, but has reservations about it running behind his restaurant on the river-side. He would not mind the walk being on the street-side of his restaurant. An easement would be needed from Mr. Gao in order for the boardwalk to be constructed between his restaurant and the river. Mr. Zubricki said that he thought that the newly constructed sidewalk by MassDOT that is in front of the Riverside could be used as part of the local match requirement for a construction loan. He said he would ask Salem University for their opinion on the proposed changes to the boardwalk design, based on Mr. Gao's concerns. The construction grant application cannot be crafted until the final design of the project is settled.

Final MOU with National Wildlife Federation: Mr. Zubricki reported that the memorandum with the NWF has now been agreed to by both sides and Town Counsel. A motion was made, seconded, and unanimously voted to sign the document.

A motion was made, seconded, and unanimously voted to approve and sign a line item transfer request in the amount of \$16,298.42 from Wastewater Legal to Conomo Point Legal.

A motion was made, seconded, and unanimously voted to approve and sign a line item transfer request in the amount of \$18,122.23 from General Legal to Conomo Point Legal.

The Selectmen were informed that there is a vacancy on the Board of Registrars and that letters need to be sent to each political party requesting candidates to fill the vacancy. After review of a draft letter, a motion was made, seconded, and unanimously voted to sign letters to the Essex Democratic Town Committee and to the Republican State Committee (there is no existing local Republican Committee) regarding suggestions for candidates to fill a vacancy on the Essex Board of Registrars.

A motion was made, seconded, and unanimously voted to approve, and sign a renewal contract with Primoris Benefit Advisors, Inc. to provide actuarial valuation and consulting services for FY2014 related to GASB Statement No. 45.

A motion was made, seconded, and unanimously voted to sign the MIIA renewal applications for Police Professional Liability Insurance and for Public Officials Liability Insurance.

A motion was made, seconded, and unanimously voted to ratify the approval of a request from the Fire Department to pass over Essex and State roads during the Fireman's Memorial Parade on Sunday, June 9, 2013.

Mr. Zubricki announced that the preliminary subdivision plan for central Conomo Point was filed today with the Planning Board.

A motion was made, seconded, and unanimously voted to table discussion and signing of the deeds for the following leased properties at Conomo Point:

- 98 Conomo Point Road, Map 19, Lot 56
- 12 Town Farm Road, Map 19, Lot 40
- 6 Sumac Drive, Map 19, Lot 16

A motion was made, seconded, and unanimously voted to also table discussion of extending the bridge lease and purchase and sale agreement for the following properties:

- 98 Conomo Point Road, Map 19, Lot 56, Daniel Mayer
- 6 Sumac Drive, Map 19, Lot 16, Daniel Mayer
- 12 Town Farm Road, Map 19, Lot 40, Daniel Mayer

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell. (Permitting and installation of a tight tank is still in process. The lender will not close until a new system is installed.)

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties:

- 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees now that warmer weather has arrived.)
- 11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees now that warmer weather has arrived.)

A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties, pending payment of back taxes and rent:

- 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli (A transferee has been identified, but he is still working out the septic system upgrade requirements of his prospective lender.)

The Selectmen reviewed a request from Kristine and John True for assignment of the lease for 109 Conomo Point Road (Map 19, Lot 93) to the True Family Irrevocable Trust. Chairman Jones entertained a motion to approve the transfer of the leasehold for the property at 109 Conomo Point Road (Map 19, Lot 93) from Kristine and John True to the True Family Irrevocable Trust with the caveat that the Bridge Lease expires by its term on December 31, 2013, and that nothing in this vote shall be construed as an extension of said lease; 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 Kristine and John True. The motion was moved, seconded, and unanimously voted.

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

Non-Resident Recreational Clamming Permit and Waiver of Application Deadline:

- Martin Forde, of Middleton, MA sponsored by Erin Ricci of 6 Sumac Drive

One-Day Wine and Malt License:

- Apple Street Farm, Frank McClelland, for use on Friday, June 21, 2013, between the hours of 5:00 and 11:00 p.m. within the confines of the Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Frank McClelland, for use on Saturday, June 22, 2013, between the hours of 5:00 and 11:00 p.m. within the confines of the Apple Street Farm at 35 Apple Street.

The Selectmen decided that they would take no action regarding an alleged Alcohol Service License violation by The Farm. Police Chief Silva will follow up with the owners of the business regarding the incident.

A motion was made, seconded, and unanimously voted to approve the following reappointments (Chairman Jones abstained from voting on the appointments for the Local Emergency Planning Committee.):

ADA Coordinator – 1 Year

William Sanborn

Animal Control Officer – 1 Year

Amelia Reilly

Building Inspector – 1 Year

William Sanborn

L. William Holton – Assistant

Burial Agent – 1 Year

Blake Story

CATC Representative – 1 Year

Robert Cameron

Conservation Commission – 3 Years

Samantha Stevens

Jamie Richardson

Council on Aging – 3 Years

Harold Addison

Rosemarie Carr

Priscilla Doucette

Marlene Sanders

Robert Cameron

Electrical Inspector – 1 Year

Ramie Reader

John Shields – Assistant

Emergency Management Director – 1 Year

Dan Doucette

Essex Cultural Council – 6 Years

Peggy Duff

Fire Engineers Board, Deputy Chief – 1 Year

Keith Carter

Fire Engineers Board, Deputy Chief – 1 Year

Ramie Reader

Fire Engineers Board, Chief – 1 Year

Dan Doucette

Firefighter, Captain – 1 Year

Ernest Nieberle, Jr.

Firefighter, Lieutenant – 1 Year

Travis Good

Joseph Lafata

David Pereen

David Thompson

Cory Jackson

Firefighter, Arson Investigator – 1 Year

Michael French

Firefighter – 1 Year

Edward Akerley

James Albani

Daniel Ball

David Barrett

Westley Burnham

Robert Cavender

Samuel Crocker

Dexter Doane

Richard Dort, Jr.

Daniel Fialho

Ronald Gallant

Warren Grant, Jr.

Jason Heath

Barry Leeds

Ivan Muise

Edward S. Neal

Peter Nich

Heather Osborn

Nicholas Ouellette

Joan Perrigo

Dennis Pyburn

Sean Reed

Sally Rich

Scott Savory

Nicholas Silva

Michael Soucy

George Stavros

Gordon Thompson

Eian Woodman

Firefighter, Probationary – 1 Year

Ryan Reed

Anthony Pizzo

Jonathan O'Bryan

Spencer Morse

Peter Hoare

Forest Fire Warden – 1 Year

Dan Doucette

Harbormaster's Assistant – 3 Years

Robert Hemeon

Hazardous Waste Advisor – 1 Year

Edward Akerley

Local Emergency Planning Committee – 1 Year

Dan Doucette

Jeffrey Jones

Elaine Wozny

Peter Silva

Paul Goodwin

MAPC Representative – 1 Year	
Peter Phippen	
Open Space Committee – 1 Year	
Julie Scofield	Tamson Gardner
Lysa Leland	Leslie Burns
Personnel Board – 3 Years	
Mark Osburn	
Plumbing & Gas Inspector – 1 Year	
Richard Corriere	
David Pereen – Assistant	
Police Officer, Sergeant, Full-Time – 3 Years	
Paul Francis	
Police Officer, Inspector, Full-Time – 3 Years	
Michael French	
Police Officer, Full-Time – 3 Years	
Robert Gilardi	Thomas P. Shamshak
Ryan Davis	Justin Zwicker
James Romeos	
Police Officer, Part-Time – 1 Year	
David Kent	Alexander F. Edwards
Daniel Bruce	Nicholas Hamilton
Tom Berube	Mark Brewer
Chad Lipinski	Robert Smith
Robert Hemeon	
Police Officer, Special – 1 Year	
Paul C. Peoples	
Ranger-Crane Wildlife Refuge – 1 Year	
Donald A. Paquin	
REPC Emergency Response Coordinator – 1 Year	
Dan Doucette	
Shellfish Constable – 3 Years	
William Knovak	
Shellfish Deputy Constable – 3 Years	
Stephen Hartley	
Town Clerk – 3 Years	
Christina Wright	
Town Counsel – 1 Year	
Kopelman and Paige, P.C.	
Treasurer/Collector – 3 Years	
Virginia Boutchie	

The Selectmen signed the appointment cards.

The Selectmen were reminded that there will be a ceremony to honor MERSD as the recipient of the US Department of Education Green Ribbon School Award on Monday, June 24, 2013, at

1:00 pm in the MERHS School Cafeteria at 36 Lincoln Street. Please RSVP by 6/21/2013 to GreenTeam@mersd.org Selectman Gould-Coviello and/or Selectman O'Donnell will try to attend the ceremony.

The next regular Board of Selectmen's meeting will take place on Monday, July 1st, 2013, at 7:00 p.m. at T.O.H.P. Burnham Library on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:00 p.m.

Documents used during this meeting include the following:

List of 7 residents

Second communication from the resident

Charge for the new public safety committee

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell