

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

September 9, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, and Town Administrator Brendhan Zubricki.

Also present: Steve Cuthbertson.

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

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 24th, 2013 through September 6th, 2013, regarding the following:

Massachusetts Downtown Initiative Grant Update: Mr. Zubricki explained that the consultant working on the grant was in the process of developing a presentation for an evening meeting to be held later in September or perhaps in October. The presentation will provide final recommendations regarding improvements to the Town Landing after consideration of input from the initial public forum and the Selectmen's input through Selectman O'Donnell. The Board will discuss the grant and progress toward a second public forum again at the next meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$65,907.98.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 26th, 2013, Open Meeting and the August 26th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to allow the Riverside Bistro to close for cleaning and maintenance from September 16, 2013 through February 28, 2014.

A motion was made, seconded, and unanimously voted to allow a group of volunteers to hold a Halloween party for the youth of the community at the Centennial Grove on October 26, 2013 and to defray the cost of supplies and materials via the Town Events Fund. Attendees will be accompanied by their parent or legal guardian.

A motion was made, seconded, and unanimously voted to utilize the Town Events Fund to pay for several generic "event parking" sandwich board type signs that would direct visitors to the municipal parking lot during various Town events (cost not to exceed \$400).

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, September 16th, 2013, at 7:00 p.m. in the Library on Martin Street.

The Selectmen were also reminded that they will be attending the Planning Board's meeting on September 18th, 2013. The Board requested an 8:30 p.m. appointment time.

The Board discussed the Building Center's recent offer to sponsor events and projects with financial backing and/or donated products and agreed that Mr. Robert Coviello, who is a member of the Long Term Planning Committee and the Centennial Grove Committee, should be the Town's liaison to the Building Center's sponsorship program.

Mr. Zubricki reviewed possible dates for a Special Town Meeting later this year. Everyone was in agreement and a motion was made, seconded, and unanimously voted to hold the meeting on Monday, November 18, 2013, provided that the Moderator is available that evening.

Mr. Zubricki reported that Barney Lichtenstein, the son of Bernice Lichtenstein, has indicated that his mother would like to abandon and surrender to the Town the leased property at Conomo Point (11 Cogswell Road, Map 19, Lot 52), including the structure, and requires up to 120 days from the date of his letter to be able to remove personal belongings. Mr. Lichtenstein has Mrs. Lichtenstein's power of attorney. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to accept the abandonment and surrender of Mrs. Lichtenstein's leased property at 11 Cogswell Road, including all improvements to the property. Mr. Lichtenstein will have through December 27, 2013 to remove any personal belongings and anything remaining in the house or on the property after that date will become the Town's.

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

One-Day Wine and Malt License:

- Nathan Woodman for use on Saturday, October 5, 2013, between the hours of 12:00 noon and 8:00 p.m. within the confines of the Essex Shipbuilding Museum at the Waterline Center at 66 Main Street.
- Apple Street Farm, Frank McClelland, for use on Friday, September 20, 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, September 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.

One-Day Entertainment License:

- Nathan Woodman for use on Saturday, October 5, 2013, between the hours of 12:00 noon and 8:00 p.m. within the confines of the Essex Shipbuilding Museum at the Waterline Center at 66 Main Street.

A motion was made, seconded, and unanimously voted to appoint Selectman Gould-Coviello to a new committee that is being convened by the Regional School District to review future facilities needs, particularly with respect to the two elementary schools.

At approximately 7:20 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; pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; pending litigation concerning permits for 90 Apple Street construction project; and, pending litigation concerning William Allen of Southern Avenue; 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 Mr. Zubricki to attend the session and said that the Board would be returning to Open Session at approximately 8:00 p.m. The motion was moved and seconded. Following a unanimous Roll Call Vote, all others left the meeting, and, the Board and Mr. Zubricki moved to Executive Session.

The Board returned to Open Session at approximately 8:00 p.m. and announced that the executive session was in recess and would continue later in the meeting. Mr. Cuthbertson rejoined the meeting.

Ms. Leah Maher had been invited to appear before the Board at 8:00 p.m., along with Town Counsel Gregg Corbo to review Ms. Maher's request for a building permit to repair the roof at 13 Town Farm Road (Map 19, Lots 41 & 42). Ms. Maher did not appear and Attorney Corbo was running late from a previous engagement.

The Board took a brief recess until approximately 8:15 p.m., when Mr. Corbo arrived. Chairman Jones invited Mr. Zubricki and Attorney Corbo to attend the resumption of the executive session that had been begun earlier in the meeting and said that the Board would only be returning to Open Session to adjourn the meeting. A motion to that effect was moved and seconded. Following a unanimous Roll Call Vote, all others left the meeting, and, the Board, Mr. Zubricki, and Mr. Corbo moved to Executive Session.

Mr. Zubricki left the executive session at approximately 8:20 p.m.

Mr. Zubricki returned to the executive session at approximately 8:30 p.m.

The Board returned to Open Session at approximately 9:30 p.m. There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

None.

Prepared by: _____
Jeffrey D. Jones, Chairman

Attested by: _____
Lisa J. O'Donnell