

Selectmen's Minutes
Senior Center

October 7, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Clerk Christina Wright, Selectmen's Assistant Pamela J. Witham, and Board of Health Chair Dr. Dave Driscoll.

Chairman Jones called the meeting to order at 7:00 p.m. in the upstairs meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

A motion was made, seconded, and unanimously voted to approve and sign the MA Emergency Management Agency Standard Contract Form for partial reimbursement for expenses incurred during the February 2013 Blizzard in the amount of \$1,942.51. The Chairman signed the documents and was witnessed by Town Clerk Christina Wright in her capacity as a notary public. The Selectmen thanked Christina and she left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$66,091.86.

Brandon Tarricone of Medicinal Evolution introduced himself and his associate to the Selectmen. He announced that he is interested in developing a potential medical marijuana manufacturing site off Western Avenue in Essex. He said that the site would only be used to grow the plants and that the product would be dispensed from another site. The Selectmen said that they and the Planning Board are currently seeking to amend the Town's Bylaws to include medical marijuana under the special permitting category. A public hearing is currently planned for November 6th and the Town will vote on the proposed amendment at the Special Town Meeting on November 18th. If passed at Town Meeting, parties will then work with the Planning Board to establish a medical marijuana site in Town. Mr. Tarricone thanked the Selectmen for the information and the Selectmen thanked him for coming to their meeting.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 23rd, 2013, Open Meeting and the September 23rd, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to sign a proclamation naming October 20 through October 26, 2013, Freedom from Workplace Bullies Week.

A motion was made, seconded, and unanimously voted to sign a proclamation designating October 24th, 2013 as United Nations Day.

A motion was made, seconded, and unanimously voted to approve the State Standard Contract Form for the Council on Aging Formula Grant in the amount of \$6,024.00.

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

One-Day Wine & Malt License:

- Essex Historical Society & Shipbuilding Museum, Lee B. Spence, President, for use on Friday, October 4, 2013, between the hours of 7:00 and 10:00 p.m. within the confines of the Essex Waterline Center at 66 Main Street.
- Apple Street Farm, Frank McClelland, for use on Friday, October 18, 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, October 19, 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 were reminded that the next regular Board of Selectmen's meeting will take place on Monday, October 21, 2013, at 7:00 p.m. in the Senior Center on Pickering Street.

The Board of Selectmen and Town Administrator have been invited to attend the Open Door Autumn Breakfast on October 24, 2013, beginning at 7:30 a.m. at Cruiseport in Gloucester. Selectman Gould-Coviello said that she would be attending. Mr. Zubricki will be at a conference on that day and unable to attend.

The Essex Clam Fest is scheduled for Saturday, October 26, 2013.

The Selectmen reviewed a letter from the Mears family requesting permission to place a memorial bench at Conomo Point. The Selectmen agreed to invite the family members to their next meeting to discuss their plans for the bench and its possible placement. Superintendent Goodwin will also be available for comment on this matter at the next meeting.

Mr. Zubricki read a draft of a proposed response to Roger and Susan King relative to a 3rd Year Bridge Lease for the property at 41 Robbins Island Road (Map 19, Lot 76). Subsequently, the Board voted unanimously to sign the letter outside of a Selectmen's meeting offering a 3rd Year Bridge Lease contingent upon approval from Town Counsel and upon verification from the Board of Health that the septic compliance order for this property has been satisfied.

The Board of Selectmen mentioned that there appears to be a new board walk at 29 Robbins Island Road (Map 19, Lot 77) and Mr. Zubricki said that he would visit the site and investigate the matter further, and report his findings to any relevant town departments and back to the Selectmen.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 21st, 2013 through October 4th, 2013, regarding the following:

Testing of Virtual Desktops: Mr. Zubricki reported that Melrose is ready for us to test our work station virtual desktops. However, it will be necessary to purchase new Microsoft Office user licenses for each workstation. Mr. Zubricki recommended purchasing two licenses initially, so that he could test the system with two actual users for a period of time, before everyone is

migrated. Mr. Zubricki also recommended waiting to complete the migration until a generator has been installed at the Town Hall (which is pending as part of a Federal grant). The Selectmen were in agreement with Mr. Zubricki and a motion was made, seconded, and unanimously voted to approve the purchase of two licenses.

Award of Town Hall/Library Construction Contract: Mr. Zubricki said that the general bids for the Town Hall Improvements were opened last Thursday and that all four were in excess of the present funding for the project. Mr. Zubricki asked the Selectmen whether or not they were interested in requesting additional money for the project at Town Meeting or whether they would prefer to scale back the scope of work based on the money that has already been appropriated. The Selectmen agreed that they would like to ask the Town for additional money at the Special Town Meeting on November 18th. Mr. Zubricki said that the Conservation Commission has given their approval for a drain outfall to be installed near adjacent wetlands.

Next, Doug Ford of Planting Hope, Inc. and his associate Bert Johnson came before the Selectmen to discuss a potential medical marijuana cultivation center in Essex. They were joined by Darrell Perkins, the owner of the site on Western Avenue which is being considered. Mr. Ford said that they have spent the past year researching this new industry. The facility on Western Avenue is being considered for growing the plants and the medicinal products will be manufactured elsewhere. The products may include vaporizers, energy drinks, and/or ice cream. The Selectmen said that the Planning Board is currently seeking to amend the Town's Zoning Bylaws to include the growing of medicinal marijuana in the special permitting section.

The Selectmen thanked everyone for their presentations and the Medicinal Evolution group, the Planting Hope group, and Dr. Driscoll left the meeting.

Constellation Energy Efficiency Audit and Historical Rate Trends: Mr. Zubricki reported that he has accepted Constellation's offer to perform an energy audit of Town buildings at no cost or obligation to the Town and has provided Constellation with initial information. The audit results are expected within six to eight weeks.

Mr. Zubricki said that, with the help of the Constellation representative, he continues to track energy rates and trends, in case the Selectmen decide to lock in future rates starting in 2016. All agreed that a target should be set after the energy audit date is available.

Solar Power Hosting Agreement: Mr. Zubricki reported that he has obtained a copy of a letter of intent between the Town of Westborough and Synergy. He has also attempted to contact the Town Manager of Westborough regarding his experience with this company. Synergy has no other agreements or contracts with any of the towns and/or cities in Massachusetts. Mr. Zubricki said that he will continue to research the matter.

Surplus Debt Service Options, Vocational/Agricultural Project: Mr. Zubricki reported that the Essex North Shore Agricultural and Technical High School Committee recently informed him that this fiscal year's debt service was not as high as expected and there is now a surplus of

funds. They have offered a choice of one of three options: 1) return the excess funding to each community, 2) apply the excess to debt principal, or 3) apply the excess to next year's assessment. The Selectmen were in favor of option number 3 and Mr. Zubricki said that he would inform Mr. Harvey of the Selectmen's preference. Ultimately, the District will act in accordance with the prevailing view of the membership.

Draft Special Town Meeting Warrant: Mr. Zubricki reviewed each of the articles in his ***draft of the November 18, 2013 Special Town Meeting Warrant***. Based on tonight's discussion, Mr. Zubricki will revise the warrant and prepare it for approval and signing on October 21.

Pedestrian Walkway License Renewal: In anticipation of the expiration of the current pedestrian walkway license on November 16, 2013, Mr. Zubricki had prepared a renewal license. A motion was made, seconded, and unanimously voted to offer the renewal agreement for consideration to the property owner and to sign it outside of a meeting once it is signed by the owner.

Downtown Boardwalk Seaport Advisory Grant Quarterly Report: Mr. Zubricki said that he has completed this quarterly report and that Salem State's part of this project is now finished. The Town applied to the Seaport Advisory Council two months ago to request funding for the construction phase of the project. However, Mr. Zubricki has discovered that there are no plans for a meeting of the Council in the near future, nor is there likely to be funding available for the project in this fiscal year. Mr. Zubricki asked the Selectmen whether they would like the engineering consultant to continue with the completion of the final design and to begin the permitting process. The Selectmen were in agreement that activity on this project should be postponed.

Potential Infrastructure Grant Funding: National Wildlife Federation representative Chris Hilke has asked for suggestions regarding potential Essex coastal infrastructure improvement projects relating to a climate change adaptation strategy for the Town. A Conomo Point seawall system and/or bridge renovation replacement for several sites in Town were suggested and Mr. Zubricki agreed to forward the ideas to Mr. Hilke.

Mr. Zubricki reported that this year the Town's insurance carrier is making two grants available to qualified customers. Subsequently, a motion was made, seconded, and unanimously voted to authorize and sign the Town's grant application for a work zone safety trailer for the Department of Public Works in the amount of \$4,999 that Mr. Zubricki had prepared. A second motion was made, seconded, and unanimously voted to approve a grant application in the amount of \$10,000 to fund preservation of Town historic records and to sign the application outside of a Selectmen's meeting as it is available from the Town Clerk.

At 8:59 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; and, litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; 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 and said that the Board would be returning to Open Session only to adjourn the meeting. He invited Mr. Zubricki to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board and Mr. Zubricki moved to Executive Session.

The Board returned to Open Session at 9:22 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Draft of the Special Town Meeting Warrant

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell