

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

November 4, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Also Present: Bob Brophy, Bob Coviello, Paul Doucette, Walter Rich, Mary Beth Tirrell, and James Witham.

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

Dr. Karen Munkacy and her associates Ron Smalley and Mary Ann Walsh from Garden Remedies, joined the Selectmen, to discuss Garden Remedies' application to the State for a permit to operate a medical marijuana growing facility, possibly in Essex. Mr. Smalley exhibited a proposed layout plan for the building on Western Avenue and discussed the different stages of cultivating and harvesting the plant. He also explained the different levels of security that would be installed at the site. The building and extent of operation would evolve over time as funding became available, eventually including several growing rooms and an industrial kitchen for processing. Dr. Munkacy said that the State has asked that their application include a letter of support and/or non-opposition from the Town/City where they plan to locate their facility. The Selectmen said that they would take the matter under consideration, but could not issue a letter until after the Special Town Meeting on November 18. Dr. Munkacy said that the applications need to be submitted on November 21. Ms. Walsh said that they plan on attending the Planning Board hearing on November 6 regarding the proposal to ask Town Meeting to add growing medicinal marijuana to the special permitting process in the Town bylaws. A business does not need permission from the Town to operate a medical marijuana facility. By adding medical marijuana to the special permitting section of the Town's bylaws, the Town would be able to exercise some added control over the operation, instead of just relying on State law to regulate the business. The Selectmen thanked Garden Remedies for their presentation and they left the meeting.

Mary Beth Tirrell came before the Selectmen to discuss her request to change the designation of the property that she leases at Conomo Point (20 Cogswell Road, Map 19, Lot 54) from seasonal to year-round. She said that the installation of a new tight tank is almost complete and she will be installing a new cistern. She stated that at one time the property was lived in year-round, but over the years had reverted to only seasonal use due to DEP mandates and Board of Health concerns. She said that she is hoping that the new tight tank and cistern will allow the property to be designated as year-round again. Ms. Tirrell offered copies of various documents discussing her family's efforts over the last 20 years to unsuccessfully have the property designated as year-round. The Selectmen said that they would take the matter under advisement. Ms. Tirrell thanked the Selectmen and left the meeting.

Christine Creager, from Constellation Energy, joined the Selectmen to discuss a contract for a potential lighting retrofit of various Town buildings. Recently, Constellation Energy personnel

had performed an energy audit of the Town Hall/Library, the Fire Station, and the Water Filtration Plant. By switching to other, more energy efficient lighting devices the Town will be able to pay for the upgrade over a four-year period through energy savings and other incentives with a net annual savings of about \$6,000. Constellation Energy will perform and pay for the retrofit initially. Ms. Creager left a sample contract with the Selectmen for their review. The Selectmen thanked Ms. Creager and she left the meeting.

Jim Witham, Bob Brophy, Bob Coviello, Paul Doucette, and Walter Rich came before the Selectmen to discuss repair/replacement of the Veterans' Honor Roll in front of Town Hall. Mr. Brophy has generously donated his time and expertise over the past many years to rebuild and maintain the memorial from time to time as its condition warranted. The memorial is again in bad shape. It is made of wood, which requires regular maintenance. The group, calling themselves the Friends of the Honor Roll, would like to explore creating a new memorial out of stone and locating it in Memorial Park where it could be surrounded by walkways, landscaping, and benches. The Memorial Park location would be more visible to the public. They would also like the memorial to include veterans from all of the wars. The Selectmen approved of the project and asked the group to continue working on it. Jim Witham, the group's spokesperson, said they would like to sponsor an informational forum to receive suggestions and information from the public. Funding for the project might come, in part, from Community Preservation Funds and/or selling bricks or benches. Mr. Zubricki offered to help with some research and the group was advised to contact the Historical Commission to inquire about the availability of Community Preservation Funds and to support a CPC application. The group thanked the Selectmen and left the meeting.

At 8:30 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; litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; pending litigation concerning William Allen of Southern Avenue; and, pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP0032; 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. He invited Mr. Zubricki and Town Counsel Gregg Corbo to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, Mr. Zubricki, and Town Counsel moved to Executive Session.

The Board returned to Open Session at 9:20 p.m. Town Counsel Gregg Corbo left the meeting.

A motion was made, seconded, and unanimously voted to prepare letters rescinding the Selectmen's offer of third-year bridge leases to the following tenants who had failed to pay the current installment of real estate taxes and to send those letters if accounts are not in good standing as of November 8, 2013. (Said letters will include an opportunity to cure by December 1, 2013):

- 169 Conomo Point Road, Map 24, Lot 10, Coakley
- 31 Middle Road, Map 24, Lot 3, Collins
- 161 Conomo Point Road, Map 24, Lot 14, Conomo Point Association

A second motion was made, seconded, and unanimously voted to sign outside of a meeting, an offer of a third-year bridge lease to the above tenants if their tax arrearage was paid before November 8, 2013.

A motion was made, seconded, and unanimously voted to sign a letter to Thayer, Caroline, Douglas, Marjorie, & Eliza Adams extending an offer of a 3rd Year Bridge Lease for the property at 9 Beach Circle, Map 19, Lot 96, which had been contingent upon a favorable septic system inspection.

A motion was made, seconded, and unanimously voted to sign letters confirming lease rates for third year bridge leases and requesting counter signature from the tenants agreeing to the terms offered, to the following:

- 9 Beach Circle, Map 19, Lot 96, Adams
- 39 Middle Road, Map 19, Lot 81, Averay
- 34 Robbins Island Road, Map 19, Lot 66, Calder
- 38 Robbins Island Road, Map 19, Lot 69, Clark
- 155 Conomo Point Road, Map 24, Lot 16, Cottage Park Realty
- 142 Conomo Point Road, Map 24, Lot 36, Crossen
- 136 Conomo Point Road, Map 24, Lot 38, Cushing
- 163 Conomo Point Road, Map 24, Lot 13, Cushing & Lane
- 15 Middle Road, Map 24, Lot 32, Cuthbertson
- 2 Conomo Lane, Map 19, Lot 82, Davis
- Conomo Point, Map 24, Lot 25, Davis
- 124 Conomo Point Road, Map 24, Lot 43, Davis
- 34 Robbins Island Road, Map 19, Lot 67, Denton
- 7 Beach Circle, Map 19, Lot 99, DeScenza
- 1 Robbins Island Road, Map 19, Lot 79, Fryou & Loup
- 168 Conomo Point Road, Map 24, Lot 22, Goldsberry
- 170 Conomo Point Road, Map 24, Lot 23, Goldsberry
- 11 Middle Road, Map 24, Lot 33, Goldsberry
- 11 Conomo Lane, Map 24, Lot 1, Hartley
- 126 Conomo Point Road, Map 24, Lot 42, Hatfield, Fraser, & Osburn
- 134 Conomo Point Road, Map 24, Lot 39, Healy
- 172 Conomo Point Road, Map 24, Lot 24, Herrmann
- 21 Middle Road, Map 24, Lot 29, Holleran
- 105 Conomo Point Road, Map 19, Lot 97, Hull
- 41 Robbins Island Road, Map 19, Lot 76, King
- 25 Robbins Island Road, Map 19, Lot 78, King
- 9 Middle Road, Map 24, Lot 34, Lane
- 144 Conomo Point Road, Map 24, Lot 35, Lane

- 9 Conomo Lane, Map 24, Lot 2, Lane
- 179 Conomo Point Road, Map 24, Lots 5 & 6, Lane
- 17 Middle Road, Map 24, Lot 31, Lemcke & de Vries
- 159 Conomo Point Road, Map 24, Lot 15A, LeRoyer
- 3 Beach Circle, Map 19, Lot 101, Lunt & Menges
- 122 Conomo Point Road, Map 24, Lot 44, Lynch
- 36 Robbins Island Road, Map 19, Lot 68, MacDougall
- 19 Middle Road, Map 24, Lot 30, MacGrath
- 120 Conomo Point Road, Map 24, Lot 45, Maher
- 110 Conomo Point Road, Map 19, Lot 88, Marsolais
- 103 Conomo Point Road, Map 19, Lot 98, Mauceri
- 101 Conomo Point Road, Map 19, Lot 102, Mayer
- 114 Conomo Point Road, Map 19, Lot 86, Mazzarino
- 175 Conomo Point Road, Map 24, Lot 7, Mears
- 173 Conomo Point Road, Map 24, Lot 8, Mears
- 11 Beach Circle, Map 19, Lot 95, Menges
- 171 Conomo Point Road, Map 24, Lot 9, Murphy
- 167 Conomo Point Road, Map 24, Lot 11, Murphy
- 30 Robbins Island Road, Map 19, Lot 65, Rettberg
- 154 Conomo Point Road, Map 24, Lot 18, Richardson
- 42 Robbins Island Road, Map 19, Lot 71, Riggs
- 43 Robbins Island Road, Map 19, Lot 75, Riggs
- 25 Middle Road, Map 24, Lot 27, Rowe
- 44 Robbins Island Road, Map 19, Lot 72 & 74A, Sachsse
- 29 Middle Road, Map 24, Lot 4, Sisk
- 113 Conomo Point Road, Map 19, Lots 89 & 91, Sisk
- 23 Middle Road, Map 24, Lot 28, Smith
- 111 Conomo Point Road, Map 19, Lot 92, Smith
- 4 Conomo Lane, Map 19, Lot 83, Spunt
- 109 Conomo Point Road, Map 19, Lot 93, True
- 165 Conomo Point Road, Map 24, Lot 12, Walker
- 166 Conomo Point Road, Map 24, Lot 21, Walker
- 187 Conomo Point Road, Map 19, Lot 85, Webber
- 130 Conomo Point Road, Map 24, Lot 41, Wendell
- 3 Middle Road, Map 24, Lot 18 A, Wendell
- 1 Middle Road, Map 24, Lot 19, Wendell
- 162 Conomo Point Road, Map 24, Lot 20 Wendell
- 159 Conomo Point Road, Map 24, Lot 15 B, Wendell

Selectman Gould-Coviello reported that she had recently attended a meeting of Veterans' Eastern District. At the meeting, the Town of Newbury had requested to join the District. The members voted on the request and Newbury was approved. As a result, Essex will be receiving a small rebate for Veterans' Services for this fiscal year. The Eastern District Representative Terry Hart will likely present a refund check to the Selectmen at one of their future meetings.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period October 19, 2013 through November 1, 2013, regarding the following:

Renewal of Sewer Inspection Camera Sharing Agreement: Mr. Zubricki reported that Rockport and Essex have shared a sewer inspection camera for many years now. The present 5-year sharing agreement will expire in November 2013. Mr. Zubricki said that both towns would like to continue the sharing arrangement. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a new 5-year sewer inspection camera sharing agreement.

Preliminary Review of FY15 Capital Budget Request: Mr. Zubricki presented his first draft of the ***FY2015 Capital Budget***, which will be reviewed by the Selectmen for comment at a future meeting.

Draft Special Town Meeting Motions: Mr. Zubricki briefly discussed the ***motions*** he had drafted for the articles on the Special Town Meeting Warrant, the suggested presenters of those motions, and the associated ***suggested monetary amounts***.

Massachusetts Downtown Initiative (MDI) Final Grant Presentation: Mr. Zubricki said that the Town's consultant, ICON Architecture delivered their final presentation last Wednesday regarding the suggested redesign of the Town Landing based on the input of several town boards and committees. The Town may now seek funding for the project either through grants or Town appropriations.

Estuarine Ecosystem Restoration Grant: Mr. Zubricki reported that the Selectmen's Office was approached by Peter Phippen, of the MassBays National Estuary Program, asking the Town to support a grant application for ***eelgrass restoration***. The grant would be in the amount of \$20,000 and the Town would be required to contribute a matching amount in the form of in-kind services. It is anticipated that the Town's in-kind match would be in the form of grant administration and monitoring of the project by the Shellfish Constable. A motion was made, seconded, and unanimously voted to approve Mr. Phippen's request and to sign the application outside of a meeting as soon as it is completed.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$142,783.02.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's October 21, 2013, Open Meeting and the October 21, 2013, Executive Session.

Mr. Zubricki reported that each political party in Town had been asked to supply the name of a potential candidate to fill the vacancy on the Board of Registrars. Neither party has responded. The Selectmen may now appoint a person of their choice. The Selectmen asked Mr. Zubricki to

ask the Boston Globe reporter to place a notice in the paper regarding the search for a new Registrar member, and also, to ask the Board of Registrars for suggestions.

A motion was made, seconded, and unanimously voted to approve a *recommendation from Fire Chief Daniel Doucette* to appoint James McNeilly and Amy Price to the position of Probationary Firefighters for the remaining term of one year, expiring on June 30, 2014. The Selectmen signed their appointment cards.

A motion was made, seconded, and unanimously voted to approve a *recommendation from Community Preservation Committee Chair Kim Drake* to appoint Peter Madsen to her Committee as the At-Large member of the Committee that is appointed by the Selectmen. Mr. Madsen will serve the remainder of a 3-year term which will expire on June 30, 2016. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to reappoint Melissa Cennami to the position of Part-Time Police Officer, retroactively effective 7/1/2013 through 6/30/2014.

A motion was made, seconded, and unanimously voted to appoint Ginger Driscoll as the Town's representative from the disabled community to the CATA Board of Directors for a term of one year, to expire on 6/30/2014. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to sign the University of Massachusetts Medical School contract for collection of vaccine reimbursement funds.

Mr. Zubricki said that MERMHS has suggested that Essex offer a Citizenship Award similar to the one that Manchester offers to a graduating Essex Senior. The Selectmen asked Mr. Zubricki to investigate the Manchester guidelines for this award.

A motion was made, seconded, and unanimously voted to approve a request for a One-Day Auction Permit from Blackwood March Antiques, Michael March, for use on Thursday, November 14, 2013, between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, November 18, 2013, at 6:30 p.m. in the Teachers' Lounge on Story Street.

There will be a Special Town Meeting starting at 7:30 p.m. in the cafetorium at the Essex Elementary School on Story Street on Monday, November 18, 2013.

Mr. Zubricki reported that he had been contacted by two property owners on southern Conomo Point regarding the use and maintenance of a Town-owned parcel adjacent to their property. The Selectmen were in agreement that both parties should be invited to a Selectmen's meeting in December to discuss the possibilities of a formal arrangement with the Town.

A motion was made, seconded, and unanimously voted to ratify the Board's Executive Session vote on June 20, 2013 to sign revised deeds for the sale of the following properties to Daniel Mayer:

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

The Selectmen were in agreement that the discussion would be tabled regarding the receipt of tax payments from the following holdover tenants:

- 7 Cogswell Road, Map 19, Lot 50, Pingree
- 13 Town Farm Road, Map 19, Lots 41 & 42, Leah Maher

Mr. Zubricki reported that he had just become aware of a new grant that is being made available to assist and supplement operation of the Council on Aging van. A motion was made, seconded, and unanimously voted to approve and sign the grant application as soon as it is completed by the Chairman of the Council on Aging.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:47 p.m.

Documents used during this meeting include the following:

FY2015 Capital Budget

Motions for the Special Town Meeting on November 18, 2013

Suggested Monetary Amounts to be Voted in the 11/18/13 Articles

Eelgrass Restoration Information

Recommendation from Fire Chief Daniel Doucette

Recommendation from Community Preservation Committee Chair Kim Drake

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell