

**Selectmen's Minutes  
Essex Elementary School**

**November 18, 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: Steve Cuthbertson and Leah Maher.

Chairman Jones called the meeting to order at 6:30 p.m. in the Teachers' Lounge of the Essex Elementary School located on Story Street 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 November 2, 2013 through November 15, 2013, regarding the following:

Northern Conomo Point Citizens' Design Forum: The Design Forum, hosted by the Conomo Point Planning Committee, was held last Saturday. Mr. Zubricki said that CPPC Chair Mark Lynch would like to have the materials from the presentations and minutes from the meeting placed on the Town's website, as soon as the minutes become available.

Preliminary Review of FY15 Capital Budget Request: Mr. Zubricki asked the Selectmen if they had any comments on the latest draft of the FY15 Capital Budget. Selectman O'Donnell said that she is in favor of money being appropriated for both design and construction of a new public safety building, rather than just for design. The other Selectmen agreed and Mr. Zubricki said that he would adjust the plan accordingly.

Central Conomo Point Definitive Subdivision Plan Public Hearing: The Selectmen and Mr. Zubricki attended the Planning Board's public hearing regarding the proposed Central Conomo Point subdivision on November 6. At the hearing, the Planning Board decided to postpone making a decision about the proposed plan until a potential conflict of boundaries is resolved between the Town and Mr. Hsia.

Final Special Town Meeting Motions: Mr. Zubricki asked if anyone had any comments regarding the final draft of the motions for tonight's Special Town Meeting. Everyone was in agreement as to who will be making the motions, etc.

Essex Citizenship Award: Mr. Zubricki reported that the Manchester Selectmen's Assistant had informed him that a committee at the High School chooses a candidate from Manchester, based on his/her qualifications. The Selectmen were in agreement that they would like to also offer a

citizenship award following the guidelines already established when choosing a Manchester graduate. Mr. Zubricki said that he would inform the School District.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$57,075.09.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 4, 2013, Open Meeting and the November 4, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to reappoint Peter Kellerman and Leslie Burns to the Long Term Planning Committee for a term of 3 years, commencing 7/1/2013 through 6/30/2016. The Selectmen signed their appointment cards.

A motion was made, seconded, and unanimously voted to grant permission to Joseph Cellucci to close Farnham's Restaurant from December 2, 2013 through March 6, 2014 for cleaning, repairs, and renovations.

The Selectmen reviewed with Town Counsel, a request by Mary Beth Tirrell to change the seasonal designation of the property she leases at 20 Cogswell Road on southern Conomo Point to a year-round property. The Selectmen and Town Counsel were in agreement that it would be inappropriate to attempt to change the seasonal designation at this time. Zoning for this area has already been approved by Town Meeting and the Attorney General and Ms. Tirrell's situation does not qualify for grandfathering. The Selectmen asked Town Counsel to prepare a letter to Ms. Tirrell denying her request on the basis that present zoning does not allow conversion to a year-round property. The Selectmen will review and sign the letter at their next meeting on December 2, 2013.

The Selectmen reviewed a complaint from Susan Abis relative to the Open Meeting Law and a letter that was sent to Ms. Abis last February. The Selectmen and Town Counsel were in agreement that there was no basis for the complaint nor was there a violation of the Open Meeting Law. The complaint had also not been timely filed. A motion was made, seconded, and unanimously voted to have Town Counsel send a letter on the Town's behalf to Ms. Abis replying to her complaint.

The Selectmen were informed that Karoline and James Ryan had not paid their third quarter Bridge Lease rent due to a misunderstanding, but that situation has now been cured. Therefore, a motion was made, seconded, and unanimously voted to offer Karoline H. and James E. Ryan, Jr. a third-year Bridge Lease at 46 Robbins Island Road, Map 19, Lots 73 and 74, at the third-year rate noted in their 2011 Bridge Lease. The Selectmen signed the letters.

The Selectmen were also informed that the Conomo Point Association, c/o Susan Mears, has paid past due taxes and a motion was made, seconded, and unanimously voted to offer and sign a third-year Bridge Lease to the Conomo Point Association for the property at 161 Conomo Point Road, Map 24, Lot 14, at the third-year rental rate noted in their 2011 Bridge Lease.

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, Mary Beth Tirrell. (Installation of a tight tank is now complete and Board of Health approval is expected. The lender will now move toward closing.)

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 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann. (She is continuing to market the transfer of the lease and purchase rights in anticipation of additional interest from prospective transferees.)

Acting in their capacity as the Town's Licensing Board, a motion was made, seconded, and unanimously voted to approve the following license renewals for the calendar year 2014:

**2014 Renewal of Antiques License:**

- Vincent W. Caravella, The Scrapbook at 34 Main Street
- Joseph Danna, Conomo Point Antiques at 166 R Eastern Avenue
- Fred Grobe, White Elephant Shop at 32 Main Street
- Fred Grobe, White Elephant Outlet at 101 John Wise Avenue
- Dana Guarnera, Ro-Dan Antiques at 69 Main Street
- Edwin M. & Laura B. Howard, Howard's Flying Dragon Antiques at 136 Main Street
- Ellen Neily, Ellen Neily Antiques at 157 Main Street
- David Neligan, David Neligan Antiques at 38 Main Street

**2014 Renewal of Class II License to Buy and Sell Second-Hand Vehicles:**

- Scott Woodward, Pike Marine, Inc. at 80 Main Street

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, December 2, 2013, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

At 6:53, citing the need to discuss the lease, sale, and value of real property at Conomo Point; 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. All others left the meeting.

The Select Board returned to Open Session at 7:08 p.m. The Selectmen were joined by Joseph Romano, Michael and Jennifer Ginley, and Virginia Boutchie.

Joseph Romano, a Conomo Point tenant, discussed his efforts to comply with a recent Conservation Commission Order to remove a boardwalk from marshland at Conomo Point and the potential for the offer of a third-year Bridge Lease. Mr. Romano has hired a wetlands scientist to help him work with the Conservation Commission to correct the situation. Subsequently, a motion was made, seconded, and unanimously voted to offer Mr. Romano a third-year Bridge Lease at the third-year rate mentioned in his original Bridge Lease dated November 24, 2011, with the stipulation that his Lease will be terminated should he not comply with the Essex Conservation Commission's requirements for wetlands restoration associated with his recent wetlands violation or any other Commission requirements related to said violation during 2014. The Selectmen signed the offer and Mr. Romano countersigned the offer. Mr. Zubricki said that copies of the documents would be mailed to Mr. Romano. Mr. Romano thanked the Selectmen and left the meeting.

Michael and Jennifer Ginley introduced themselves to the Selectmen for the discussion regarding 11 Cogswell Road, Map 19, Lot 52. Mr. Zubricki reviewed a request from Barney Lichtenstein, who has his mother's Power of Attorney, to transfer her leased rights for the 11 Cogswell Road property to Michael and Jennifer Ginley. Subsequently, Selectman Gould-Coviello made a motion to approve the transfer of all interests in the leasehold for the property at 11 Cogswell Road (Map 19, Lot 52) from Bernice Lichtenstein, acting through Power of Attorney Barney Lichtenstein, to Michael and Jennifer Ginley, and to extend said leasehold to December 31, 2013; 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 Bernice Lichtenstein. The motion was moved, seconded, and unanimously voted. A motion was made, seconded, and unanimously voted to sign and offer for counter-signature to Michael and Jennifer Ginley, a Purchase and Sale Agreement for the 11 Cogswell Road property. Mr. Zubricki reviewed the document with the Ginleys and they filled in the relevant facts on the document. Following signature by all parties, a motion was made, seconded, and unanimously voted to sign the deed for the sale of property to Michael and Jennifer Ginley. Virginia Boutchie, acting in her capacity as a notary public, witnessed the signing of the documents. Mr. Ginley gave the Selectmen a check in the amount of \$10,000 as a non-refundable deposit on the property, and also, a check for past due rent and taxes. The Selectmen congratulated the Ginleys and they, in turn, thanked the Selectmen. Mr. Zubricki said that he would email the documents to Mr. Ginley. The Ginleys left the meeting, along with Ms. Boutchie.

The Chairman made a motion that the meeting be adjourned and that the Selectmen reconvene in the same location immediately following the adjournment of the Special Town Meeting for purposes of discussing the potential signature of a letter of non-opposition to the siting of a medical marijuana facility in the Town of Essex. The motion was moved, seconded, and unanimously voted.

At 7:23 p.m., the Board moved to the Special Town Meeting beginning in the cafetorium.

The Board reconvened their meeting at 10:23 p.m. The Selectmen reviewed the *letter of non-opposition* that had been prepared by Town Counsel regarding a proposed medical marijuana

facility in Essex. A motion was made, seconded, and unanimously voted to approve and sign the letter to the Massachusetts Department of Public Health.

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:

*Letter of Non-opposition to Medical Marijuana Facility*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell