

**Selectmen's Minutes
Essex Elementary School**

May 5, 2014

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

Chairman Jones called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School and announced that the Board would hear Public Comment. No one from the public was present to offer any comment.

A motion was made, seconded, and unanimously voted to call a ***Special Town Meeting*** on Tuesday, June 3, 2014 at 7:30 p.m. at the Essex Elementary School; a motion was made, seconded, and unanimously voted to open the Warrant for the June 3, 2014, Special Town Meeting; a motion was made, seconded, and unanimously voted to include the single article as it appears on the draft of the Warrant, dated May 5, 2014; a motion was made, seconded, and unanimously voted to close the Warrant; and, a motion was made, seconded, and unanimously voted to sign the Warrant. A copy of the warrant is attached.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$96,703.92.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 28th, 2014, Open Meeting and the April 28th, 2014, Executive Session.

A motion was made, seconded, and unanimously voted to approve a ***request from Police Chief Silva*** to accept a donation to the Police Department Gift Account in the amount of \$500.00 from the Essex Police Benevolent Association.

Following a review, a motion was made, seconded, and unanimously voted to sign a letter of support for an increase in the Metropolitan Area Planning Council's funding level.

Mr. Zubricki said that Police Chief Silva has asked the Selectmen to consider signing an interagency mutual aid agreement for Police mutual aid within Essex County. Several towns in the county have already signed the agreement. After some discussion, the Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to ask Town Counsel to review the agreement, for potential signature at a later date.

A motion was made, seconded, and unanimously voted to close the winter clam flats, effective May 15th, 2014 at 12:00 midnight, known as: Joe's Creek, Jehu's Bank, and America's Bank.

The Board of Selectmen reviewed an electrical permit request by Thayer Adams for the installation of ductless air conditioning units in the building located at 130 Conomo Point Road. A motion was made, seconded, and unanimously voted that, pursuant to Article IX of the Bridge Lease, the Board of Selectmen, in their capacity as Conomo Point Commissioners, approve the proposed work, and in light of the Superior Court's decision in Pratt v. Town of Essex, the Lessee is reminded that the Town will be the owner of said building upon expiration or termination of the Bridge Lease or any extensions thereof, and in issuing this approval, the Board is not making any representation, express or implied, as to ownership of the structure. The lessee is performing this work for its own benefit for the remaining term of the Bridge Lease and any extension thereof, and this approval does not convey or imply that the lessee has any right, title or interest in the subject property and does not affect the lease expiration date or the Town's rights of termination as set forth in the Bridge Lease.

The Selectmen reviewed an email from Alison Taylor, one of the Market Managers for the Essex Farmers Market, to reconsider and waive the fee charged per day (\$10) for the special farmers market wine tasting and selling license (Chapter 138, Section 15F). After some discussion, the Board decided to ask Ms. Taylor and/or representatives from the winery seeking the license to meet with the Selectmen at their next meeting to discuss their concerns. The Selectmen's Assistant will contact Ms. Taylor to make an appointment.

In preparation for the Annual Town Meeting commencing after this Selectmen's meeting, Mr. Zubricki reviewed the order and presentation of each of the ***Annual Town Meeting motions***.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, May 19th, 2014, at 7:00 p.m. at T.O.H.P. Burnham Library on Martin Street.

At 7:12 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; and, pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; 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. He invited the Town Administrator and Town Counsel to attend the Executive Session and said that the Board would only be returning to Open Session to adjourn to the Annual Town Meeting in the gymnasium. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their assistant, Mr. Zubricki, and Attorney Corbo moved to Executive Session.

The Board, their assistant, the Town Administrator, and Town Counsel returned to Open Session at 7:25 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the Selectmen's meeting to attend the Annual Town Meeting in the gymnasium.

Documents used during this meeting include the following:

Special Town Meeting Warrant

Request from Police Chief Silva to Accept a Donation

Annual Town Meeting Motions

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell

May 5, 2014

2014
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Tuesday, June 3, 2014 at 7:30 p.m. and there and then to act on the following Article, viz:

ARTICLE 1

To see if the Town will vote to amend Section 6-3.4.2.m of the Town of Essex Zoning Bylaws, Uses Requiring Special Permit, Medical Marijuana Treatment Center/Registered Marijuana Dispensary, by replacing it in its entirety with the following:

m. Medical Marijuana Treatment Center/Registered Marijuana Dispensary, subject to the following
minimum requirements:

1. In addition to the Dimensional Requirements set forth in the Table of Dimensional Requirements, no portion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary shall be located (a) within 2500 feet of any school, pre-school, day care center, playground or athletic field or (b) within 1500 feet of any residential dwelling.

; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 5th day of May, two thousand fourteen.

Jeffrey D. Jones, Chairman

Lisa J. O'Donnell

Susan Gould-Coviello

**BOARD OF SELECTMEN
TOWN OF ESSEX**

Return of the Warrant:

Date: _____

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least fourteen days before the time for holding said meeting.

Constable