

Selectmen's Minutes (Revised 07-07-14)
Teachers' Lounge, Essex Elementary School

June 3, 2014

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

Also Present: David Brown, Sarah and John Cushing, Steve Cuthbertson, Ed Lane, Dean Rossi, Sergeant Paul Francis, Police Chief Peter G. Silva, and Town Clerk Christina Wright.

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge of the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. Town Clerk Christina Wright came forward and said she would like to comment on the new non-resident boat trailer parking regulations that went into effect last weekend. She said that 6 vehicles had been ticketed at \$300 each. All of the violators are protesting the tickets for various reasons, including insufficient and/or the need for more explicit signage. After some discussion, it was agreed by all present that there would be a grace period of one week during which no fees will be charged to violators. Mr. Zubricki said that he has called all of the marina owners in Town to advise them of the new regulations. The Town Clerk thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 17th through May 30th, 2014, regarding the following:

Shellfish Advisory Commission Recommendations: Mr. Zubricki reported that he had spoken with various people regarding three recommendations that were made by the Shellfish Advisory Commission at the last Selectmen's meeting. He said that the Harbormaster will be touring the Town's mooring fields with SAC member Jim Haskell, and discussing when certain moorings were placed in the River. The site visit will provide information for a future discussion regarding moorings placed on the clam flats.

Mr. Zubricki said that he had reviewed with Town Counsel, the request to reinstate the one-year residency requirement for a shellfish permit in the Town's shellfishing regulations. Mr. Zubricki said that Town Counsel continues to recommend NOT including this requirement in the Town's shellfishing regulations.

Mr. Zubricki said the he has reviewed the SAC request to screen the shellfishing permit applications each year before they are approved by the Selectmen. The SAC would receive a list of applicants and the associated documents that were provided to prove residency, but no private, personal information. After some discussion, it was agreed that no action would be taken on this matter since this review merely duplicates the procedures already performed by the Town Clerk.

Dean Rossi and Ed Lane left the meeting.

At 6:35 p.m., the Chairman entertained a motion to open a Public Hearing to discuss a request to submit an alteration of premise regarding the annual all alcohol restaurant liquor license held by David Brown for Shea's Riverside Restaurant & Bar. The motion was moved, seconded, and unanimously voted. Mr. Brown said that he has worked with the Conservation Committee, the Building Inspector, and the Department of Public Works to create a fenced, patio area with a 40-seat capacity. No one else had any questions or wished to speak. A motion was made, seconded, and unanimously voted to close the hearing. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve Mr. Brown's request. The application package will now be forwarded to the Alcoholic Beverage Control Commission for their approval. Mr. Brown thanked the Selectmen and left the meeting.

Mr. Zubricki resumed his Town Administrator's report:

Conservation Commission Review of Paving of Cogswell Road Extension: Mr. Zubricki updated the Board on the status of the required permitting for the proposed paving of the extension of Cogswell Road at Conomo Point. He has been working with the Conservation Commission, Horsley Witten, the Department of Public Works, and the DEP to determine the requirements for the project. This matter will be discussed at the next meeting of the Conservation Commission on June 17. Depending on when this matter is resolved, the project may be included with a larger project being planned by the DPW for Conomo Point or it may be postponed indefinitely.

Essex County Police Mutual Aid Agreement: Mr. Zubricki reported that he had had the proposed Police Mutual Aid Agreement reviewed by Town Counsel, as well as the Town's insurance carrier (MIIA). MIIA assured Mr. Zubricki that the Town's employees will be covered when participating in mutual events and the Town will also be covered for any liability issues that may arise. Town Counsel had some comments concerning the agreement, but nothing going beyond normal risk. Based on this information, a motion was made, seconded, and unanimously voted to approve and sign the agreement. Chief Silva thanked the Selectmen.

The Selectmen and Chief Silva discussed a proposal for a solar operated crosswalk sign that would be placed on Main Street between the Catholic Church and the Village Restaurant. Chief Silva said that the signs cost about \$20,000 apiece. However, the Chief thought that the Town may be able to obtain a grant or get a reduced price from one of the Police Department's vendors. The Selectmen were in favor of pursuing this matter further and asked the Chief and Mr. Zubricki to continue to research the idea. The Selectmen also asked the Chief to work with the Catholic Church to eliminate parking in front of the church, since it constricts an already dangerous intersection.

On the matter of the proposed demolition of two structures at Conomo Point, Mr. Zubricki said that there is very little economy of cost to do both at the same time. And, in fact, the permitting for one is a lot more extensive and will require a lot more time than the permitting for the other. Therefore, it was agreed that the one at 103 Conomo Point Road should be initiated as soon as possible and the one at 138 Conomo Point Road will probably be scheduled for some time in

early October, before the seasonal water is turned off. After removal of any asbestos, the structures and contents will be removed to dumpsters for disposal. Any cellar holes will be filled and the lots graded and topped off with gravel. Sarah Cushing and Steve Cuthbertson asked the Selectmen to notify ~~them~~ **tenants** when the demolition will take place ~~so that they, through the Conomo Point Association, could notify the other tenants at the Point.~~ **As a result of that request, the Board asked Mr. Zubricki to notify Mr. Cuthbertson, who is President of the Conomo Point Association, about various aspects of the upcoming demolition so that Mr. Cuthbertson can notify the other tenants.**

The Selectmen and Mr. Zubricki discussed with those present, the concerns that Sarah Cushing had listed in a recent letter to the Selectmen. The Town will be working with several professionals to ensure that all hazardous materials are disposed of safely, that the proper permitting is in place for removal of undesirable vegetation, and that the properties will not detract from the surrounding properties.

On a different matter, Mr. Zubricki reported that he had met with Annie Cameron, one of the Essex representatives on the School Committee, to discuss Manchester's proposal to qualify as a green community. They are currently in the process of investigating the purchase of "green" vehicles to replace those now used by the Town and the program would have to apply to School District facilities in Manchester. Mr. Zubricki said that he would be bringing the criteria for the program to the Board at the next meeting, in the event the Board is interested in pursuing the designation for Essex.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$174,074.03.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 19th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to accept donations to the Police Gift Account in the amount of \$1,657.00 and \$50.00 as per the *recommendation of Police Chief Silva*.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on the Professional Liability Insurance Renewal Application for the Police and for Public Officials. Proclaim July 26, 2014 as the Spirit of the 24th Anniversary of the Americans with Disability Act.

A motion was made, seconded, and unanimously voted to *proclaim Tuesday, July 26, 2014* as Spirit of the 24th Anniversary of the Americans with Disability Act.

A motion was made, seconded, and unanimously voted to *proclaim June 2 through June 6, 2014 Small Business Week*. Selectman Gould-Coviello agreed to present the award.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$16,500 from Waste Water Legal to General Legal.

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

Antiques License:

- Prezona Design, Shelagh Schylling, at 72 Belcher Street.

Common Victualler's License:

- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, Manager, at 156 Main Street

Gasoline Storage License:

- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, Manager, for the keeping, underground storage, sale of 24,000 gallons gasoline, at 156 Main Street.

One-Day Entertainment License:

- Essex County Greenbelt Association, Inc., Shelley Raymond, for use on Friday, June 6, 2014, between the hours of 6:00 and 9:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

One-Day Wine and Malt License:

- Apple Street Farm, Frank McClelland, for use on Friday, June 13, 2014, between the hours of 5:00 p.m. 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, June 14, 2014, between the hours of 5:00 p.m. and 11:00 p.m., within the confines of the Apple Street Farm at 35 Apple Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Saturday, June 14, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Sunday, June 15, 2014, between the hours of 12:00 noon and 9:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Saturday, June 21, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Saturday, June 28, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.

- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Friday, July 4, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Saturday, July 5, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Saturday, July 6, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.
- Woodman's Inc., d/b/a Woodman's Function Hall, Joanie Houghton, for use on Friday, July 18, 2014, between the hours of 12:00 noon and 10:00 p.m., within the confines of 125 Main Street.

The Selectmen were reminded that Chief Silva will be on vacation from Wednesday, June 4, 2014 through Friday, June 13, 2014. Sergeant Francis will be in charge during his absence.

The next regular Board of Selectmen's meeting will take place on Monday, June 16th, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

A motion was made, seconded, and unanimously voted to approve and sign the successor three-year contract with the Police Chief Silva.

Chairman Jones and Selectman O'Donnell considered a *request from the North Shore Health Project* to use the Grove Cottage for a company meeting on Friday, June 20, 2014. Selectman Gould-Coviello recused herself from the discussion and voting. Subsequently, a motion was made, seconded, and voted by the Chairman and Selectman O'Donnell to approve the rental request and to waive the rental fee, contingent upon the signature of the Hold Harmless Agreement.

After a short discussion, it was agreed that Selectman Gould-Coviello would be the liaison to the Essex Coastal Scenic Byway Way-finding Signage Project.

At 7:11 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; and, the lease, sale, and value of real property at Conomo Point; the Chairman entertained a motion to move to Executive Session. He said that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. He stated that the Board would be returning to Open Session and invited the Town Administrator and Town Counsel to attend the session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session. All others left the meeting room.

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

Concerning Conomo Point Matters, Chairman Jones explained that two requests to sublet Conomo Point properties had been received after the meeting posting deadline and that the agenda had been reposted on the morning of June 2, 2014, in order to accommodate the requests, which were both time sensitive. Selectman Gould-Coviello moved that, pursuant to Article VIII of the Bridge Lease, the Board of Selectmen, in their capacity as Conomo Point Commissioners, approve Joan Brown Herrmann's and Joanne Smith's request to sublet the premises located at 92 and 111 Conomo Point Road. As set forth in said Article VIII, the Town is not a party to any such subletting arrangement and the Lessee shall be responsible for ensuring compliance with all provisions of the Bridge Lease, which expires on December 31, 2014. Anyone occupying the premises as a subtenant of the Lessee shall obtain no rights under Article V of the Bridge Lease (Option to Purchase or Long-term Lease). Nothing in this vote shall be construed as an extension of said Bridge Lease. In approving this request, the Board is not acknowledging or adopting any claim of ownership in the structures located on the property and the Town expressly reserves all rights therein, including but not limited to the right to assert the Town's ownership of the structures upon expiration or termination of the Bridge Lease. The motion was moved, seconded, and unanimously voted.

A motion was made, seconded, and unanimously voted to offer Purchase & Sale Agreements for the following properties in the Beach Circle neighborhood of Conomo Point and the Selectmen signed cover letters accompanying the offered Agreements:

- 3 Beach Circle, Map 19, Lot 101
- 7 Beach Circle, Map 19, Lot 99
- 101 Conomo Point Road, Map 19, Lot 102
- 105 Conomo Point Road, Map 19, Lot 97

A motion was made, seconded, and unanimously voted to countersign the signed Purchase & Sale Agreements outside of a meeting when they are returned by the tenants, so long as no changes have been made by the signers.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the Selectmen's meeting and attend the Special Town Meeting that was starting at 7:30 p.m. in the Essex Elementary School gymnasium.

Documents used during this meeting include the following:

- Recommendation of Police Chief Silva*
- Proclaim Tuesday, July 26, 2014*
- Proclaim June 2 through June 6, 2014 Small Business Week*
- Request from the North Shore Health Project*

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell