

**Selectmen's Minutes**  
**TOHP Burnham Library**

**August 11, 2014**

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

Also Present: Steve Cuthbertson, Special Police Officer Katrina Ewing, James Henderson, Dean Rossi, Patrick Shea, Police Chief Peter Silva, Finance Committee Chair Jeff Soulard, Special Police Officer David Vangelist, and G.J. Wildes.

The Chairman called the meeting to order at 7:00 p.m. in the TOHP Burnham Library and announced that the Board would hear Public Comment.

Dean Rossi came before the Selectmen regarding a private group that has been formed called the Essex Clam Enhancement Group. He said that the group plans to work towards preserving the Town's clamming industry by encouraging new clam production and retarding the population of green crabs. After some discussion, it was agreed that Mr. Zubricki would contact the Shellfish Constable concerning the Town's propagation license and the possible supervision of seeding efforts. At some future date, members of the Shellfish Advisory Commission, the Enhancement Group, and the Constable will be invited in to discuss the Group's interests with the Selectmen. Mr. Rossi thanked the Selectmen and left the meeting.

G.J. Wildes introduced himself to the Selectmen and said that he would like to place a memorial bench at Centennial Grove in memory of his best friend, Richie Beaulier, who died 10 years ago. Mr. Wildes discussed in detail how the bench would be constructed and asked the Selectmen, who were in favor of the idea, where they would like the bench placed. Mr. Wildes would also like to hold a party at the Grove to dedicate the bench when it is finished sometime in September and Mr. Wildes agreed to stop by the Selectmen's Office the next day to pick up the application forms for use of the Grove. Mr. Zubricki said that he would contact the YMCA summer camp group to make sure that the bench would not obstruct their camp activities. Mr. Wildes left the meeting.

Patrick Shea, the owner/manager of C.K. Pearl Restaurant, said that he would like to apply for a Weekday Entertainment License (Monday through Saturday) and a Sunday Entertainment License. Mr. Shea said that he was primarily interested in offering live acoustic music on his deck, but might want to move it inside when winter approached. The Board acknowledged that acoustic music involves instruments that do not have the built-in capability for amplification, but are sometimes picked up using external microphones. After some discussion, a motion was made, seconded, and unanimously voted to approve a Weekday Entertainment License specifying "Outdoor entertainment is limited, to only live, acoustic music kept at a reasonable sound level, Monday through Thursday from 5 to 9 p.m., Friday and Saturday from 5 to 10 p.m., and is subject to revisitation by the Licensing Board if complaints arise. Indoor, live music is permitted on Monday through Saturday so long as the sound is kept at a reasonable level and is contained within the building." A second motion was made, seconded, and unanimously voted to approve a Sunday Entertainment License which will specify "Indoor live music so long as the sound is kept at a reasonable level and is contained within the building. Outdoor entertainment is limited, on a provisional basis, to only live, acoustic music kept at a reasonable sound level, 12

noon to 9 p.m., and is subject to revisitation by the Licensing Board if complaints arise.” The Sunday License application will now be forwarded to the State Department of Public Safety for their approval. Mr. Shea said that he would deliver the checks for the entertainment licensing fees to the Selectmen's Office tomorrow and he left the meeting.

James Henderson came before the Selectmen to voice his concern over the deterioration of the Essex River. He said that the boats are creating large wakes which wash away the edges of the marsh which fill in the River. He said that in his lifetime, the marsh has decreased by as much as 30 feet. Mr. Henderson is not in favor of dredging the River as that would only allow the boats to go faster and he would like the Harbormaster should to spend more time policing the River. The Selectmen thanked Mr. Henderson for sharing his concerns and he left the meeting.

Chief Peter Silva, along with Special Police Officers Katrina Ewing and David Vangelist, came before the Selectmen. Chief Silva said that he has been very appreciative of the more than 200 hours that Ms. Ewing and Mr. Vangelist have volunteered for training on foot patrol and would now like to promote them. They have both successfully completed drug, medical, and psychological testing. A motion was made, seconded, and unanimously voted to approve Chief Silva's recommendation requesting that Katrina Ewing and David Vangelist be promoted from Special Police Officers to Part-Time Police Officers for a partial term of one-year, ending 6/30/15. (All Part-Time Police Officers are appointed for a term of one year at a time, commencing July 1.) Those present congratulated Ms. Ewing and Mr. Vangelist and they left the meeting.

Another motion was made, seconded, and unanimously voted to approve the recommendation of Police Chief Peter G. Silva to appoint Robert Wheway and Gregg Williams, each, to the position of Special Police Officer for a partial term of one-year, ending 6/30/15, subject to drug and medical screening.

A motion was also made, seconded, and unanimously voted to promote recent Police Academy graduate Alex Edwards to Full-Time Police Officer for a partial 3-year term, ending 6/30/16. The Selectmen signed the appointment cards for the Police Department.

The Selectmen were in agreement that they would like to wait for the report from the Public Safety Study Committee regarding a decision to lease or not lease a Police motorcycle. However, the Selectmen also expressed that their approval of the concept is not likely in the near term. The PSSC report is expected to be completed soon.

Finance Committee Chair Jeff Soulard said that he would like to recommend that David Gabor and Mark McKenna be appointed to the Finance Committee and a motion was made, seconded, and unanimously voted to that effect. Jeff Soulard thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 21<sup>st</sup>, 2014, Open Meeting and Executive Session.

Mr. Zubricki announced that Superintendent Paul Goodwin would be unable to attend tonight's Selectmen's meeting to discuss parking, since his Board is meeting at the same time.

Police Chief Silva said that he has been working with the State to determine if anything can be done to resolve the problem of parking at Farnham's restaurant. The restaurant has room for limited parking in its parking lot, but the overflow usually parks along the street which is State-owned. There is no parking allowed on State-owned roads and vehicles that park there may be, and are, ticketed. Chief Silva said that the State has verified that no parking is allowed in that area. However, the State did come by last week and paint no parking stripes on the sides of the road by the restaurant in an effort to augment the existing no parking signs and more clearly indicate where parking is prohibited.

On a similar note, the Selectmen asked the Chief to enforce the no parking rules at the corner of Martin Street and Main Street, from the Catholic Church to approximately Burnham's Court. The Chief reported that the new crossing sign has now been installed in that area.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 19<sup>th</sup> through August 8<sup>th</sup>, 2014, regarding the following:

Revision of Town Landing Regulations and Parking/Launch Fee Discussion: Those present discussed the wording on the parking sign at the Town Landing which conflicts with that on the sign behind the Fire Station. After some discussion, a motion was made, seconded, and unanimously voted to approve and sign the newly amended rules and regulations for the use of the Town Landing. (See attached.) Mr. Zubricki will work with the Superintendent of Public Works to have new signs created detailing the new *Use of Town Landing Regulations* and enforcement will commence once the new sign is up.

Revision of Centennial Grove Regulations: Mr. Zubricki reviewed a draft of the updated *Centennial Grove Regulations* reflecting recent changes suggested by the Selectmen. A motion was made, seconded, and unanimously voted to approve the draft which will become effective on June 1, 2015. The Selectmen asked that notification of the new regulations be published in the paper early next year.

Chief Silva left the meeting.

Consultant's Report Regarding Assessment of Essex Fire Department: The Selectmen discussed this report and agreed that it should include a wider range of options. The report also assumes that the Town will be constructing a new facility for the Fire Station and the Selectmen would like the report to also discuss the option of continuing with the current building. The Public Safety Study Committee will be meeting on August 20 to review the report and Mr. Zubricki was asked to crystallize the Board's comments and forward them to the Committee.

Downtown Boardwalk Site Visit: Mr. Zubricki reported that the funding for the boardwalk will not be available until January of 2015. He also reported that Patrick Shea, the proprietor of the

C.K. Pearl restaurant, does not oppose the boardwalk and plans to speak with the property owner to determine if the owner will consider consenting to the Town's plan by offering the requisite easement.

Conversion of Town Hall Heating Plants to Natural Gas: Mr. Zubricki said that Constellation may be launching a new program to supply natural gas. Constellation's new energy saving program would convert the present system at no immediate cost to the Town and the Town would pay it back over time while also saving money on this cheaper energy source. Mr. Zubricki advised heating the Town buildings with oil for one more season until this program is established, so that all the Town's options can be studied (which also include a potential Green Communities Grant or a combination of National Grid assistance and a Town appropriation).

Potential Street Light Conversion to LEDs: The Town could also save money on street lighting if all the street lights were converted to LEDs. The process involves asking National Grid to inventory the Town's street lights and then offer to sell them to the Town. Whoever owns the street lights is responsible for maintaining them. Once the Town purchases them, the lights would then be replaced with LED lights that are expected to last for approximately 25 years. The Board authorized Mr. Zubricki to contact National Grid to explore this scenario on a preliminary basis.

Town Hall Emergency Generator Grant Kickoff Meeting: Mr. Zubricki reported that MEMO questioned whether or not the State Contract is applicable to an adequately sized generator for our needs. Mr. Zubricki is studying that concern with the State Operational Services Division. However, should the State Contract not be viable (and Mr. Zubricki feels it is) there are a number of other options available and at least one of them should be feasible for the Town.

A motion was made, seconded and unanimously voted to approve the weekly warrant in the amount of \$2,726,354.45.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on the Contract for Services for preservation of the Town's Civil War documents.

A motion was made, seconded, and unanimously voted to approve the following requests for a One-Day Wine and Malt License:

- Apple Street Farm, Frank McClelland, for use on Friday, August 8, 2014, between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Frank McClelland, for use on Saturday, August 9, 2014, between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Woodman's Inc., Joan Houghton, for use on Friday, September 5, 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 their next regular Board of Selectmen's meeting will take place on Monday, August 25<sup>th</sup>, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

Concerning Conomo Point Matters, review of the correspondence from Sandy Osborn relative to parking and drop-off zones at Conomo Point was postponed pending receipt of the correspondence.

Also postponed was the signature of deeds for Conomo Point sales pending final drafting.

A 8:45 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 stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. He said that the Board would be returning to Open Session in approximately 30 to 45 minutes to finish up regular business and invited the Town Administrator to attend the session. The motion was made and seconded. Following a unanimous Roll Call Vote, Steve Cuthbertson left the meeting and the Board, their Assistant, and the Town Administrator moved to Executive Session.

The Board returned to Open Session at 9:23 p.m.

Invitation for Bids for Auctioneer Services, Southern Conomo Point: A motion was made, seconded, and unanimously voted to release an Invitation for Bid for Auctioneer Services regarding up to eight properties located at Conomo Point on Monday, August 18, 2014.

The Selectmen discussed the possible development and release of a Request for Proposals in mid to late September for the potential future sale of 5 Beach Circle. They will continue to work with Town Counsel regarding the drafting of this item.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:35 p.m.

Documents used during this meeting include the following:

*Use of Town Landing Regulations*  
*Centennial Grove Regulations*

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

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

## **RULES & REGULATIONS FOR THE USE OF THE TOWN LANDING**

### **Section I. Parking**

1. All parked vehicles must display a valid sticker (resident or transfer station).
2. Parking is allowed only in designated spaces.
3. Designated spaces are reserved for resident vehicles with trailers attached only.
4. No boats or trailers are to be left at the ramp unattached from the towing vehicle.
5. Overflow trailer parking is allowed behind the fire station as follows: resident sticker trailer parking in paved municipal lot and non-resident trailer parking behind tennis courts only.
6. No vehicles with boat trailers are to park along Main Street.
7. Violators of the above parking regulations are subject to a three hundred (\$300.00) parking fine or towing of the vehicle at the owner's expense.

### **Section II. Boat Launching**

1. The driver of any vehicle which is required to trailer-launch or otherwise assist in the launch of a boat or other watercraft at the Town Landing shall pay a launch fee of twenty dollars (\$20.00) to the Town's Assistant Harbormaster in charge of the boat ramp (when said Assistant Harbormaster is present) or to an alternate individual or location if and when said alternate is clearly posted via signage adjacent to the ramp.
2. The launching of any boat via a vehicle displaying a valid Town Transfer Station Sticker or Town Resident Sticker shall be exempt from the assessment of the launch fee.
3. The Assistant Harbormaster in charge of the boat ramp shall provide every individual paying a fee with an official, numbered receipt from the Town of Essex. Other arrangements for receipts may be made if fees are charged when said Assistant Harbormaster is not present.

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Jeffrey D. Jones, Chairman

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Lisa J. O'Donnell

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Susan Gould-Coviello

August 11, 2014  
Date

**ESSEX BOARD OF SELECTMEN**

Promulgated: July 2, 2001, Revised: March 4, 2002 (launch fee), August 11, 2014 (fine and overflow)

CENTENNIAL GROVE RENTAL REGULATIONS  
(most recently revised August 11, 2014)

1. Centennial Grove is not a public facility.
2. *[The following clause is effective June 1, 2015]* During the months of June, July, and August, all parking at Centennial Grove (both at the Field of Dreams lot and the upper lot) is for residents with valid stickers only. *[The remainder of this section is effective immediately]* Parking in the upper lot is for residents with valid stickers only, at all times of the year. Exceptions to the above rules include participants and spectators associated with organized youth league sporting events at the Field of Dreams who are parked in the Field of Dreams lot, participants in organized events that have rented the Centennial Grove (may use either the Field of Dreams or upper lots), camp counselors and staff of YMCA Camp Dory (may use either the Field of Dreams or upper lots during camp hours), and any City of Gloucester resident who has purchased a seasonal Centennial Grove parking pass at the seasonal rate of \$50 (may use either the Field of Dreams or upper lot).
3. Use/rental of the Centennial Grove facility is based on strict compliance with the following regulations.
  - A. Applicant(s) assume full responsibility for injury to themselves or anyone in their group as well as vandalism to Town-owned property.
  - B. A certificate of insurance liability must be submitted with application.
  - C. A Hold Harmless Agreement must be signed by an authorized applicant.
  - D. The Town is not responsible for loss of personal possessions.
4. The rental fee for non-resident for use of the Grove, effective May 24, 2004 will be \$400.00. The rental fee for residents of the Town of Essex (groups of 20 or more) who wish to reserve a definite date for use of the facility will be \$175.00 Monday thru Thursday) and \$300 Friday thru Sunday. The fee, at the discretion of the Board of Selectmen, may be waived in certain instances. An additional \$50.00/\$100.00 trash removal fee will be charged except when applicants or their caterers remove all trash associated with the event. All checks are made payable to the Town of Essex and must be submitted with your application. The Centennial Grove Cottage is not included in a standard rental of the picnic pavilion but approval to rent the cottage may be obtained from the Board of Selectmen on a case by case basis.
5. Applications and rental/permit fee(s) for use of Centennial Grove must be received by the Selectmen's Office within two weeks of scheduling a rental in order to guarantee the reserved date.
6. Applicants must apply for a Food Handling Permit, issued by the Essex Board of Health, when food or beverages, will be sold.
7. Alcoholic beverages are not permitted in any area of Centennial Grove without a one-day Wine & Malt license.
  - o Application for a one-day Wine & Malt license for the sale and/or serving of beer and wine only may be applied for through the Essex Licensing Board. Applicants who are issued a Wine & Malt license must also hire a private duty police officer (through the Essex Police Department) for the entire time of the event and applicants and/or their caterer must provide the Town with a copy of a \$1,000,000.00 (one million dollars) certificate of insurance liability.
  - o Applicants must apply for a one-day Entertainment license when the event is having live or recorded entertainment and charging an entrance fee.
8. Groups of 20 or more must have a permit for use of the Grove facilities. The Grove facilities cannot accommodate groups of 300 or more.

- Groups of 150 or more shall be responsible for scheduling the delivery of additional sanitary facilities for their event and are directly responsible for costs related to the rental of extra units.
- 9. No fires of any description shall be allowed without a permit from the Essex Fire Department. Cooking is only allowed on charcoal grills or hibachi stoves in designated areas.
- 10. Please note that the Town of Essex does not provide lifeguards.
  - a. INDIVIDUALS SWIM AT THEIR OWN RISK and are encouraged to hire a lifeguard at their own expense.
  - b. No boats are allowed in the swimming area.
- 11. Centennial Grove is open from sunrise to sunset.
- 12. DOGS ARE PROHIBITED at Centennial Grove at all times as stated in the Essex Animal Control By-Law, Section 4-16.3(d).
- 13. Use of the ballfields is subject to availability and only with the authorization of the Board of Selectmen.
  - a. An additional charge of \$50.00 will be assessed when use of the ball fields has been authorized through the Selectmen's Office.

Please note: Applications for a One-Day Wine & Malt and/or Entertainment license must be received by the Essex Licensing Board Office (Town Hall, 30 Martin Street) at least 14 days in advance of any event.