

Selectmen's Minutes
Essex Elementary School, Cafetorium & Teachers' Lounge

December 1, 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: Mr. & Mrs. Marano, Vincent Marano, Harold Addison, Cliff Ageloff, Pam Beaudoin, Justin Bourgette, Beth Cairns, and Annie Cameron.

The Chairman called the meeting to order at 7:00 p.m. in the Teachers' Lounge at the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$141,733.29.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 17th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to accept a donation from Peter Wilson, of a truck bed cap for the shellfish truck.

A motion was made, seconded, and unanimously voted to make the following Bicentennial Committee appointments: Emily Bourgette, David Gabor, Laura Doyle, and Julie LaFontaine. Another motion was made and seconded to also appoint Robert Coviello to the Bicentennial Committee. Selectman Gould-Coviello abstained from this vote and the motion was unanimously voted by Chairman Jones and Selectman O'Donnell. The Bicentennial Committee now has thirteen appointed members.

The Selectmen were joined by Christine Marano, her husband, and Vincent Marano for a Public Hearing regarding a proposed change of location for Essex Wine and Spirits from 91 Main Street to 65 Eastern Avenue. A motion was made, seconded, and unanimously voted to open the hearing. The Chairman asked Mrs. Marano if she would like to speak. She said that she had lost her lease for the property at 91 Main Street which was recently sold to a third party. She now has a lease for space at 65 Eastern Avenue and would like to move her business there. The Chairman asked if anyone else wished to speak and no one did. A motion was made, seconded, and unanimously voted to close the hearing. There was no discussion and a motion was made, seconded, and unanimously voted to approve the request for a change of location. Mrs. Marano and family thanked the Selectmen and they left the hearing.

Members of the Essex Housing Authority (Beth Cairns, Harold Addison, and Cliff Ageloff) joined the Selectmen to request that Margot Hammon be appointed to fill the vacancy on the EHA left by Martha Thompson. A motion was made, seconded, and unanimously voted by the

Housing Authority members to call their meeting to order. Both boards were in agreement and a motion was made and seconded to appoint Margot Hammon to serve on the Housing Authority until the next election in May 2015. The motion was passed unanimously by a Roll Call Vote of the Housing Authority members and the Selectmen. The Selectmen signed the appointment card. The Housing Authority members left the meeting.

Mr. Zubricki reviewed a request that he had received from John Prudden to cut trees on Town property (Map 10, Lot 21) for the purpose of enhancing the view from his property on Apple Street. A motion was made, seconded, and unanimously voted to authorize Mr. Prudden to cut trees on the Town's parcel known as Map 10, Lot 21, pursuant to his **November 5, 2014 letter**, and contingent upon the following conditions: that cutting be selective and minimized as much as possible to achieve Mr. Prudden's goal, that Mr. Prudden provide this office with written approval of his proposed action from the Essex Conservation Commission (and follow all approval requirements), and that Mr. Prudden execute a hold harmless agreement absolving the Town of any type of liability (injury, permitting, legal, cost/financial, or otherwise). Mr. Zubricki will notify the Conservation Commission of the Selectmen's conditional approval of the request. A motion was also made, seconded, and unanimously voted to authorize Mr. Zubricki to sign any permitting documents that may be required.

After a short discussion, a motion was made, seconded, and unanimously voted to approve the order of a new police cruiser and the trade-in of an old police cruiser under the auspices of the Massachusetts State contract.

A motion was made, seconded, and unanimously voted to ratify the approval to begin music earlier during the dinnertime at C.K. Pearl on the night before Thanksgiving as authorized by the Chairman.

A motion was made, seconded, and unanimously voted to approve a request to close the Fairway Pub from December 1, 2014 until March 15, 2014, for cleaning and general maintenance.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 15th through November 26th, 2014, regarding the following:

School Budget Planning Discussion: Superintendent Pam Beaudoin and School Committee member Annie Cameron joined the Selectmen and provided an update of the budget meeting that was held recently. The meeting was also attended by, among others, Mr. Zubricki and Finance Committee Chair Jeff Soulard. The Superintendent reviewed a number of potential FY16 operating budget scenarios. There will be a small budget meeting on December 8 and a larger one on December 10.

Contract for Subdivision Development and Application Process: A motion was made, seconded, and unanimously voted to approve a contract with the Horsley Witten Group in the amount of \$8,150 to produce a revised subdivision plan for Robbins Island.

Contract for Owner's Project Manager Services, Town Hall/Library: A motion was made, seconded, and unanimously voted to approve and sign a contract with NETCO for Owner's Project Manager Services for the exterior Town Hall/Library project. The Project Manager services were funded at the November Fall Town Meeting in the amount of \$57,500.

Selection of Engineering Firm for Federal Flood Map Appeal: Mr. Zubricki said that the Selectmen will need to hire an engineering firm to help with the Town's appeal of the new Federal Flood Maps. A couple of firms have been recommended. Also, the Town could solicit proposals. The Selectmen were in agreement that they would like John Guerin to continue to be involved with the appeal process. The Army Corps of Engineers is conducting a technical study that could affect the new FEMA maps and the result of the study is expected to be released in January 2015. It was suggested that the Town should wait for the results of the study before hiring an engineering firm. Mr. Zubricki will consult with Mr. Guerin and will report back.

Contract for Continued Promotion of Town Resources: Mr. Zubricki reported that there is \$100.00 left from the appropriation of \$5,000 that was voted in 2010 to promote Town Resources. Chairman Jones and Selectman O'Donnell said that they had reviewed the Essex Merchants Group's proposal to provide additional promotional services. While Selectman Gould-Coviello abstained, a motion was made and seconded and unanimously voted to award a new contract to the Essex Merchants Group in the amount of \$10,000.

Concerning Conomo Point matters, a motion was made, seconded, and unanimously voted to approve a building permit for 40 Robbins Island Road, Map 19, Lot 70. Chairman Jones initialed the building permit which will be returned to the Building Inspector.

The Selectmen agreed that there will be no Selectmen's meeting on December 29, 2014.

A motion was made, seconded and unanimously voted to approve the following Licensing Board Renewals for 2015:

All Alcohol Package Store License:

- CPM Investment Group, Inc., d/b/a Essex Wine and Spirits, Vincent Marano Manager, at 91 Main Street

All Alcohol Restaurant License:

- Diamond 4 Cookhouse LLC, d/b/a Castle Kreek Cookhouse & Bar, Kelly Roach, at 234 John Wise Avenue

Package Store Beer & Wine License:

- Fenisha Corporation, d/b/a Schooner's Market, Bhavikaben J. Patel, at 121 Eastern Avenue

Antiques License:

- Bider's Antiques, Home, Camp, & Cottage, Michael Bider, at 67 Main Street
- Brosch Antiques, Debbie & Alfred Brosch, at 143 Main Street

- All Prints and Maps, Vincent W. Caravella, at 34 Main Street
- Conomo Point Antiques, Joseph Danna, at 166 R Eastern Avenue
- White Elephant Shop, Fred Grobe, at 32 Main Street
- Ro-Dan Antiques, Dana Guarnera, at 69 Main Street
- Walker Creek Furniture, Inc., Robert W. Hanlon, at 57 Eastern Avenue
- Howard's Visual Merchandise, Channing Howard, at 165 Eastern Avenue
- New England Joinery, James P. Lower, at 85 Southern Avenue
- Blackwood March Antiques, Michael March, at 3 Southern Avenue
- Prezona Design, Shelagh Schylling, at 72 Belcher Street
- Andrew Spindler Antiques, Andrew Spindler Roesle at 163 Main Street
- Joshua's Corner, A.P.H. Waller, at 2 Southern Avenue
- A.P. H. Waller & Son, A.P. H. Waller, at 140 Main Street

Class II License Renewal:

- Essex Falls Auto Body, John Heath, at 1 Moses Lane
- Pike Marine, Inc., Scott Woodward, at 80 Main Street
- Scott's Auto Clinic, Inc., Scott Savory, at 6 Scot's Way

Common Victualler's License Renewal:

- CPM Investment Group, Inc., d/b/a Essex Wine and Spirits, Vincent Marano Manager, at 91 Main Street
- MAIA LLC, d/b/a Dunkin Donuts, Roy Serpa, Manager, at 125 Main Street
- Diamond 4 Cookhouse LLC, d/b/a Castle Kreek Cookhouse & Bar, Kelly Roach, at 234 John Wise Avenue
- Fenisha Corporation, d/b/a Schooner's Market, Bhavikaben J. Patel, at 121 Eastern Avenue

With Selectman Gould-Coviello abstaining, a motion was made, seconded, and unanimously voted to approve the following Antiques License renewals for 2015:

- Main Street Antiques, Robert Coviello, at 44 Main Street
- Robert C. Coviello Antiques, Robert Coviello, at 155 Main Street

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, December 15th, 2014, at 7:00 p.m. in the Library on Martin Street.

At 7:20 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; and, pending litigation concerning the case of Stephen Kelley vs. Town of Essex Board of Selectmen, Civil Docket No. ESCV2014-01582; 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 litigating and negotiating strategies. He invited the Town Administrator to attend the Executive Session and said that the Board would be returning to Open Session to finish their other business. The motion was moved and seconded. Following a unanimous Roll Call Vote,

the Board, their Assistant, and the Town Administrator moved to Executive Session. Justin Bourgette left the meeting.

The Board, their Assistant, and Mr. Zubricki returned to Open Session at 7:50 p.m.

Mr. Zubricki reported that the Division of Marine Fisheries has cancelled their green crab trapping grant program, due to recent "9C" cuts made by the Governor, but will honor payment for all harvesting prior to November 22, 2014.

Selectman Gould-Coviello moved that the Board grant an extension until noon on December 31, 2014, for Mr. Clinton Smith to accept the Town's offer of a Fourth-Year Bridge Lease for 23 Middle Road, Map 24, Lot 28. The motion was seconded and unanimously voted.

At 7:53 p.m., a motion was made, seconded, and unanimously voted to adjourn the meeting in the Teachers' Lounge and reconvene the meeting in the cafetorium. The Selectmen were joined in the cafetorium by members of the Conomo Point Planning Committee: Chair Mark Lynch, John Bediz, Kim Drake, George March, Wally Mears, Paul Pennoyer, A. Raymond Randall, Kurt Wilhelm, and Jim Witham. Others in attendance included Police Chief Peter Silva, Deputy Harbormaster Dan Fialho, Scott Woodward, Michael Dyer, Maria Burnham, Harold Burnham, Judith Riggs, David Brown, Bob Coviello, Skip Crocker V, Rich Kanter, and Finance Committee members Justin Bourgette and Ken Riehl.

CPPC Chair Mark Lynch reported that his committee is in favor of reducing the number of bedrooms on Town-owned land in northern Conomo Point to 90 as mandated by the Department of Environmental Protection. The 90 bedrooms will then be offered long-term leases. As a precursor to any further consultant study, all agreed that the Town should confirm whether physical removal of bedrooms will be a valid means of flow reduction. The Committee is then in favor of having a consultant create a more detailed plan than the one that currently exists and which would show the lots that are retained for public access and the lots that will be long-term leased. The Selectmen agreed and Mr. Zubricki will both initiate the verification of the bedroom flow reduction strategy and solicit a preliminary proposal from a consultant. No one was opposed to the use of James Heroux as the consultant.

The Chairman turned the meeting over to David Smith from GZA Engineering for a presentation regarding their recent study of encroachments in the Federal Channel in the Essex River. Those present were unable to get the projector to work and everyone left the cafetorium and moved to a smaller room with a working projector. GZA had diagramed the existing channel and encroachments and had also diagramed several options that are available to the Town. Mr. Zubricki agreed to place the diagrams on the Town's website. Mr. Smith recommended that the Selectmen meet with the Army Corps of Engineers and himself to review his work to date.

Following Mr. Smith's presentation, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:33 p.m.

Documents used during this meeting include the following:

November 5, 2014 Letter

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell