

Selectmen's Minutes
TOHP Burnham Library

March 9, 2015

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: John Bediz, Curt Bergeron, Maria Burnham, Skip Crocker, Mary Elinor Dagle, Ryan Davis, Richard Denton, Katrina Ewing, Paul Francis, Mrs. Francis and Kelsey Francis, Jim Heroux, Bob Jerin, Mark Lynch, Nancy McCann, Frank McClelland, Paul Pennoyer, A. Raymond Randall, Richard Ross, Peter Silva, Jeffrey Soulard, Michael Sullivan, Regina Villa, Jim Witham, and other Police Officers and their families and friends.

Chairman Jones called the meeting to order at 7:00 p.m. in the TOHP Burnham Library 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 \$110,795.31.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$3,000 from Blanket Insurance to Town Property for contractual visual representation services regarding the Town Budget and plans for northern Conomo Point.

A motion was made, seconded, and unanimously voted to approve the request by the Tour de Cure, sponsored by the American Diabetes Association of New England, to pass over Essex roads during their event on Sunday, May 17, 2015.

The Chairman stated that further review of Chief of Police calendar goals for 2015 would be postponed until the next Selectmen's meeting on March 23.

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

Common Victualler's License:

- The Essex Village Market Co., d/b/a the Village Market, Laura Wright, at 1 Martin Street

Commercial Clamming Permits:

- Richard Buczko
- John T. Guerin
- Mark Jordan

- Brian Loebelenz
- Phillip H. MacDougall
- Bruce Mello

Non-Resident Recreational Clamming Permit:

- Cliff Bathalon, Hudson, NH, sponsored by Mark Lane
- David Bogdan, Georgetown, MA, sponsored by Richard Pierro
- Nicole Coles, Beverly, MA, sponsored by Richard Tofuri, Jr.
- Charles Paul Dredge, Arlington, MA, sponsored by Barry Richards
- Christian P. Frey, Danville, NH, sponsored by Mark Lane
- Frank Hartmann, Exeter, NH, sponsored by William Perkins
- Edward Kawczynski, Salem, MA, sponsored by Richard Pierro
- Wayne Kinney, Kingston, NH, sponsored by William Perkins
- Stephen Lebert, Woburn, MA, sponsored by Patricia Richards
- Robin M. Linehan, Newbury, MA, sponsored by William Perkins
- Michael Neville, Reading, MA, sponsored by Stephen Hartley
- William Pascucci, W. Palm Beach, FL, sponsored by Richard Means
- Mary A. Picariello, Boxford, MA, sponsored by Ronald Hemeon
- Philip A. Picariello, Boxford, MA, sponsored by Ronald Hemeon
- C. Kenneth Symonds, Princeton, MA, sponsored by Valerie Symonds
- Michael Symonds, Gloucester, MA, sponsored by Valerie Symonds

Senior Clamming Permit:

- Robert Doane
- Dennis Henderson
- Dale Lowry
- Dan Marshall
- Richard Pascucci

Student Clamming Permit:

- Craig Carter
- Jonathan Guerin
- Michael Loebelenz

Renewal of Fuel Storage Permit:

- Edwin C. Perkins, Perkins Marine, Inc. for the above-ground storage of 7,500 gallons gasoline and 2,500 gallons diesel at 82 Main Street.

At 7:05 p.m., the Chairman entertained a motion to open a Public Hearing regarding a new All Alcohol Restaurant License for the Tides at Essex Marina, LLC, d/b/a Tides, at 35 Dodge Street. The motion was moved, seconded, and unanimously voted. The Tides owner, Curt Bergeron, his attorney, Nancy McCann, and his manager, Frank McClelland joined the Selectmen for the

hearing. The Chairman asked if anyone wished to speak in favor of the new license and Attorney McCann provided a brief overview of their plans for the project. Frank McClelland, the new restaurant's manager, also answered questions. The Chairman asked if anyone else wished to speak regarding the new license. Robert Jerin said that he is an abutter of the property and has no objections other than a small concern about additional traffic on the narrow road to the Restaurant. He asked if there would be entertainment at the restaurant and was informed that that requires an additional license to the one being discussed here tonight. No one else 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 the license. The Selectmen signed the forms and the approved application package will now be forwarded to the Alcoholic Beverage Control Commission for final approval. The Selectmen wished Mr. Bergeron success with his venture and Mr. Bergeron and company left the meeting.

Police Chief Peter Silva joined the Selectmen, along with Sergeant Paul Francis, Detective Ryan Davis, Officer Katrina Ewing, Police Department Administrative Assistant Mary Elinor Dagle, and other Police Officers and their families and friends. Chief Silva said that he wished to present commendations to Sergeant Paul Francis, Detective Ryan Davis, and Officer Katrina Ewing for their recent heroic actions that resulted in saving a life. These officers were also assisted by Fire Chief Daniel Doucette and Fire Fighters Ann Woodman, Mike Soucey, and Andrew Ray. Chief Silva gave an eloquent speech before calling each officer. As each officer came forward, the Chief read and presented them with a framed citation of appreciation and a pin commemorating the event. Each officer was applauded and pictures were taken. Chief Silva, Sergeant Francis, Detective Davis, Officer Ewing, and others left the meeting.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 23, 2015, Open Meeting.

A motion was made, seconded, and unanimously voted to approve FY16 merit increases calculated at 3% of their FY15 base salary for the Town Clerk and the Treasurer/Tax Collector.

The Selectmen had no comment concerning the Essex Coastal Scenic Byway preliminary scenic byway sign plan and asked Mr. Zubricki to convey their approval of the plan back to the Essex Natural Heritage Commission.

Draft Report of the Essex Public Safety Study Committee: The Selectmen asked PSSC Chair Bob Jerin to create a one-page summary of the PSSC study regarding the condition of the Fire/Police building at 24 Martin Street and he agreed to do so. He will contact the Selectmen's Assistant regarding scheduling and posting of the next PSSC meeting to prepare the summary. Selectman O'Donnell will forward additional comments on the report to Mr. Jerin.

Jim Heroux, Regina Villa, and Conomo Point Planning Committee Chair Mark Lynch and members John Bediz, Paul Pennoyer, Ray Randall, and Jim Witham came before the Selectmen. Mr. Heroux reviewed his design suggestions regarding a more detailed plan for northern

Conomo Point and illustrated his narrative with a slide show. After the presentation, there was discussion among those present regarding various aspects of the project, including the scope, the financing, the time line, presentation and timing of a public forum, and town meeting presentation. Regina Villa will work with the CPPC, Jim Heroux and the Selectmen to focus the presentations at a public forum and town meeting. It was tentatively decided to hold a public informational forum in April, possibly the 14th, 15th, or 16th, whichever is most appropriate. Mr. Zubricki agreed to post the materials on the Town's website a day early to allow residents to review the information before the meeting. The Selectmen and the CPPC plan to meet again on April 8 at the Senior Center. Mr. Zubricki will work with FinCom Chair Jeff Soulard to review lease rates for financial projections. The Chairman thanked everyone for coming and they left the meeting.

Finance Committee Chair Jeff Soulard and member Richard Ross joined the Selectmen at the table to continue their discussion regarding the proposed FY2016 budget. Fin Com Chair Jeff Soulard said that they have eliminated many capital items from the proposed budget and by doing so, have managed to avoid the need to ask for an over-ride. Those present discussed the items that were trimmed from the budget, some of the items may be added back for the Fall Town Meeting to take advantage of free cash.

There will be another joint meeting next Monday, March 16, at 8:30 a.m. in Manchester to discuss the proposed school budget.

Development of "Visual Budget" for the Town: The Selectmen and Mr. Zubricki discussed with the Fin Com members, the possibility of hiring a design firm to create a website depicting a visualization of the financial impact to each resident based on which options the Town votes to pursue at Conomo Point (i.e. lease some properties, lease no properties, etc.). Mr. Soulard said that the Fin Com will discuss this matter at their meeting on Thursday. The website would be funded by a line item transfer from Blanket Insurance. All agreed that, if funded, the project should focus on tax shift impacts.

Further Review of Draft Annual Town Meeting Warrant: Mr. Zubricki briefly reviewed the draft warrant for the Annual Town Meeting, suggesting that some articles may no longer be necessary. The warrant will be closed and signed at the next Selectmen's meeting. The Selectmen thanked the Fin Com members and they left the meeting.

Mr. Zubricki resumed the presentation of his Town Administrator's Report for the period February 21st through March 5th, 2015, regarding the following items which had not yet been discussed:

Development of Strategic Planning Committee: Selectman O'Donnell said she had not had a chance to meet with the Long Term Planning Committee Chair Andrew St. John, who is currently out of the country. He will be back soon and she will ask him for his comments regarding when the LTPC's report to the Selectmen will be completed and his ideas regarding how to transition the LTPC to form a Strategic Planning Committee.

Open House Highlighting Elected and Appointed Positions: Selectman Gould-Coviello reported that the Essex PTO has agreed to sponsor the Open House on Saturday, March 14, 2015, from noon to 2:00 p.m. at the TOHP Burnham Library. She will attend to represent the Board of Selectmen and Selectman O'Donnell will attend to represent the Town Building Committee.

Personnel Board Approval of FY16 Proposed Wage & Salary Scale: The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to recommend the FY16 Proposed Wage & Salary Scale to the Town Meeting.

Town Hall Exterior Project Cost Estimation Update: Mr. Zubricki reported on his recent discussion with the Project Manager and his consultants regarding planning for this project. Those present reviewed suggestions from the consultants for a redesign of the Town Hall space to comply with State regulations and provide a better use of existing space. The Selectmen liked the suggestions and said they would also like to include a redesign of the Town Hall balcony in this phase of the Town Hall project.

Essex River Encroachment Elimination Plan Pre-Submittal Meeting: Mr. Zubricki reported on a meeting that he had attended with Selectman O'Donnell, the representative from GZA, and the Army Corps of Engineers to discuss the plan of Essex River encroachments recently prepared by GZA. When the Selectmen had reviewed the plan at an earlier Selectmen's meeting, they had preferred the 60-foot channel plan over the 40-50-foot plan. The Army Corps of Engineers have now reviewed the 60-foot plan and compared it to an overhead photo of the site. They found that the 60-foot channel plan will not allow enough space for the present system of docks and boats (due to boat length concerns). They are recommending that the Town reconsider pursuing a 40-50 foot channel which may need a special authorization from Congress. The Corps has indicated that a formal submission of the 60-foot plan would likely be denied and suggested that the Town work with Congressman Seth Moulton towards special legislation to de-authorize portions of the channel through narrowing. The Selectmen were in agreement that work on the project should continue with a focus on a smaller channel.

FEMA Flood Map Appeal Study: Mr. Zubricki said that Planner Matt Coogan has researched the advantages of combining efforts with Manchester and/or Gloucester to appeal the new FEMA Flood Maps and he has found that a combined effort would more than likely yield only limited savings. He recommended that the Town seek proposals from engineering firms for an appeal on only Essex's behalf. Mr. Zubricki recommended GZA, Ransom, and Woods Hole. The Selectmen were in agreement with Mr. Coogan and Mr. Zubricki will solicit proposals.

Downtown Boardwalk Planning Update: Mr. Zubricki reported that he has spoken to Patrick Shea, the manager of C.K. Pearl. Patrick Shea has agreed to talk to Bing Gao, the owner of the property, along with his father, Tom Shea, regarding the desirability of granting an easement for the proposed river boardwalk between the restaurant and the river.

Regional Dispatch Center Finance Advisory Board Meeting: Mr. Zubricki, who has recently been elected Chair of the Finance Advisory Board and Chair of the Executive Board of the Essex County Regional Emergency Communication Center, updated the Board regarding a recent development at the Center. Mr. Zubricki said that the City of Beverly no longer wishes to be part of the Regional Center. The Regional Center contract that Beverly signed allows for a community to drop out of the Regional Agreement, but mandates a two-year notice and the payment of membership dues for those two years. Beverly is refusing to pay the fees and has stated that they were forced out of the Regional Agreement. The Board is currently working to resolve the matter.

Maher et al. Eviction Case Update: Mr. Zubricki said that there was a court hearing on February 25, at which time Judge Welch decided that Leah Maher must quit the property at 13 Town Farm Road. Ownership of the building on this property has not been resolved and may require a trial to decide. Judge Welch also decided that Kim Smith has no rights whatsoever to either the property at 138 Conomo Point Road or the property at 153 Conomo Point Road. The only litigant still remaining in this suit, besides Ms. Maher, is the Estate of Mr. Touher, which has been given a stay to allow the Estate to organize after Mr. Touher's untimely death.

Concerning other matters, Mr. Zubricki said that it has come to his attention that a tenant is advertising their leased Town property at Conomo Point for sublet. The property is a year-round property, but the tenant has not requested permission from the Selectmen to sublet. The Selectmen were in agreement that they would like Mr. Zubricki to have a conversation with the tenant about the subletting terms contained in his bridge lease for the property.

The Selectmen were in agreement that there was no pending business which required an Executive Session.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, March 23, 2015, at 7:00 p.m. in the Library on Martin Street.

Attorney Michael Sullivan asked if he could have permission to speak and apologized for missing the Public Comment period at the beginning of the meeting. The Chairman granted permission and Mr. Sullivan strongly urged the Selectmen to consider placing the sale of Robbins Island, subject to certain contingencies, on the warrant for this coming Annual Town Meeting. He said that he had heard that agreement has been reached regarding the Hsia property lines, and therefore, was aware of no reason why the sale of the Robbins Island properties could not go forward. The Chairman said that agreement has not yet been reached regarding the Hsia boundary lines. Also, before the properties may be offered for sale, the Town needs to prepare a subdivision plan, have the subdivision plan approved by the Planning Board, commission an appraisal of each property, and then receive Town Meeting approval to sell the properties. The Chairman said that the Board is also in favor of selling Robbins Island as soon as possible, but that no one can move forward with the process until the Hsia boundary is resolved and agreed to by all. There is simply insufficient time for the requisite process to be completed in advance of the May 4, 2015 Annual Town Meeting.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:50 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell