

Selectmen's Minutes
TOHP Burnham Library

September 28, 2015

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

Also Present: Madeline Albani, Dawn Burnham, Matthew Coogan, John Guerin, Virginia Guerin, Gloucester Times Reporter Dimitra Lavrakas, Patricia Lyons, Christina St. Pierre, Police Chief Pete Silva, Sally Soucy, Senator Bruce Tarr, Kurt Wilhelm, and many others.

The Chair called the meeting to order at 7:00 p.m. in the TOHP Burnham Library and announced that the Board would hear Public Comment. Madeline Albani came before the Selectmen to discuss a *letter she had sent to the Selectmen* regarding a private shooting range that was recently created in her neighborhood. The range is within the guidelines set forth in the Town Bylaws. Ms. Albani finds the noise from the firing range scary and unsettling, and she is concerned for the safety of the neighborhood. She would like the Board to consider asking the Town to revise the Bylaw (Section 4-3.6) in a manner that would either prohibit or severely limit the use of the range. The Selectmen said that they would like to review this matter and resume discussion of it at their next meeting. If the Selectmen are in favor of Ms. Albani's request, it may be possible to add an article to the Fall Town Meeting Warrant. Otherwise, Ms. Albani could sponsor a petition article to be added to the FTM Warrant. Madeline Albani thanked the Selectmen and left the meeting.

Next, the Selectmen turned the meeting over to Dawn Burnham, who recited a brief history of the Boston Post Cane. The Boston Post newspaper originally made several canes of mahogany and gold, each of which was given to a different town in the late 1800's. The canes have traditionally been presented to the oldest living town resident. Following this history, Dawn introduced Patricia Lyons, a resident of Essex for many years, and presented her with the Essex Cane, ceremonially, to mark the occasion of her 102nd birthday last week and a bouquet of flowers. The Cane will be retained by the Essex Historical Society, and eventually, it is hoped that it can be displayed in a cabinet at the newly renovated Town Hall with a list of past recipients. The Selectmen came forward and presented Patricia with a framed citation noting the event and another flower bouquet. Senator Tarr joined the gathering and read a resolution recognizing Ms. Lyons achievement which he presented to her. He also read and presented a celebratory communication from Governor Charlie Baker and Lieutenant Governor Karyn Polito. Following these presentations, Senator Tarr led a rendition of "Happy Birthday", which was followed by a photo session to include all those present, including numerous family members and friends, after which those present for the ceremony left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$186,547.65.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 14th and 22nd, 2015, Open Meetings and Executive Sessions.

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

Ratification of a One-Day Entertainment License:

- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Saturday, September 26, 2015, between the hours of 2:00 and 7:00 p.m. within the confines of the Waterline Center at 66 Main Street.

Ratification of a One-Day Wine and Malt License:

- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Saturday, September 26, 2015, between the hours of 2:00 and 7:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One-Day Entertainment License:

- ALS Benefit, David Virden, for use on Saturday, October 24, 2015, between the hours of 3:00 and 7:00 p.m. within the confines of the Essex Waterline Center at 66 Main Street.

One-Day Wine and Malt License:

- Essex Historical Society & Shipbuilding Museum, Marcia Hubbard, for use on Friday, October 16, 2015, between the hours of 7:00 and 9:30 p.m. within the confines of the Waterline Center at 66 Main Street.
- ALS Benefit, David Virden, for use on Saturday, October 24, 2015, between the hours of 3:00 and 7:00 p.m. within the confines of the Essex Waterline Center at 66 Main Street.

The next regular Board of Selectmen's meeting will take place on Monday, October 5th, 2015, at 7:00 p.m. in the TOHP Library on Martin Street.

A motion was made, seconded, and unanimously voted to approve and sign an amended application to the ABCC for a Wine and Malt Package Store License.

Mr. Zubricki said that he had not received the promised correspondence regarding the potential use of Centennial Grove for one day of filming, so this topic may be discussed at a future Selectmen's meeting. It is possible that the producer found another location.

Town Planner Matt Coogan came before the Selectmen to provide an update on the status of acquiring and assembling the many components required for the Town's Green Community Designation Application. The application's due date is October 23, 2015. One of the required components is the adoption of an energy reduction plan by the Town. Mr. Coogan expects to have a final draft of the plan available for the Selectmen's approval at their October 19th meeting. The Selectmen thanked Mr. Coogan for his comments and he left the meeting.

Town Clerk Christina St. Pierre and Police Chief Peter G. Silva joined the Selectmen at the table to discuss potential changes to the Town's parking regulations and associated signage. It was acknowledged by those present that the current signage, which was developed in stages and added to from time to time, is confusing, and in some instances, not easily visible to the general public. In addition, the fines seem excessive and inconsistent. It was also agreed that the entire

parking situation for both residents, non-residents, and boat trailers needs to be re-assessed. The Selectmen agreed to continue this discussion at a later meeting and the Chief and the Town Clerk left the meeting.

The Selectmen reviewed a letter from Attorney Guerin, who was present, regarding a request to alter a private way at Riverview Hill. Attorney Guerin is representing a client who would like to build a new house in the middle of a lot on Riverview Hill. However, the Building Inspector has said that the house needs to be located closer to the side of the lot to comply with required setbacks from the existing private right of way. Attorney Guerin would like the Town to agree to alter the private way in a manner that will allow the house to be built in the center of the lot. Subsequently, a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to confer with Town Counsel regarding the ability of the Town to change the right of private way. It was agreed that the Selectmen would continue this discussion at their next meeting on October 5, 2015, pending a reply from Town Counsel. Attorney Guerin thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 12th through September 25th, 2015, regarding the following:

Consideration of Removal of Evergreens in Front of Town Hall: Mr. Zubricki said that he has approached the Town's Tree Warden regarding the proposal to remove two overgrown pine trees from in front of the Town Hall. The Tree Warden has informed him that it will be necessary to hold a public hearing before the trees can be removed. There is a plaque on the front of the Town Hall that states that the trees were planted in the 1930's by the Essex Grange. Mr. Zubricki also commented that the organizers of the annual Memory Tree Ceremony are fine with the tree removal as long as a smaller replacement is planted. The Selectmen asked Mr. Zubricki to investigate the cost to replace the trees with suitable smaller specimens.

Structural Repairs or Alterations to Folsom Pavilion: Mr. Zubricki reported both he and Chair O'Donnell had met with the YMCA last week at Centennial Grove to inspect the condition of the Folsom Pavilion. The YMCA has determined that the scope of repairs needed exceeds their abilities. Mr. Zubricki and Ms. O'Donnell will meet with a representative from Campbell Construction at the site this Wednesday to obtain estimates and advice regarding various repair options.

Quarterly DEP Report: Mr. Zubricki announced the completion of the next installment of the Quarterly DEP Report and a motion was made, seconded, and unanimously voted to approve the Report and distribute it.

Continued Review of Draft Fall Town Meeting Warrant: Mr. Zubricki reviewed the latest draft of the proposed warrant for the November 16, 2015 Fall Town Meeting. It was agreed that the Finance Committee and the Town Moderator would be asked to review the proposed warrant before its approval and closing on October 19.

Mr. Zubricki reported that the meeting with the Conservation Commission regarding the proposed demolition of 153 Conomo Point Road had gone well. The Commission has issued a negative determination of applicability. The building may be demolished subject to certain conditions as noted by the Commission and sign-offs from other Town Departments.

Regarding Conomo Point matters, the Selectmen reviewed a *request from Thayer Adams* to sublet the premises at 130 Conomo Point Road. A motion was made to approve the request to sublet the property at 130 Conomo Point Road, Map 24, Lot 41, for the 2016 season; and, the Board acknowledged that nothing in this approval is intended to waive any rights that the Town has in the structure on said property as set forth in the Appeals Court's judgment in the case Brian M. Touher, et al. v. Town of Essex, Massachusetts Appeals Court, Massachusetts Appeals Court, C.A. No. 14-P-796. The motion was moved, seconded and unanimously voted.

The Selectmen also reviewed a *request to add Harlan and Carol Wendell* to the lease for 154 Conomo Point Road from Diane Lowry, Trustee of the Trust of Franklin T. & Marjorie B. Richardson. The Chair entertained a motion to approve the written request for the transfer of a partial interest in the leasehold for the property at 154 Conomo Point Road, Map 24, Lot 18, by adding Harlan Wendell and Carol Wendell as signatories to said lease, said approval with the caveats that the new parties shall be subject to all rights and obligations set forth in said lease and that the addition of new parties to the lease constitutes a transfer that extinguishes the right to year-round use as set forth in Article VI(2) of the Bridge Lease, and further that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by the Trust of Franklin T. & Marjorie B. Richardson. The motion was moved, seconded, and unanimously voted. A copy of these minutes reflecting the Selectmen's vote will be provided to Ms. Lowry.

Mr. Zubricki announced that there is no business this evening requiring an Executive Session.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:57 p.m.

Documents used during this meeting include the following:

Letter from Madeline Albani
Request from Thayer Adams
Request to add Harlan and Carol Wendell

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello