

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

**December 21, 2015**

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

Also Present: Richard Denton, Sue Denton, Paul Goodwin, William Knovak, Tina Lane, Bill Liberti, Joe Romano.

The Chairman called the meeting to order at 7:00 p.m. in TOHP Burnham Library and announced that the Board would hear Public Comment. Tina Lane came before the Selectmen and said that she had looked at the draft of the Town's Strategic Plan that is posted on the Town's website. She said that the plan seemed overly ambitious. She also said that she had noticed that the Board had decided at one of their earlier meetings to discuss the Massachusetts Department of Revenue's audit of the Town at a meeting in December. Mr. Zubricki said that the Selectmen's December 14<sup>th</sup> meeting had been cancelled and this item is now scheduled to be discussed at the January 25<sup>th</sup> Selectmen's meeting. Ms. Lane thanked the Selectmen and left the meeting.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve the following requests for licenses and license renewals:

Antiques License Renewals:

- Muzio Designs, Susan Blake, 55 John Wise Avenue
- White Elephant Shop, Fred Grobe, 32 Main Street
- Ellen Neily Antiques, Ellen Neily, 157 Main Street
- The Essex Exchange, Katrina Haskell, 235 John Wise Avenue
- The Essex Exchange (2), Katrina Haskell, 166 Eastern Avenue

Antiques License Renewals contingent upon receipt of renewal documents and fee:

- Essex Antiquarians, Richard Bevilacqua, 165 Main Street
- New England Joinery, James P. Lower, 85 Southern Avenue
- DPN Corp, d/b/a D. Neligan Antiques, David Neligan, 38 Main Street
- AnnTiques, Ann C. Orcutt, 2 R Martin Street

Class II License Renewals:

- Dynamic Auto Brokers, Charles F. Coles, Jr. & Mark Gallagher, 147 Eastern Avenue
- Gullwing Service Co., Inc., d/b/a Paul Russell and Company, Paul Russell, 106 Western Avenue

Class II License Renewals contingent upon receipt of renewal documents and fee:

- Gaybrook Garage, Michael Crowley, 152 Western Avenue

Common Victualler's License:

- The Smokehouse Fish Market, LLC, d/b/a The Inlet Café, Steven Somers, 121 Eastern Avenue

Common Victualler's License Renewal:

- Essex River Cruises & Charters, Clifford Amero, 35 Dodge Street

Common Victualler's License Renewals contingent upon receipt of renewal documents and fee:

- Down River Ice Cream Corp. d/b/a Down River Ice Cream, Amy Ahearn, 241 John Wise Avenue
- DVR Corporation, d/b/a Cape Ann Pizza and Subs, James Roumeliotis, 65 Eastern Avenue
- Essex Pizza & Restaurant, Dimitros Tegos, 235 Western Avenue
- Essex River Dogs, Eric Vennerbeck, 162 Main Street

One-Day Auction Permit:

- Blackwood March Antiques, Michael March, for use on Tuesday, January 12, 2016 between the hours of 4:00 p.m. 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, January 11<sup>th</sup>, 2016, at 7:00 p.m.

Congressman Moulton will hold a press event on Thursday, January 14, 2016, from 1:00 to 1:30 p.m. at the Essex Marina on Dodge Street, regarding the Senator's filing of a bill seeking to re-define the boundaries of the Federal Channel in the Essex River.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period December 5<sup>th</sup> through December 18<sup>th</sup>, 2015, regarding the following:

Review of Proposed Conomo Point Improvements by Conomo Point Planning Committee (CPPC): Mr. Zubricki said that the Chairman of the CPPC plans to have the Committee meet in January to consider waterfront improvements at the Point. The Chairman has requested a small amount of money to hire Jim Heroux as a consultant for the project. A motion was made, seconded, and unanimously voted to provide a sum of money not to exceed \$5,000 to the Committee to pay for the services of Jim Heroux.

Town Administrator Goals for Calendar Year 2016: The Selectmen agreed that they were not yet ready to discuss Mr. Zubricki's goals and would like to postpone discussion until the next Selectmen's meeting on January 11, 2016. Chairman O'Donnell said that she would like to add tracking and participation in the National Wildlife Federation and the Massachusetts Coastal Zone Management Grants to Mr. Zubricki's goals and Mr. Zubricki agreed.

Draft Request for Proposals for Management of Centennial Grove: Mr. Zubricki briefly reviewed his first draft of a Request for Proposals for Management of Centennial Grove. The Selectmen thanked Mr. Zubricki for the draft said that they would discuss it at their next meeting.

Draft Letter of Map Revision (LOMR) Application: Mr. Zubricki reviewed the points for the Letter of Map Revision that have been written to date. A motion was made, seconded, and

unanimously voted to authorize the Chairman's signature on the document, outside of a meeting, when it has been completed.

Joe Romano, a lessee of a Robbins Island property, joined the Selectmen to discuss potential occupancy options for this property which was recently completely lost to fire. Mr. Romano said that he would like to rebuild on the property, but was not sure of the process. Chair O'Donnell said that the Board has been planning to subdivide the property on Robbins Island and sell the lots to the current tenants. The Subdivision Plan would have to be approved by the Planning Board and Town Meeting would have to vote on whether or not to sell the lots. Currently, the Selectmen have been authorized to lease the lots for five years and the fifth year lease will be 2016. If the lots are not sold, the Town would have to vote to extend the leases for another period of time if tenants were to remain. The Selectmen said that they would like to discuss the matter with Town Counsel in Executive Session and asked Mr. Romano to return later in the evening to continue the discussion. Mr. Romano thanked the Selectmen and left the meeting.

Shellfish Constable William Knovak joined the Selectmen to discuss the possibility of issuing Conomo Point parking stickers to Gloucester clammers between October and April. Mr. Knovak said that no members of the Shellfish Advisory Commission had appeared for their posted meeting at 7:00 p.m. this evening. Instead, he had met with some commercial clammers who were in favor of issuing parking stickers for a fee, to be used between the months of October and April. The clammers had also expressed an interest in creating designated parking spots for boat trailers and asked if the now vacant lot at 138 Conomo Point Road could be used for parking. After a short discussion, a motion was made, seconded, and unanimously voted to approve the issuance of parking stickers to Gloucester commercial clammers for an annual fee of \$150 to be valid between October 15 and April 15. Chairman O'Donnell said that they may consider creating designated trailer spots at a later date. She said that the 138 Conomo Point Road site was in transition and not available for parking. Mr. Knovak said that a question had also been asked about whether the stones that had fallen down on the side of Clammers' Beach could be removed to allow for more parking. The Selectmen informed him that Mr. Zubricki will contact the Conservation Agent for advice on this matter. The Gloucester Shellfish Constable will be notified of the Board's decision to issue parking stickers which will become effective starting in October 2016. The Shellfish Constable left the meeting.

At 8:47 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; the lease, sale, and value of real property at Conomo Point; and, collective bargaining with respect to a successor collective bargaining agreement with the EPBA; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's negotiating, litigating, and bargaining strategies and invited the Town Administrator and Town Counsel to attend the Executive Session. She said that the Board would be returning to Open Session in about ½ hour to finish their regular business. 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.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 9:15 p.m.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$75,614.57.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 12/10/2015 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	11/24/15	\$ 54.10	Shellfish
Ernie Nieberle	Nieberle's	11/24/15	573.30	Police
Ernie Nieberle	Nieberle's	11/24/15	85.00	Harbormaster

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 12/17/15 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	11/24/15	\$ 483.80	Fire
Ernie Nieberle	Nieberle's	11/24/15	890.50	Highway
Ernie Nieberle	Nieberle's	11/24/15	1,497.36	Snow and Ice
Ernie Nieberle	Nieberle's	11/24/15	624.15	Cemetery
Ernie Nieberle	Nieberle's	11/24/15	74.70	Water
Ernie Nieberle	Nieberle's	11/24/15	37.60	Sewer
Dave Preen	Preen's Plumbing	11/30/15	518.20	Fire Dept.
Dave Preen	Preen's Plumbing	11/30/15	323.73	Water Dept.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 12/24/15 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	11/24/15	\$ 148.10	Council on Aging
James McNeilly	McNeilly EMS	12/11/15	130.00	Fire Dept.

Mr. Romano rejoined the Selectmen and the discussion regarding his intentions for his leased property at Robbins Island continued. Mr. Romano stated that he would like to explore rebuilding right away. The Board advised Mr. Romano to talk to the Building Inspector, the Conservation Commission, and the Board of Health regarding permitting for any plans that he might have for the site and agreed to support Mr. Romano subject to the necessary approvals from other Town boards. Mr. Zubricki reminded Mr. Romano that he would be proceeding at his own risk should he decide to rebuild in advance of a vote by the Town Meeting to sell him the land. Mr. Romano said that he would talk to the other Town boards. He asked the Selectmen if he could get a deferral on the rent during the time it will take him to rebuild. He was reminded that the rents are based on land only values and that there are no provisions for rent abatements.

Nonetheless, he was asked to put his deferral request in writing should he want that matter considered further. Mr. Romano thanked the Selectmen and left the meeting.

Department of Public Works Superintendent Paul Goodwin joined the meeting to inform the Selectmen that the Water Plant is in serious need of repair. He asked the Selectmen to consider calling a Special Town Meeting at their earliest convenience to request approval for funding the repair project. He suggested that he and his Board have devised a way to pay for the repairs that would avoid borrowing or raising the rates. Subsequently, a motion was made, seconded, and unanimously voted to hold a Special Town Meeting on Monday, February 1, 2016, starting at 7:30 p.m. at the Essex Elementary School on Story Street. And, a motion was made, seconded, and unanimously voted to Open the Warrant for the February 1, 2016 Special Town Meeting. Mr. Goodwin thanked the Selectmen and left the meeting.

The Selectmen thanked Mr. Corbo for his assistance this evening and he also left the meeting.

Mr. Zubricki resumed his presentation of the Town Administrator's Report:

Release of Request for Quotations for Long-Term Lease Appraisals: A motion was made, seconded, and unanimously voted to approve the release of a Request for Quotations for Long-term Lease Appraisals. And, a motion was made, seconded, and unanimously voted to approve the release of a sample long-term lease to the President of the Conomo Point Association for comment.

Robbins Island Subdivision Process and Sale Appraisal Contract: Mr. Zubricki said that our past Conomo Point appraisal consultant, Mr. Mark Tyburski, has submitted a proposal to provide appraisals for the Robbins Island properties for \$9,995. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a contract with Mr. Tyburski to perform the appraisals.

A motion was made, seconded, and unanimously voted to authorize the Horsley Witten Group to complete a definitive subdivision plan of Robbins Island to be delivered to the Planning Board, and to also authorize the Chairman to sign the subdivision application, outside of a meeting, when it becomes available.

Review of Draft Selectmen's Fiscal Year 2017 Operating Budget: Mr. Zubricki reviewed the draft FY2017 Operating Budget, point by point.

Continued Review of the FY17 Capital/Personnel Plan: Mr. Zubricki reviewed the draft FY2017 Capital/Personnel Plan, point by point. The Selectmen were in agreement with Mr. Zubricki's draft of both the budget and the capital plan. Selectman Gould-Coviello will conduct employee reviews this year with the Treasurer/Tax Collector and the Town Clerk.

Review of Tentative Manchester Essex Regional District FY17 Budget: Mr. Zubricki said that the draft school budget shows an increase for next year in the amount of 2.8%. The Selectmen

thought that was a reasonable amount and see no need to have another meeting with the budget committee before the final budget meeting.

DEP Quarterly Report: A motion was made, seconded, and unanimously voted to approve the *Quarterly Report* and to transmit the report to the appropriate recipients.

Preliminary Draft List of Potential Topics for 2016 Annual Town Meeting: Mr. Zubricki distributed a draft list of topics for the next Annual Town Meeting and asked the Selectmen to review the list for future comment.

Revised Signage for Town Landing and Municipal Parking Lot: Mr. Zubricki discussed a drawing/map he had made of suggested signage for the Town's various lots. The Selectmen were in agreement and asked Mr. Zubricki to proceed to solicit comments from the Town Clerk, the Police, and the Department of Public Works regarding the proposed signage and restrictions.

Town Hall/Library Renovation Project Update: Mr. Zubricki said that about 20 people had participated in the Town Hall/Library walk through today for the proposed renovation/repair project. Thirty-five firms have pulled bid documents to date. McGinley Kalsow is very optimistic that we will receive at least 5 or 6 bids on the project.

In other business, a motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 7<sup>th</sup>, 2015, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve and sign any necessary paperwork with the Massachusetts Cultural Council regarding a grant award, outside of a meeting, when and if it becomes available.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on a letter of support regarding the North Shore Alliance for Economic Development's application for funding under the Regional Economic Development Organization Grant Program.

A motion was made, seconded, and unanimously voted to approve a tax bill insert regarding upcoming elections.

A motion was made, seconded, and unanimously voted to approve and authorize the Chairman's signature on a contract with the MA Department of Elder Affairs for a grant in the amount of \$6,777.00.

A motion was made, seconded, and unanimously voted to approve and authorize the Chairman's signature on a MA Association of Councils on Aging Direct Grant Agreement in the amount of \$2,180.

A motion was made, seconded, and unanimously voted to hold the 2016 Annual Town Meeting on Monday, May 2, 2016, starting at 7:30 p.m. at the Essex Elementary School on Story Street.

A motion was made, seconded, and unanimously voted to Open the Warrant for the May 2, 2016 Annual Town Meeting and accept articles for inclusion in the Warrant until 3:00 p.m. on Wednesday, March 2, 2016. And, a motion was made, seconded, and unanimously voted to accept reports for the Annual Town Report until noon on Wednesday, February 3, 2016.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

*Quarterly Report January 1, 2016*

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

Attested by: \_\_\_\_\_  
Susan Gould-Coviello