

Selectmen's Minutes
2nd Floor, Town Hall Stage Conference Area, 30 Martin Street

April 23 2018

Present: Chairman Lisa J. O'Donnell, Selectman David A. Doane, Selectman Andrew C. Spinney, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Also Present: Virginia Antell, Curt & Lindsey Bergeron, Dawn Burnham, Westley Burnham, Benn Buttrick, Annie Cameron, Scott DeWitt, Brian Feener, Paul Goodwin, Jodi Harris, Billie Knovak, Tina Lane, Attorney Robert McCann, Susan Mears, Ernie Nieberle, Stuart Pratt, Richard Ross, Pete Silva, Jeff Soulard, and Pamela Thorne.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the 2nd floor Stage Conference area of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment. No one offered any comment.

Susan Mears, the Treasurer of the Conomo Point Association, came before the Selectmen to request their approval of a building permit for the Association Boat House to replace siding and windows. Selectman Spinney moved that the Board of Selectmen, in its capacity as Conomo Point Commissioners, approve a building renovation request made by the Conomo Point Association, to renovate the existing structure on the premises located at 161 Conomo Point Road (Map 108, Lot 37), subject to the following terms and conditions:

1. The work shall be done in accordance with the terms and conditions set forth in Sections 2 and 3 of Article IX and Article X of the Land Lease commencing on January 1, 2017 (the "Lease"), which terms and conditions are expressly made part of this approval.
2. The renovated building shall be considered the "Improvements" for purposes of the Lease.
3. The Lessee acknowledges that nothing in this vote is intended to convey or imply any right, title or interest in the Town's property, or any portion thereof, and that nothing herein is intended to extend the term of the Lease or to waive the Town's right of termination pursuant to Article XI thereof, and further that the Town expressly reserves the right to assert ownership of the renovated building in accordance with Article V of the Lease.
4. The Lessee shall sign a written acknowledgment of his agreement to these conditions, which acknowledgement shall be countersigned by the Town Administrator on behalf of the Board.

The motion was seconded and unanimously voted. The Chairman signed the permit.

Susan Mears offered some recent photos of the stone pier at the Point and said that the winter storms did a lot of damage. Mr. Zubricki and the Board replied that they are aware of the damage and that they have committed the majority of the remaining funding in the Conomo Point Management account for repairs. Superintendent Paul Goodwin, a private site contractor, and a mason will be inspecting the site and offering a plan for repairs.

Susan Mears thanked the Board and left the meeting.

The Chairman entertained a motion to reopen the Public Hearing regarding the Riversbend application for an Alteration of Premises. The motion was moved, seconded, and unanimously voted. She invited Mr. and Mrs. Bergeron and/or their attorney, Robert McCann to offer comment. Attorney McCann explained that due to a miscommunication with the Alcoholic Beverage Control Commission, the ABCC requirement to advertise the hearing and notify the abutters was overlooked by both the Bergerons and the Select Board. Those two requirements have now been corrected. The Chairman asked if anyone else wished to comment and no one did. 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 re-approve the application and the Board signed the review form.

Those present discussed several applications from Riversbend for various alcohol and entertainment licenses. Discussion was held concerning a one-day entertainment license and a one-day wine and malt license for a wedding event planned for Saturday, June 16. Following the reading of a draft letter stating the Board's decision and further discussion, Selectman Spinney moved that the Board vote to adopt the letter prepared by Town Counsel as its official decision denying the application for a one-day entertainment license and granting a one-day wine and malt license for the Riversbend Restaurant, 35 Dodge Street, for an event on June 16, 2018, and authorizing the Town Administrator to sign the letter on the Board's behalf. The motion was seconded and voted unanimously.

Those present also discussed applications for a one-day entertainment license and a one-day wine and malt license, each for the Essex River Race event planned for Saturday, May 12. Attorney Corbo read a draft letter outlining the Board's decision and Selectman Spinney moved that the Board vote to adopt the letter prepared by Town Counsel as its official decision denying the application for a one-day entertainment license and a one-day wine and malt license for the Riversbend Restaurant, 35 Dodge Street, for an event on May 12, 2018 and authorizing the Town Administrator to sign the letter on the Board's behalf. The motion was seconded, and voted unanimously.

Further, those present discussed applications by the Riversbend for an Annual Weekday Entertainment License and for an Annual Sunday Entertainment License at 35 Dodge Street. Attorney Corbo read a draft letter to Curt Bergeron detailing the Board's decision on both licenses. Selectman Spinney moved that the Board vote to adopt the letter prepared by Town Counsel, with certain modifications related to outdoor speakers and compliance with occupancy rules, as its official decision granting the application for an annual weekday entertainment

license for the Riversbend Restaurant, 35 Dodge Street, and denying the application for an annual Sunday Entertainment License for the same premises and authorizing the Town Administrator to sign the letter on the Board's behalf. The motion was seconded, and voted unanimously.

The Bergerons were reminded that there would be no outdoor music allowed at any time and that their hours of operation must coincide with the hours listed on their license, otherwise they need to request permission from the Board and the ABCC to change their hours.

The Bergerons and their attorney left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$228,233.03.

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 04/12/18 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>
James McNeilly	McNeilly EMS	03/30/2018	\$ 225.00	Fire

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 04/19/18 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>
James McNeilly	McNeilly EMS	04/17/2018	\$ 1,250.00	Fire
Ernie Nieberle	Nieberle's	04/19/2018	\$ 45.00	Snow Removal
Ernie Nieberle	Nieberle's	04/19/2018	\$ 262.95	Snow Removal

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 9, 2018, Open Meeting.

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

Commercial Shellfish Permit:

- Shane Matthews

Senior Shellfish Permit:

- Britt Hall

Non-Resident Recreational Shellfish Permit and Waiver of Application Deadline:

- Stephen Danca, Beverly, MA, sponsored by Robert Brophy

At 6:48 p.m., citing the need to discuss the purchase, exchange, lease or value of real property relative to a possible future site for a public safety facility; and, to review minutes from executive sessions held on 10/16/17, 1/22/18, 1/29/18, 2/6/18, 2/12/18, 2/15/18, 2/26/18, 3/12/18, 3/26/18, and 3/28/18 to determine whether continued non-disclosure is warranted; the Chairman entertained a motion to move to Executive Session pursuant to G.L. c. 30A, §21(a)(6)

and (7). She stated that discussing these matters in Open Session would be detrimental to the Town's negotiating strategy and invited the Town Administrator; Town Counsel; members of the Finance Committee Richard Ross and Benn Buttrick; Town Building Committee members Stuart Pratt, Pete Silva, and Westley Burnham; and Town Accountant Virginia Antell to attend the Executive Session. She said that the Board would be returning to Open Session. The motion was moved and seconded. Following a unanimous Roll Call Vote by the Board, the Board, their Assistant, the Town Administrator, Town Counsel, the Town Accountant, and members of the Finance Committee and the Town Building Committee moved to Executive Session. Tina Lane, Jodi Harris, and Ernie Nieberle left the meeting.

The Board, their Assistant, the Town Administrator, the Town Accountant, Town Counsel, and members of the Finance Committee and the Town Building Committee returned to Open Session at 7:17 p.m.

Stuart Pratt left the meeting.

Dawn Burnham, Annie Cameron, Scott DeWitt, Brian Feener, Paul Goodwin, Billie Knovak, Tina Lane, Jeff Soulard, and Pamela Thorne joined the meeting.

Those present introduced themselves to the new Town Clerk, Pamela Thorne.

Chairman O'Donnell briefly reviewed the articles on the warrant for the May 2018 Annual Town Meeting, except for the two articles regarding street light replacement, which were reviewed by Mr. Zubricki.

Attorney Corbo left the meeting.

Bicentennial Committee Chairman Dawn Burnham announced that her committee has raised enough money to cover the cost of the proposed celebration fireworks!

Shellfish Constable Knovak said that he had picked up the surplus truck from the environmental police to replace the old shellfish truck that was damaged in the January storm. The Town was very lucky to obtain, for free, the almost new truck through the efforts of Mr. Zubricki and Senator Tarr.

School Committee representative Annie Cameron reported that Manchester voted to approve the proposed school budget.

At 8:07 p.m., Virginia Antell, Dawn Burnham, Westley Burnham, Benn Buttrick, Annie Cameron, Scott DeWitt, Brian Feener, Paul Goodwin, Richard Ross, Peter Silva, Jeff Soulard left the meeting.

The Board and the Town Administrator, along with Shellfish Constable Knovak and the Town Clerk, reviewed the paperwork received to date for a Commercial Shellfish Permit Application

from Robert Fitzgerald, Jr. All agreed that more information and supporting documents were needed. Subsequently, a motion was made, seconded, and unanimously voted to postpone granting the permit pending receipt of additional information.

Pam Thorne and Billie Knovak left the meeting.

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

One-Day Wine & Malt License:

- Essex County Greenbelt, Shelley Raymond, for use on Thursday, May 17, 2018, between the hours of 6:00 and 9:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Shelley Raymond, for use on Thursday, June 7, 2018, between the hours of 6:00 and 8:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Shelley Raymond, for use on Friday, June 8, 2018, between the hours of 5:00 and 8:30 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

One-Day Entertainment License:

- Essex County Greenbelt, Shelley Raymond, for use on Friday, June 8, 2018, between the hours of 5:00 and 8:30 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

The Board was reminded of the following events and meetings:

- Public Forum regarding the proposed acquisition of 55 Main Street, April 24, 2018, 7:00 p.m., in the cafetorium at the Essex Elementary School, Story Street.
- Coastal Resilience Grant Public Workshop highlighting the inter-relatedness of emergency planning and coastal resilience planning, April 25, 6:00 to 8:30 p.m., Essex Town Hall.
- The next regular Board of Selectmen's meeting will take place on Monday, May 7, 2018, at 6:30 p.m. in the Teachers' Conference Room in the Essex Elementary School, Story Street.

The Board reviewed a draft support letter for renewal of the Essex Cultural District, and, a motion was made, seconded, and unanimously voted to approve and sign the letter.

The Board also reviewed a letter from William Francis Galvin, Secretary of the Commonwealth, announcing that the Town will be the recipient of a 2018 Massachusetts Historical Commission Preservation Award in recognition of the Town Hall/Library renovation project. The award ceremony will take place on May 16. The Board agreed that they would like to invite Historical Commission Chair Nat Crosby to attend the ceremony.

Mr. Zubricki reported that the pre-existing benches at Conomo Point, whether or not they have a plaque, are all donated benches. The Board asked Mr. Zubricki to compile a list of bench locations and the people in whose memory the benches were donated. Mr. Zubricki said that the Board of Public Works has been offered the gift of a memorial bench for Memorial Park. The Board agreed, and a motion was made, seconded, and unanimously voted to authorize the Board of Public Works to accept donations of benches within Memorial Park at that Board's discretion in the future.

A motion was made, seconded, and unanimously voted to approve a request from Neurofibromatosis Northeast to pass over Essex roads during their 8th Annual Coast to the Cure bike event on Saturday, September 8, 2018.

Mr. Zubricki said that he has been working with Town Counsel and John Guerin to draft a mutual release relative to the disturbance of a registered property bound of Guerin Realty Trust & Wedgwood Properties, LLC by the Town's contractor in the past, when the municipal parking facility was constructed. The Board was in agreement and a motion was made, seconded, and unanimously voted to sign the documents outside of a meeting when they become available and to approve a payment of \$6,140 to the property owner from funds that were withheld from the project contractor.

A motion was made, seconded, and unanimously voted to approve the following requests for Centennial Grove Rentals, and to sign the applications and parking passes:

- The Friends of the Council on Aging for the annual Senior Barbeque on Wednesday, June 20, 2018, and waiver of the fee.
- Essex Elementary School Parents for a retirement party on Friday, June 15, 2018, and waiver of the fee.

A motion was made, seconded, and voted (with Selectman Doane abstaining) to approve the following request for a Centennial Grove Rental, and to sign the application and parking pass:

- Selectman David A. Doane for a graduation party on Saturday, June 23, 2018.

Concerning Conomo Point matters, a motion was made, seconded and unanimously voted to table review until May 7, of a Lease Addendum tight Tank Notification for the property at 172 Conomo Point Road, Map 108, Lots 48 A&B, pending receipt of the document.

A motion was made, seconded, and unanimously voted to remove Laura Couallier from the lease for 172 Conomo Point Road, Map 108, Lots 48 A&B.

Mr. Zubricki reported that it had come to his attention that the plans for a septic facility for the benefit of the house at 11 Middle Road, Map 108, Lot 57, are not in keeping with preliminary plans provided by the tenants in the past. The Board was in agreement that the present plan would not cause the lease on Lot 46 to convert to a long-term lease. Mr. Zubricki will call the tenants to discuss their plans.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 7th, 2018 through April 20, 2018, regarding the following:

Public Forums Concerning Plan to Construct New Fire Station: Mr. Zubricki reported that two forums had been held to date and that the final forum will take place tomorrow night at the Essex Elementary School.

Further Review of Draft Annual Town Meeting Motions: Mr. Zubricki reviewed the current draft of ATM motions with those present. The list will be updated and reviewed one more time on May 7, prior to the commencement of the Annual Town Meeting.

Coastal Barrier Resources System Unit Boundary Updates: Mr. Zubricki showed the Board the changing boundaries regarding the use of federal funding for development on his laptop.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:10 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney