

**Selectmen's Minutes**  
**Teacher's Lounge, Essex Elementary School**

**August 27, 2018**

Present: Chairman Lisa J. O'Donnell, Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo and Vickie Cataldo, Temporary Selectmen's Assistant.

Chairman O'Donnell called the meeting to order at 6:00 p.m. and announced that the Board would hear Public Comment.

Mr. & Mrs. True attended to speak about their written request to adjust the lot line between their leasehold 109 Conomo Point Road (Map 108, lots 77A & 77B) and the abutting leasehold at 111 Conomo Point Road (Map 108, Lot 76). Mr. Zubricki asked if the Trues agreed that their leasehold was appraised by the Town's appraiser at 9,900 square feet and whether the leasehold is currently listed with that same square footage by the Assessor. Mrs. True, who has Power of Attorney for the Basswood Irrevocable Trust, agreed this was the case and also wanted to point out that she feels that the appraiser valued the occupied parcel as a "rectangular" parcel even though it is an "irregular" shape. Mr. Zubricki explained that the Board would be taking this matter up in Executive Session and would discuss it with Town Counsel. The Trues thanked the Board and left the meeting.

**EXECUTIVE SESSION**

At 6:15 p.m., citing the need to discuss litigation strategy with respect to legal suit: Drinkwater, as Trustee of the Drinkwater Essex Realty Trust v. Town of Essex, Land Court Civil Action No. 18-MISC-000391, and discuss lease and value of real property at Conomo Point, the Chair entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's litigation and negotiating strategies, respectively and invited the Town Administrator and Town Counsel to attend the Executive Session. She said that the Board would be returning to Open Session to continue with 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.

The Board returned to open session at approximately 6:50 p.m.

Town Moderator Jeff Jones joined the meeting.

Conomo Point Matters:

Need for Maintenance Contract at Conomo Point Park: Mr. Zubricki explained that the planting bed at the park has not been well maintained and that the DPW does not have the resources to do much more than mow the grass there. The Selectmen asked Mr. Zubricki to get pricing from local landscape professionals for discussion at a future meeting.

Consideration of a written request to assign lease for 111 Conomo Point Road (Map 108, lot 76) from Cozy Cottage, LLC to Brooke and Robert Carroll. The Board tabled this matter, as the

parties to the assignment provided a written statement, through the assignee's attorney, withdrawing the request for assignment at this time.

A motion was made, seconded and unanimously voted to approve a building permit application for roof replacement at 126 Conomo Point Road, Osburn (Map 108, Lot 66).

A motion was made, seconded and unanimously voted to approve a tight tank lease addendum for tight tank at 113 Conomo Point Road, Sisk (Map108, Lot 75).

The Board considered a request to alter lot lines concerning leased properties at 29 Middle Road, Sisk (Map 108 Lot 28) and 31 Middle Road, Collins (Map 108 Lot 27). Mr. Zubricki described a joint request from the leaseholders at 29 Middle Road and 31 Middle Road to slightly alter the common lot line between the two leaseholds. Given the fact that the parties agree on the proposed alteration and each will obtain a benefit from the alteration, and given the fact that the Board has discretion in the leases to alter lot lines, after discussion, a motion was made, seconded, and unanimously voted to approve the request, subject to the parties stipulating in writing that they understand all ramifications and will not use the approval as the basis for any type of rent adjustment or claim against the Town, in a form that is acceptable to Town Counsel, attaching a plot plan clearly showing the revised line, which will be the basis for an official change to the Assessors' map.

The Board reviewed questions and concerns from a Conomo Point tenant (Basswood Irrevocable Trust – Kristine True, Power of Attorney) relative to leasehold lot lines between the tenant's leasehold at 109 Conomo Point Road (Map 108, lots 77A & 77B) and 111 Conomo Point Road, Cozy Cottage LLC (Map 108, Lot 76). Mr. and Mrs. True had spoken about this issue earlier in the meeting, at public comment. Mr. Zubricki described a request from the leaseholder at 109 Conomo Point Road to alter the lot line between that leasehold and the leasehold at 111 Conomo Point Road by expanding the size of 109 and decreasing the size of 111. The leaseholder at 111 does not agree with the proposal made by the leaseholder at 109. After discussion, the Board agreed that, while it has the discretion to alter lot lines, based on the information provided with the request, that circumstances are not appropriate to grant the request. The Board cited the lack of agreement between the parties, the lack of mutual benefit, and the lack of any clear need or reason for the change and a motion was made, seconded, and unanimously voted to take no action relative to the request, leaving the lot line between the two leaseholds unchanged from its position on the current Assessors' map.

**OTHER BUSINESS:**

A motion was made, seconded and unanimously voted to approve the weekly warrant in the amount of \$139,474.65.

A motion was made, seconded and unanimously voted to approve the minutes for the Selectmen's August 13, 2018 Open Meeting.

A motion was made, seconded and unanimously voted to approve a contract with the Commonwealth for additional green crab trapping, in the amount of \$10,000.

The Board reviewed and acknowledged letter of commendation from Richard Denton concerning the Essex Fire Department.

A motion was made, seconded and unanimously voted to approve authorizing Town Treasurer to sign on and manage the Town's CD account with Cape Ann Savings Bank.

A motion was made, seconded and unanimously voted to approve an offer from Mr. Jason Grow of Gloucester to donate to the Town six portraits of Essex World War II veterans from his Cape Ann World War II Veterans' Portraits Project.

A motion was made, seconded and unanimously voted to approve the Essex County Greenbelt's 4<sup>th</sup> annual road cycling event to pass over Essex roads on Saturday, September 29, 2018.

A motion was made, seconded and unanimously voted to Ratify Chairman's signature of Regional Economic Development Organization grant letter of support with respect to the North Shore Alliance for Economic Development.

There was discussion concerning the need for another Town Building Committee member to fill a vacancy created by a recent resignation. Mr. Zubricki encouraged the Board to suggest names for consideration at a future meeting.

**LICENSING:**

A motion was made, seconded and unanimously voted to approve a one-day Wine & Malt license by Woodman's, Inc. on Wednesday, Aug. 29, 2018, between 11 a.m. and 10 p.m., within the confines of the tent area at 125 Main Street.

A motion was made, seconded and unanimously voted to approve a one-day Wine & Malt license by Cape Ann Chamber of Commerce on Saturday, October 20, 2018 (with a rain date of Sunday, October 21, 2018) for the 36<sup>th</sup> Annual Essex ClamFest, between 11 a.m. and 4 p.m., within the confines of Memorial Park.

A motion was made, seconded and unanimously voted to approve a one-day Entertainment license by Cape Ann Chamber of Commerce on Saturday, October 20, 2018 (with a rain date of Sunday, October 21, 2018) for the 36<sup>th</sup> Annual Essex ClamFest, between 11 a.m. and 4 p.m., within the confines of Memorial Park.

A motion was made, seconded and unanimously voted to approve the Essex Youth Commission to use Centennial Grove on Wednesday, September 19, 2018 12pm-3pm for an Early Release Program.

A motion was made, seconded and unanimously voted to approve the Essex Youth Commission to use Centennial Grove on Saturday, September 29, 8am -12 pm for a Retreat.

A motion was made, seconded and unanimously voted to approve the application from Blackwood March Antiques for an auction on September 25, 2018.

A motion was made, seconded and unanimously voted to approve a one-day Entertainment license by Essex County Greenbelt on Sunday, September 30, 2018 between 3:00 pm and 6:00 pm, within the confines of Cox Reservation.

A motion was made, seconded and unanimously voted to approve a one-day Special License (Wine & Malt) by Essex County Greenbelt on Sunday, September 30, 2018 between 3:00 pm and 6:00 pm, within the confines of Cox Reservation.

A motion was made, seconded and unanimously voted to approve for a one-day Special License (Wine & Malt) by Essex County Greenbelt on Saturday, September 29, 2018 between 11:30 pm and 2:30 pm, within the confines of Cox Reservation.

A motion was made, seconded and unanimously voted to approve a one-day Entertainment license by Essex County Greenbelt on Saturday, September 29, 2018 between 12:00 pm and 2:30 pm, within the confines of Cox Reservation.

A motion was made, seconded and unanimously voted to approve the application for a Commercial Clamming License by Merques Kuca.

Brendhan Zubricki presented his Town Administrator's Report for the period August 11<sup>th</sup> through August 24<sup>th</sup>, 2018, regarding the following:

RFP for the Purchase of Public Safety Building Property:

Only one proposal was received and it did not include enough parcel area to meet the minimum criteria. As such, the Town received no valid proposals. At the last Selectmen's meeting, the Board discussed with the Town Building Committee the possibility of revising the RFP's criteria and soliciting proposals again. The Board agreed that the Town should wait to work with its Project Manager (pending tonight's Town Meeting vote) to determine how to potentially revise the RFP and whether to seek new proposals.

Cost Proposal for First Phase of Project Manager Services:

\$163,000 is being asked at the Special Town Meeting this evening to cover the costs of the first phase of Project Manager services. This phase will include vetting of the various site and building options and assistance with selecting an architectural firm for project design (subject to funding at the Fall Town Meeting). After discussion of the cost proposal, a motion was made, seconded, and unanimously approved to enter into a contract with Project Management Firm NV5 outside of a meeting, in accordance with the firm's proposal and the Town's standard contract form for Project Manager services, contingent upon the necessary funding being approved at tonight's Special Town Meeting.

Army Corps of Engineers Coordinated Site Visit:

The Army Corps conducted a site visit on August 22, 2018 as part of the continuing Section 204 beneficial sediment re-use study. Several options that may allow dredged materials to be used were discussed. The Corps is also working to assess and conduct permitting for traditional maintenance dredging, which would be 100% Federally funded, to dredge the river and dispose of materials. If a re-use project goes forward, the Town will have to pay 35% of the cost over and above what the maintenance costs would be. Preparations for both the traditional dredging route (something the Corps needs to do anyway) and the beneficial re-use possibilities will continue on parallel tracks for the time-being.

The Essex Finance Committee joined the meeting.

Final Special Town Meeting Motions:

Mr. Zubricki reviewed with the Board final draft motions for tonight's Town Meeting. The Finance Committee was in agreement with all of the motions, except for the motion dealing with the renovation of the Centennial Grove Cottage and its adjacent garage. On that motion, the Committee indicated that it would only support the work if references to the use of the area by the Youth Commission were removed. The Finance Committee would like to see the area improved but said improvements should be available to any Town department, Town residents, and possibly other groups. The Selectmen agreed to amend the motion to be offered and to ask the motion reader to read the motion as amended.

The Board was reminded that the Fall Town Meeting will be held on October 16, 2018 (a Tuesday, as opposed to the usual Monday) at 7:30 p.m. in the gym at the Essex Elementary School. Mr. Zubricki handed out suggested topics for Fall Town Meeting articles and encouraged the Board members to review that information prior to the next Selectmen's meeting on September 10, 2018.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at approximately 7:25 p.m.

Prepared by: \_\_\_\_\_  
Vickie Cataldo

Attested by: \_\_\_\_\_  
Andrew C. Spinney