

**Selectmen's Minutes**  
**Faculty Room, Essex Elementary School, Story Street**

**September 23, 2019**

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Pereen, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Town Building Committee Chair Lisa O'Donnell, Town Moderator Jeff Jones, and Selectmen's Assistant Pamela J. Witham.

Also Present: Paul and Charlotte Fitzpatrick, Tina Lane, Dan Mayer, Antonella Muniz, and others.

Chairman Spinney called the meeting to order at 6:00 p.m. in the Faculty Conference Room at the Essex Elementary School on Story Street. He said that the Board would discuss the proposed marijuana dispensary at their next meeting on October 7 and announced that the Board would hear Public Comment. Paul Fitzpatrick, a resident at Conomo Point and Vice President of the Conomo Point Association, said that he would like to participate in the Board's discussion of the dispensary. Dan Mayer and Antonella Muniz asked questions regarding the bylaws and State laws that regulate marijuana.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$75,158.15.

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 9/5/2019 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>
Ramie Reader	Reader Electrical	08/20/2019	\$ 126.00	Police

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 9/12/2019 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>
Ernest Nieberle	Nieberle's	08/24/2019	\$ 138.00	Police

Selectman Pereen abstained and a motion was made, seconded, and voted by Chairman Spinney and Selectman Phippen to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 9/19/19 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>
David Pereen	Pereen Plumbing	09/08/2019	\$ 49.75	Selectmen
Ernie Nieberle	Nieberle's	08/24/2019	\$ 135.99	Fire
Ernie Nieberle	Nieberle's	08/24/2019	\$ 325.25	Fire
Ernie Nieberle	Nieberle's	08/24/2019	\$ 85.19	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 9, 2019, Open Meeting.

Chairman Spinney said the Board would discuss inquiries from residents asking whether and how they might be involved in the review of a Host Community Agreement between the Town and Recreational Marijuana proponent BB Botanics at their next meeting on October 7.

A motion was made, seconded, and unanimously voted to allow the planting of a tree in memory of former Town Clerk Sally Soucy at Centennial Grove near the Sally Soucy Nature Trail sign.

The School District and the Town of Manchester have made a proposal to fund, without any additional payment from Essex, a School Resource Officer (SRO) starting as early as November 1, 2019. The Board was in favor of the proposal.

It was agreed to postpone discussion regarding options to automate collection of boat launching fees on weekdays for non-residents, as well as a possible increase of the current fee.

Dan Mayer and Paul and Charlotte Fitzpatrick left the meeting.

Concerning Conomo Point matters, Chairman Spinney announced that there have been no developments concerning the status of offers to purchase the Town's vacant lot at 0 Sumac Drive, Map 110, Lot 7.

A motion was made, seconded and unanimously voted to approve a tight tank lease addendum for 136 Conomo Point Road, Map 108, Lot 62, leased by Sarah & Samuel Cushing.

A motion was made, seconded, and unanimously voted to sign the cover letters offering one-year leases for northern Conomo Point, Robbins Island, and Beach Circle as follows:

- Category 3: Accessory Lots without Building, 1-Year, Seasonal Leases:
  - 179 Conomo Pt Rd, Map 108, Lot 29 B Lane
  - 165 Conomo Pt Rd, Map 108, Lot 35 Walker
  - 159 Conomo Pt Rd, Map 108, Lot 38 Wendell
  - 162 Conomo Pt Rd, Map 108, Lot 44 B McKenzie
  - 170 Conomo Pt Rd, Map 108, Lot 47 Robinson/Woodward
  - 172 Conomo Pt Rd, Map 108, Lot 48 B Herrmann
  - 0 Conomo Pt Rd, Map 108, Lot 74 Sisk
- Category 4: Accessory Lots with Building(s), 1-Year, Seasonal Leases:
  - 9 Conomo Ln, Map 108, Lot 26 Lane
  - 173 Conomo Pt Rd, Map 108, Lot 31 Bryer
  - 163 Conomo Pt Rd, Map 108, Lot 36 Lane & Cushing
  - 21 Middle Rd, Map 108, Lot 49 B Holleran
  - 109 Conomo Pt Rd, Map 108, Lot 77 B True
- Category 7: Seasonal 1-Year Lease for Property with Dwelling:

- 11 Beach C, Map 108, Lot 79 Menges
- Category 8: Robbins Island Accessory Lots with Buildings, Seasonal 1-Year Leases:
  - 43 Robbins Island Rd, Map 108, Lot 15 1 Riggs
  - 44 Robbins Island Rd, Map 108, Lot 15 2 Winfrey
- Category 10: Lots with Building(s) and No Primary Dwelling Lot, 1-Year, Seasonal Lease:
  - 161 Conomo Pt Rd, Map 108, Lot 37 CP Association
  - 159 Conomo Pt Rd, Map 108, Lot 39 LeRoy
  - 155 Conomo Pt Rd, Map 108, Lot 40 Cottage Park
- Category 11: Accessory Lots with Building(s) and Septic System Components, 1-Year, Seasonal Lease:
  - 168 Conomo Pt Rd, Map 108, Lot 46 Robinson/Woodward

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

One-Day Entertainment:

- Essex Historical Society & Shipbuilding Museum, Dave Driscoll, for use on Saturday, September 21, 2019, between the hours of 4:00 and 7:00 p.m. within the confines of the Waterline Center at 66 Main Street.
- Nathan Woodman, Ales over ALS, for use on Saturday, October 26, 2019, between the hours of 3:00 and 9:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum at 66 Main Street.
- Essex Historical Society & Shipbuilding Museum, Dave Driscoll, for use on Saturday, November 2, 2019, between the hours of 6:00 and 9:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One-Day Wine & Malt License:

- Nathan Woodman, Ales over ALS, for use on Saturday, October 26, 2019, between the hours of 3:00 and 9:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum at 66 Main Street.

The Selectmen were reminded of the following meetings:

- The Downtown Parking Striping and Wayfinding Design Open House will be held in the Town Hall 3<sup>rd</sup> floor auditorium on Wednesday, September 25, 2019, starting at 7:00 p.m.
- The next regular Board of Selectmen's meeting will take place on Monday, October 7, 2019, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area at the Essex Town Hall.
- The Fall Town Meeting will be held in the gymnasium at the Essex Elementary School on Story Street on Monday, November 18, 2019, starting at 7:30 p.m.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 7<sup>th</sup>, 2019 through September 20<sup>th</sup>, 2019, regarding the following:

Amendment of YMCA Summer Camp Provision Contract: Mr. Zubricki reported that the YMCA has agreed to amend their contract with the Town to include a discount for Essex residents participating in the ½ day CIT program and they will be providing final language to the Board for signature in the near future. The Board authorized Chairman Spinney to sign the contract amendment, when available.

Continued Discussion Regarding Mosquito Ditch Remediation: Mr. Zubricki had no new information to report and it was agreed to postpone discussion of this item for the time being.

Parking, Speed Limit, and Crosswalk Questions along Routes 133 & 22: Mr. Zubricki said that he is working with Senator Tarr's office to schedule a meeting with the Senator, MassDOT, Chief Francis, and others to discuss safety issues and parking issues along Route 133 in the area of Farnhams restaurant and speed limits, crosswalks, and sidewalks along State-numbered Route 22.

Continued Review of Draft Fall Town Meeting Warrant: Mr. Zubricki briefly reviewed the articles to be included on the November 18, 2019 Fall Town Meeting Warrant, which will be updated with tonight's comments for further discussion at the next Selectmen's meeting on October 7.

Town Building Committee Meeting and Public Forums Summary, Economic Development Committee Meeting Summary, and Essex Housing Coalition Meeting Summary: Mr. Zubricki reported that the Town Building Committee, the Finance Committee, and the Board have reached agreement regarding the proposed mix of financing for the new public safety building, which will be composed of \$2,000,000 from the Sale of Real Estate Fund, \$1,000,000 from Free Cash, and the remainder will come from borrowing. The estimated cost of the project is now projected at 15.5 million. The Economic Development Committee (EDC) will be developing an economic plan for the Town. They plan to gather information for their plan through an online survey, a round table meeting with representatives from the business community, and a general open house meeting with the public. The Planning Board's initial draft of a mixed use zoning district bylaw for the downtown area was discussed at the recent meeting of the Essex Housing Coalition. The Planning Board is hoping to present this bylaw for approval at the May 2020 Town Meeting and it is supported by both the EDC and the Housing Coalition.

Additional Green Crab Trapping Grant Funding, Grant Contract: Mr. Zubricki informed the Board that the State has again decided to offer grant funding in the amount of up to \$12,500 to pay harvesters to catch green crabs and dispose of them, which can be either selling them as bait or using them for compost. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the green crab grant paperwork.

Discussion of Final Special Town Meeting Motion, Public Safety Facility: Those present reviewed the motion, to be made by Chairman Spinney, for the single article on the Warrant for tonight's Special Town Meeting.

Town Building Committee Chair Lisa O'Donnell and Town Moderator Jeff Jones reviewed the presentation sequence planned for tonight's Special Town Meeting with input from the Board.

At 7:10 p.m., citing the need to discuss pending litigation concerning the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C, the Chairman entertained a motion to move to Executive Session. He stated that discussing this matter in Open Session would be detrimental to the Town's litigating strategy and invited Town Counsel and the Town Administrator to attend the Executive Session. He said the Board would only be returning to Open Session to adjourn to the Special Town Meeting in the gymnasium. 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. Jeff Jones, Tina Lane, Lisa O'Donnell, and Antonella Muniz left the room.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 7:20 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn to the Special Town Meeting in the Gymnasium.

Documents used during this meeting include the following: None.

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

Attested by: \_\_\_\_\_  
Peter D. Phippen