

**Selectmen's Minutes**  
**Town Hall, 2<sup>nd</sup> Floor Stage Conference Area, 30 Martin Street**

**April 22, 2019**

Present: Chairman Lisa J. O'Donnell, Selectman Andrew C. Spinney, Selectman Peter D. Phippen, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Virginia Antell, Guy Bradford, Dawn Burnham, Westley Burnham, Elizabeth Eaton, Rob Fitzgibbon, Michael Flynn, Paul Francis, Deborah French, David Gabor, Jeff Jones, William Knovak, Tina Lane, Dana LeWinter, Richard Ross, Pete Silva, Jeff Soulard, and Pamela Thorne.

Chairman O'Donnell called the meeting to order at 6:00 p.m. in the 2<sup>nd</sup> floor Stage Conference Area of the Town Hall at 30 Martin Street and announced that the Board would hear Public Comment.

Library Director Deborah French said that she would like to voice her concern regarding the wooden wagon that used to be displayed at Paglia Park and which is now temporarily placed on Martin Street between the Fire Station and the Town Hall. She stated that the wagon is falling apart and filled with dead, brown evergreens and flowers. She said it is an eyesore. Chairman O'Donnell said that the wagon will be going back to Paglia Park (which is used by the Town via a license from the Paglias) once the site has been repaired. At present, it is rutted and the property owner is waiting to find the responsible party to make restoration before the Town will be allowed back on the site. It is anticipated that the Paglia site will also be used during the reconstruction of the causeway bridge which is slated to begin in 2021. In the past, the Merchants Group maintained the wagon and kept it filled with seasonal plantings.

Elizabeth Eaton of Spring Street asked if plans for the proposed public safety building were available and was informed that current design concepts and renderings (which are still in a preliminary mode) are on the Town website and can be accessed from the Town Building Committee page. Ms. Eaton thought that hard copies should be available to look at in the Library. Mr. Zubricki explained that the design of the building and site continues to evolve day-by-day and week-by-week, and it would be too costly to produce large plans every time there is a change. In the meantime, current information is available on the website.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period April 6<sup>th</sup>, 2019 through April 19<sup>th</sup>, 2019, regarding the following:

Town Building Committee Public Forum Summary & Public Safety Facility Project Cost: Mr. Zubricki reminded everyone that the Town Building Committee will be meeting on Wednesday, April 24, at which time it is anticipated that an estimate of the overall project cost will be available. The Committee is also considering the possibility of carefully deconstructing the residence on the 11 John Wise property, which was originally constructed as a barn and has

historic significance. It may be possible to display some of the historic barn framework in the interior of the new safety building. Mr. Zubricki will ask the Community Preservation Committee if they will consider recommending funding for this part of the project.

There will be another public forum to discuss the project on Wednesday, May 1, in the Town Hall Auditorium.

Reassembly of Town Features at Paglia Park: As discussed earlier in the meeting, Mr. Zubricki said that that site is not suitable at this time for replacement of the wagon and benches. MassDOT has stated that they left the site in good condition after their temporary repairs to the causeway bridge and it is unknown who created the deep ruts on the site. Also, it is anticipated that the site will again temporarily become a construction site when the causeway bridge is replaced in 2021. The Town will not be reconstructing the park until the owner finds the responsible party to make site restorations.

Status of Recommendations for Collaboration with Manchester: Mr. Zubricki said that the Collins Center will be meeting both with the Manchester Board of Selectmen and the Essex Board of Selectmen to discuss additional ways of collaborating and to assign priorities to those areas that interest the towns. In the meantime, Mr. Zubricki, at the Board's direction, has been looking at three areas of interest.

The first area includes sharing an on-call utility contractor with Manchester for emergency water/sewer repairs and the Board of Public Works has been put directly in touch with the Manchester Department of Public Works Director to determine if they would like to collaborate.

The second area is a program to receive alternative on-bill energy credits (AOBCs). Manchester is already participating in one of these programs and considers it very successful. Manchester has offered to assist the Town with the application preparation, since Manchester has already done much of the legwork and vetting.

The third area of interest involves Manchester and Essex sharing a contract with Ipswich Light for maintenance and/or repair of town streetlights. The two towns will continue to work with Ipswich towards some type of formal agreement.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$86,744.67.

A motion was made, seconded, and unanimously voted to exempt from § 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 4/18/2019 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>
Ernie Nieberle	Nieberle's	03/22/2019	1,284.52	Highway

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 8, 2019, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve the contract for a 2018 Volunteer Fire Assistance Grant in the amount of \$2,000.

A motion was made, seconded, and unanimously voted to hold the Fall Town Meeting on Monday, November 18, 2019, at 7:30 p.m. at the Essex Elementary School.

A motion was made, seconded, and unanimously voted to approve and sign a municipal auditing services engagement letter with CliftonLarsonAllen LLP for the fiscal year 2019 audit, as recommended by the Essex Finance Committee and the Town Accountant.

A motion was made, seconded, and unanimously voted to approve a request from the Department of Public Works Board of Commissioners for the transfer from various accounts, the total amount of \$12,144 towards their budget for FY2020.

A motion was made, seconded, and unanimously voted to approve a request from the Conservation Commission to use \$500 from the Wetlands Protection Fund to cover administrative expenses incurred or to be incurred during FY2019 in connection with regulation of the Wetlands Protection Act.

The Board reviewed a new task assignment and a contract change order with Johnson Roberts Architects, concerning specific design tasks for the design of the new public safety building, and a motion was made, seconded, and unanimously voted to approve the changes. The work remains within the original scope, budget, and appropriation and this vote simply authorized the next set of necessary design tasks.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on a letter in support of the legislation to increase funding for the Community Preservation Act.

A motion was made, seconded, and unanimously voted to approve an exemption from the provisions of Massachusetts General Laws, Chapter 268A, § 20, to allow Daniel Fialho to serve as both Harbormaster and call firefighter for the Town of Essex.

A motion was made, seconded, and unanimously voted to award the Essex 2019 Selectmen's Citizenship Award to this year's most deserving student and the Board signed the certificate. The Board agreed that the newly elected Selectman (to be elected on May 13) will present the award on Thursday, May 30, 2019, in the high school auditorium. The awards program starts at 7:00 p.m.

A motion was made, seconded, and unanimously voted to approve a request from the Youth Director to beautify the Grove Cottage gardens as one of the Youth Commission's summer programs.

A motion was made, seconded, and unanimously voted to approve a request from Madeline Pineo to rent Centennial Grove on Saturday, May 11, 2019, between the hours of 10:30 a.m. and 8:00 p.m. for her wedding reception. The Chairman signed the request and the parking permit.

A motion was made, seconded, and unanimously voted to approve a request from Heather Harrell to rent Centennial Grove on Saturday, June 22, 2019, between the hours of 1 and 4 p.m. for her daughter's birthday party. The Board signed the application form and the parking permit.

Mr. Zubricki said that a used truck has been offered as a gift to the Town to use for a vehicle rescue training exercise by the Fire Department. The Board was in agreement, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to accept the truck on behalf of the Town, and also, to authorize him to dispose of the truck when it is no longer needed. This vote will be ratified at the next Selectmen's meeting, since it was not included on the agenda for this meeting.

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

Gasoline-Fuel Storage Permits:

- Energy North, Inc., d/b/a Energy Liquors, Abdessamad Madkour, 156 Main Street  
One-Day Wine & Malt License:

- Madeline Pineo, for use on Saturday, May 11, 2019, between the hours of 10:30 a.m. and 8:00 p.m. within the confines of Centennial Grove.
- Woodman's Inc., Lauren Muise, for use on Sunday, May 12, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, May 26, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, June 16, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, July 7, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, July 10, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, July 14, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, July 17, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.

- Woodman's Inc., Lauren Muise, for use on Sunday, July 21, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, July 24, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, July 28, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, July 31, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, August 7, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Friday, August 9, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, August 11, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Wednesday, August 14, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, August 18, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.
- Woodman's Inc., Lauren Muise, for use on Sunday, August 25, 2019, between the hours of 11:00 a.m. and 11:00 p.m., within the confines of Woodman's Salt Marsh Tent.

The Board agreed to postpone discussion of the draft guidelines regulating potential future advertising at the Essex Field of Dreams playing fields until their next meeting on May 6, pending review by the Chairman and Town Counsel (who will also be present on May to discuss).

The Board agreed to postpone discussion regarding a possible future policy for the issuance of entertainment licenses until sometime after May 18, 2019, if the Board still feels such action is necessary.

Concerning Conomo Point matters regarding 23 Middle Road (Map 108, Lot 53), the Board reviewed a complaint about the alleged use of an accessory lot (Map 108, Lot 50) to this property. Generally, the complaint alleged that the accessory lot, which had recently been

converted to a long-term lease status by the Board, was not going to be used by the tenant in the way the tenant had proposed when seeking the long-term lease status. After reviewing the letter from the complainant and a letter from the lessee of 23 Middle Road, the Board decided that no action was necessary.

The Board was reminded of the following upcoming events:

- Age & Dementia Friendly Cape Ann Community Summit on Wednesday, May 1, 2019, between the hours of 10:00 a.m. and 2:00 p.m., at The Elks at Bass Rocks, Gloucester.
- The next regular Board of Selectmen's meeting will take place on Monday, May 6, 2019, at 6:00 p.m. in the Faculty Conference Room at the Essex Elementary School.
- The Annual Town Meeting will be held on Monday, May 6, 2019, starting at 7:30 p.m. in the gymnasium of the Essex Elementary School, Story Street.

At 7:00 p.m., the Board and those present were joined by Dana LeWinter from the Citizens' Housing and Planning Association (CHAPA), the featured speaker at tonight's Quarterly Department Head Meeting. Mr. Zubricki introduced Ms. LeWinter, who has been meeting with several people in Town, including the Cape Ann Chamber of Commerce, the Essex Chapter of the Cape Ann Chamber of Commerce, and the Council on Aging. Ms. LeWinter distributed a *handout regarding significant points* in her presentation. Based on her research and State guidelines, Ms. LeWinter spoke about the Town's needs for affordable housing. Following her very informative presentation, the Board thanked Ms. LeWinter and she left the meeting.

Continued Review of Annual Town Meeting Motions: Mr. Zubricki reviewed and led a discussion on each of the articles on the May 6, 2019 Annual Town Meeting Warrant.

Following an extensive review of ATM Warrant, Selectman Spinney and Selectman Phippen offered a tribute to retiring BOS Chair Lisa J. O'Donnell, citing her many accomplishments during her nine years as a Selectman.

At 8:23 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 Executive Session, the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's litigating strategy and invited the Town Administrator to attend the Executive Session. She said the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session and everyone else left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:55 p.m.

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

Documents used during this meeting include the following: *Dana LeWinter CHAPA Handout.*

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

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