

Selectmen's Minutes

September 9, 2019

Town Hall, 2nd Floor Stage Conference Area, 30 Martin Street

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

Also Present: Finance Committee Chair Ben Buttrick, and Finance Committee members Guy Bradford, Michael Flynn, and Richard Ross; John Bediz, Terry and Joe Cellucci, Police Chief Paul Francis, Marcus Fritsch, Special Police Officer Michael Harrell, Lori Henderson, Bob Jerin, Tina Lane, Town Building Committee Chair Lisa J. O'Donnell, Town Clerk Pam Thorne, and Part-Time Police Officer Robert Wheway.

Chairman Spinney 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.

Terry and Joe Cellucci, the owners of J.T. Farnhams restaurant, 88 Eastern Avenue, came before the Board and *Mr. Cellucci read a letter* to the Board regarding parking issues around their restaurant on Eastern Avenue. Following Mr. Cellucci's comments, the Board and Police Chief Francis said that they were aware of the problems and will continue to work to find a solution.

Lori Henderson of Water Street, commented on the wedding that had been held at the Riversbend on Labor Day weekend. She stated that the loud music had continued late in the evening, accompanied by yelling, shouting, and cheering. Bob Jerin also expressed his concern regarding a wedding that had taken place at a bed and breakfast establishment on John Wise Avenue a couple of weeks ago. Both Mr. Jerin and Ms. Henderson urged the Board to formulate a Town noise policy bylaw that could be voted on at the Fall Town Meeting.

Terry and Joe Cellucci, Lori Henderson, and Bob Jerin left the meeting.

Town Clerk Pamela Thorne joined the Board to witness the signatures of the Selectmen on the release deed for the sale of Town-owned property at 0 Cogswell Road (Map 110, Lot 38), to Laura Collins, Page N. Darrow, William A. Liberti, and 98 Conomo Point LLC. The sale had been approved at a previous Board of Selectmen's meeting.

A motion was made, seconded, and unanimously voted to approve the subdivision of the Town-owned property at 0 Cogswell Road, Map 110, Lot 38, by its soon-to-be owners (Laura Collins, Page N. Darrow, William A. Liberti, and 98 Conomo Point LLC). The subdivision to occur after closing on the purchase of the property from the Town.

The Town Clerk also witnessed the signature of a Green Communities grant contract with the Town in the amount of \$28,929, which will help fund the conversion of the Town's street lights to LED lamps. The Board voted unanimously to authorize the Chairman to sign the contract with Tanko Lighting outside of a meeting when it becomes available. Tanko Lighting will manage the conversion project for the Town.

Pamela Thorne left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$157,145.38.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 26, 2019, Open Meeting and Executive Session.

Selectman Pereen reported that she had been unable to get in touch with the Beverly Police Department regarding their use of automated collection devices for boat launching fees. The Board agreed to continue this discussion at their next meeting.

Police Chief Francis introduced Special Police Officer Michael Harrell to the Board and briefly reviewed his accomplishments. Chief Francis said that he would like to highly recommend that the Board approve Mr. Harrell's well deserved promotion to the position of Part-Time Patrolman. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve the appointment, contingent upon Mr. Harrell's graduation from the Police Academy.

Chief Francis also reviewed Part-Time Police Officer Robert Wheway's many accomplishments to date and highly recommended that the Board approve his promotion to the position of Full-Time Patrolman upon his completion of the Full Time Police Academy. The Board agreed and a motion was made, seconded, and unanimously voted to approve Officer Wheway's promotion.

Chief Francis and the Board discussed a list of general questions concerning Police Department operations. The first item concerned parking for Farnham's restaurant on Eastern Avenue, as well as other parking issues throughout Town. Mr. Zubricki said that the Town recently appropriated funding for new line striping, and signage in Town and it is hoped that the study will alleviate many of the parking problems. Also discussed, were speeding issues, other traffic issues, the number of reserve/full-time officers, and officer training. The Board, the Chief, and Mr. Zubricki agreed to work together with MassDOT and to enlist Senator Tarr's help to find a solution to the parking problems on Eastern Avenue which is a State highway.

Marc Fritsch of Martin Street, commented on the need to enforce and set reasonable speed limits in Town, as well as the need to provide more crosswalks and sidewalks, and the need to have better lighting of these areas. Everyone agreed that the speed limit for Martin Street, which starts out at 25 mph, then goes to 35 mph, then back down to 25 mph should be changed to a constant 25 mph. Martin Street is a State numbered road and Mr. Zubricki and Chief Francis will discuss the matter with MassDOT and Senator Tarr.

Marcus Fritsch, Officer Harrell, and Officer Wheway left the meeting.

Those present were joined by Town Building Committee Chair Lisa O'Donnell, and Finance Committee Chair Ben Buttrick, along with Finance Committee members Guy Bradford, Michael

Flynn, and Richard Ross. FinCom Chair Ben Buttrick said that the Committee would like to recommend that the Town finance the estimated \$15,500,000 cost of the new public safety building by borrowing \$12,500,000, using \$1,000,000 from free cash, and using \$2,000,000 from the Sale of Real Estate Fund. He reported that the Committee had conducted an in-depth analysis of many different funding scenarios and that this one is the most advantageous for most taxpayers, both in the short term and for the future. Taxpayers will be asked to approve the borrowing and expenditure from free cash and the real estate fund on September 23. After discussion of alternative scenarios and variables, everyone was in agreement with the Finance Committee's recommendation. The Selectmen and the Town Building Committee will take an official vote on the recommendation on September 11.

John Bediz, Lisa O'Donnell, Paul Francis, Ben Buttrick, Guy Bradford, Michael Flynn, and Richard Ross left the meeting.

A motion was made, seconded, and unanimously voted to approve a request from Nichole Collens to rent Centennial Grove on Sunday, September 15, 2019, between the hours of 12:00 noon and 4:00 p.m.

A motion was made, seconded, and unanimously voted to ratify a letter signed by Selectman Phippen explaining past grant funding for green crab trapping which will be offered as a match to a Super Storm Sandy II grant application that will be submitted by Dr. Alyssa Novak.

Following a review, a motion was made, seconded, and unanimously voted to approve a successor contract between the Town (through its Board of Assessors) and Florence P. Denhard, for continuing title research with respect to location and owner unknown tax parcels.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 24th, 2019 through September 6th, 2019, regarding the following:

Periodic Review of Summer Camp Contract with YMCA: Mr. Zubricki said that the Town has a ten-year contract with the YMCA which allows them to use Centennial Grove and provide a daily summer camp for children. Every three years, the Town reviews the contract, and this is the sixth year of the present contract. Everyone agreed that the arrangement has worked out very well for the Town. Selectman Preen asked if the provision that Town residents may attend camp on a half-day basis as C.I.T.s at the half-day camper rate can be memorialized in the contract. Mr. Zubricki said he would work to have that provision added.

The Board authorized the addition of a ropes course that will be taken down each night at the start of the next camp season. The Board was encouraged to hear that professional contractors may volunteer to improve buildings at the Grove, for the good of the Town and the camp. Mr. Zubricki will have a tree contractor assess the need for dead limb pruning, possibly as a donation to the Town.

Preliminary Draft of Downtown Line Striping and Wayfinding Plans: Mr. Zubricki said that the preliminary draft has been completed and will be reviewed by the Economic Development Committee at their next meeting and then presented at a future public forum. The Board was satisfied with the present draft.

State Funding for a Portion of Town's Public Safety Building Costs: Mr. Zubricki reported that the State has awarded the Town \$40,000 to help with the cost of the new public safety building. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the contract with the State regarding this funding when it becomes available.

Presentation and Motion for Special Town Meeting Article: The Board reviewed the proposed language for the single article on the September 23 Special Town Meeting Warrant and had no suggestions regarding revisions. Chairman Spinney will read the motion.

Review of Preliminary Draft of Fall Town Meeting Warrant: Mr. Zubricki reviewed the proposed articles for the November 18, 2019 Fall Town Meeting. He said that a resident has inquired about the possibility of adding an article to fund spraying for gypsy moths in one section of Town, and that resident will appear before the Board on September 23 to present his request. The Board is not likely to add such an article to the warrant. He also said that there has been a request to change the Town bylaws to coordinate the terms of resident stickers with dump stickers. Presently, the resident stickers are in effect from January 1 through December 31, while the dump stickers are from September 1 through August 31.

The Board also reviewed a proposed noise survey to be filled out by attendees at Town Meeting.

Possible Acquisition of Easements over Private Property for Marsh Ditch Work: Mr. Zubricki recently met with Army Corps of Engineers representatives. The Corps currently has two projects that are of interest to Essex. One is planning and permitting for regular maintenance dredging and the other is the possible beneficial reuse of sediment in marsh restoration. One idea is to take sand from the mouth of the Essex River and use it to rebuild areas of Crane Beach that have been lost. Another idea would involve marsh restoration to eroded banks and mosquito ditches. The Town would need to secure permission from property owners to access the restoration areas and since this would be an experimental program, there would be no guarantees that the project would be successful. (For further information, see the Town Administrator's report dated September 9, 2019.) The Board noted that, even if willing landowners can be located, this matter would not make it to Town Meeting until May of 2020, at the earliest.

After a short review, a motion was made, seconded, and unanimously voted to sign a successor license from the owner of the Village Restaurant to allow the public to pass over that property on foot to and from the Town's municipal parking facility.

A second motion was made, seconded, and unanimously voted to sign a new license from the Town to the owner of the Village Restaurant for the restaurant's use of a small portion of Town property underlying several parking spaces in the Village Restaurant parking lot.

The Board was in agreement and a motion was made, seconded, and unanimously voted to amend the Essex Shellfish Regulations by clarifying a portion of Section D-1.5 with respect to Sunday digging after prolonged closures for commercial license holders versus family license holders.

Mr. Zubricki reviewed the Board of Assessors' GIS map of the Pickering Street Senior Center property bounds with the Selectmen. Based on the map and other information the Town has, it appears that the abutter's claim that a portion of the Senior Center handicapped parking is on their abutting private property may be invalid. The Board agreed and decided to take no further action on the matter. The abutter will need to have her own property line survey performed if she desires to illustrate her claim.

Concerning Conomo Point Matters, Chairman Spinney entertained a motion to approve a written request for the transfer of all interests in the leasehold for the property at 11 Conomo Lane (Map 108, Lot 25) from Stephen and Margaret Hartley, to Scott E. Reed and Nancy J. Cohen; and further, that nothing in this approval was intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Stephen and Margaret Hartley. The motion was moved, seconded, and unanimously voted.

Chairman Spinney reported that there is no new information to report regarding offers to purchase the Town's vacant lot at 0 Sumac Drive, Map 110, Lot 7. He said that he would contact the interested parties and report back at the September 23 meeting.

A motion was made, seconded, and unanimously voted to approve a request to sublet 130 Conomo Point Road, Map 108, Lot 65, from September 25 to October 10.

A motion was made, seconded, and unanimously voted to approve a request to sublet 126 Conomo Point Road, Map 108, Lot 6, for September 5-6 and 9-13, 2019.

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

One-Day Wine & Malt License:

- Susan Parker, Manager, Manchester Historical Museum for use on Saturday, September 14, 2019, between the hours of 6 p.m. and 10 p.m., within the confines of the barn and adjacent tent at Bothways Farm, 134 Southern Avenue.

One-Day Wine & Malt License ratification:

- Woodman's Inc., Steve Woodman, for use on Monday, September 9, 2019, between the hours of 3:00 and 7:00 p.m., within the confines of Woodman's Grass in Front of the Essex Room at 125 Main Street.

Annual, Non-Resident Shellfish License

- Cara Bevilacqua: application for Annual, Non-Resident Recreational Shellfish License, includes a request to waive the application filing deadline.

The Board was reminded of the following future meetings and events:

- There will be a joint meeting of the Town Building Committee and the Board of Selectmen on Wednesday, September 11, 2019, in the Town Hall Auditorium, starting at 7:00 p.m.
- There will be a Public Forum concerning the proposed public safety building on Thursday, September 12, 2019, in the Town Hall Auditorium, starting at 7:00 p.m.
- There will be a Public Outreach Meeting hosted by BB Botanics, the proponent for a retail marijuana shop in Essex on Monday, September 16, 2019, in the Town Hall Auditorium, starting at 6:00 p.m. The Essex Housing Coalition meets in the second-floor conference room at 7:00 p.m. that same evening.
- There will be a Public Forum concerning the proposed public safety building on Tuesday, September 17, 2019, in the Town Hall Auditorium, starting at 7:00 p.m. The Economic Development Committee meets in the second-floor conference room at 7:00 p.m. that same evening.
- The next regular Board of Selectmen's meeting will take place on Monday, September 23, 2019, at 6:00 p.m. in the Faculty Conference Room at the Essex Elementary School.
- There will be a Special Town Meeting held in the gymnasium at the Essex Elementary School on Story Street on Monday, September 23, 2019, starting at 7:30 p.m.
- 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.

There was nothing new to report regarding the pending litigation concerning the City of Gloucester vs. the Town of Essex, Superior Court C.A. No. 17-310C.

Subsequently, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:31 p.m.

Documents used during this meeting include the following:

Letter from Joe and Terry Cellucci

Prepared by: _____
Pamela J. Witham

Attested by: _____
Peter D. Phippen