

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

December 10, 2018

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: William Knovak, Tina Lane, Pamela Thorne, and a few others.

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

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$115,337.44.

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 12/06/2018 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>
Scott Dewitt	Perkins Marine	11/28/2018	\$ 1,980.00	Board of Selectmen
David Pereen	Pereen Plumbing	11/23/2018	\$ 220.00	Board of Selectmen
Jim McNeilly	McNeilly EMS	11/19/2018	\$ 145.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 26, 2018, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a request from Police Chief Silva to promote Special Police Officer Lauren Pereen to the position of Part-Time Police Officer.

A motion was made, seconded, and unanimously voted to approve a request to appoint Heidi Jackson Dean to the Bicentennial Committee.

A motion was made, seconded, and unanimously voted to approve a request from the First Universalist Church of Essex to hold their annual lantern walk at Centennial Grove on Friday, December 31, 2018, between the hours of 6:00 p.m. and 8:00 p.m. and to waive the rental fee.

A motion was made, seconded, and unanimously voted to approve a request from Massachusetts Motorcyclists' Survivors Fund to rent Centennial Grove on Sunday, May 5, 2019, between the hours of 8:00 a.m. and 5:00 p.m. for their annual 20th Nelson's Remembrance, Reunion, and Ride charity fund raiser event.

A motion was made, seconded, and unanimously voted to approve a request from Massachusetts Motorcyclists' Survivors Fund to rent the Field of Dreams on Sunday, May 5, 2019, between the

hours of 8:00 a.m. and 5:00 p.m. for their annual 20th Nelson's Remembrance, Reunion, and Ride charity fund raiser event.

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

Antiques License Renewals:

- Michael Bider; Bider's Antiques, Home, Camp, & Cottage; 67 Main Street
- Vincent W. Caravella; The Scrapbook; 34 Main Street
- Robert Coviello; Main Street Antiques; 44 Main Street
- Robert Landry; L.A. Landry Antiques; 164 Main Street
- Christopher Larson; Rivers & Roads, LLC; 57 Eastern Avenue
- Andrew Spindler Roesle; Andrew Spindler Antiques; 163 Main Street
- Shelagh Schyilling; Prezona Design; 72 Belcher Street

Class II License Renewals:

- John Heath; Essex Falls Auto Body; 1 Moses Lane
- Michael Crowley; Gaybrook Garage; 152 Western Avenue
- Paul Russell; Paul Russell and Company; 106 Western Avenue
- Paul Wright; Wright Industries Inc.; 22 Western Avenue

All Alcohol Restaurant License Renewals:

- AuroraGray, Inc. d/b/a Ripple; Thomas J. Riordan; 74 Main Street
- Blue Marlin Grille, Inc. d/b/a Blue Marlin; Allen W. Matthews; 63 Eastern Avenue
- BN Farm LLC d/b/a The Farm; Bradley Atkinson; 233 Western Avenue
- Flying Eagle LLC; Allison Collins; 99 Main Street
- Greenbow Corporation d/b/a Shea's Riverside Restaurant & Bar; Carol Shepard; 122 Main Street
- Hog Island Inc. d/b/a C.K. Pearl; Patrick Shea; 112 Main Street
- MRG Inc. d/b/a Boat House Grille; Corey Matthews; 234 John Wise Avenue
- Riversbend at Essex Marina, LLC; Curt Bergeron; 35 Dodge Street
- Village Restaurant of Essex, Inc.; Kevin Ricci; 55 Main Street
- Windward Grill LLC d/b/a Windward Grille; Timothy Kennefick; 109 Eastern Avenue
- Woodman's, Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub; Stephen B. Woodman; 125 Main Street
- Woodman's, Inc. d/b/a Lobster Pool; Stephen B. Woodman; 119 Main Street

All Alcohol Package Store License Renewals:

- Chebacco Liquor Mart, Inc.; John d. Chisholm; 201 Western Avenue
- Fenisha Corporation d/b/a Schooner's Market; Bhavikaben Patel; 121 Eastern Avenue

Wine & Malt Restaurant License Renewal:

- Eben Creek Corporation d/b/a J.T. Farnham's; Joseph K. Cellucci; 88 Eastern Avenue

Wine & Malt Package Store License Renewals:

- Devonshire Wine, LLC d/b/a Essex Wine Exchange; Eamon Keating; 91 Main Street
- Energy North, Inc. d/b/a Energy Liquors; Abdessamad Madkour; 156 Main Street
- Weezie's Dylan, LLC d/b/a Shea's Riverside Inn & Motel; Gayle McKinley; 132 Main Street

Common Victualler's License Renewals:

- AuroraGray, Inc. d/b/a Ripple; Thomas J. Riordan; 74 Main Street
- Blue Marlin Grille, Inc. d/b/a Blue Marlin; Allen W. Matthews; 63 Eastern Avenue
- BN Farm LLC d/b/a The Farm; Bradley Atkinson; 233 Western Avenue
- Chebacco Liquor Mart, Inc.; John d. Chisholm; 201 Western Avenue
- Devonshire Wine, LLC d/b/a Essex Wine Exchange; Eamon Keating; 91 Main Street
- Eben Creek Corporation d/b/a J.T. Farnham's; Joseph K. Cellucci; 88 Eastern Avenue
- Energy North, Inc. d/b/a Energy Liquors; Abdessamad Madkour; 156 Main Street
- Essex Meeting & Retreat Center, LLC d/b/a Essex Woods Meeting & Retreat Center; Adrian Wilkins; 1 Conomo Point Road
- Essex Pizza & Restaurant; Dimitrios Tegos; 235 Western Avenue
- Essex River Cruises & Charters; Clifford Amero; 35 Dodge Street
- Essex River Dogs; Eric Vennerbeck; 162 Main Street
- Essex Seafood; Howard Lane; 143 R Eastern Avenue
- Essex Village Market Co.; Laura Wright; 22 Western Avenue
- Fenisha Corporation d/b/a Schooner's Market; Bhavikaben Patel; 121 Eastern Avenue
- Flying Eagle LLC; Allison Collins; 99 Main Street
- Greenbow Corporation d/b/a Shea's Riverside Restaurant & Bar; Carol Shepard; 122 Main Street
- Hog Island Inc. d/b/a C.K. Pearl; Patrick Shea; 112 Main Street
- MRG Inc. d/b/a Boat House Grille; Corey Matthews; 234 John Wise Avenue
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- Woodman's, Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub; Stephen B. Woodman; 125 Main Street
- Woodman's, Inc. d/b/a Lobster Pool; Stephen B. Woodman; 119 Main Street

Innholder's License Renewal:

- Essex Meeting & Retreat Center, LLC d/b/a Essex Woods Meeting & Retreat Center; Adrian Wilkins; 1 Conomo Point Road

Weekday Entertainment License Renewals:

- Blue Marlin Grille, Inc. d/b/a Blue Marlin; Allen W. Matthews; 63 Eastern Avenue
- BN Farm LLC d/b/a The Farm; Bradley Atkinson; 233 Western Avenue
- Greenbow Corporation d/b/a Shea's Riverside Restaurant & Bar; Carol Shepard; 122 Main Street
- Hog Island Inc. d/b/a C.K. Pearl; Patrick Shea; 112 Main Street
- Riversbend at Essex Marina, LLC; Curt Bergeron; 35 Dodge Street
- Woodman's, Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub; Stephen B. Woodman; 125 Main Street
- Woodman's, Inc. d/b/a Lobster Pool; Stephen B. Woodman; 119 Main Street

Sunday Entertainment License Renewals:

- Hog Island Inc. d/b/a C.K. Pearl; Patrick Shea; 112 Main Street
- Woodman's, Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub; Stephen B. Woodman; 125 Main Street

Seasonal Population:

- Vote to sign the 2019 Seasonal Population Increase Estimation Form to be returned to the Alcoholic Beverage Control Commission.

One-Day Wine & Malt License:

- MMSF, Inc. for use on Sunday, May 5, 2019, between the hours of 12:00 noon and 5:00 p.m., within the confines of Centennial Grove.
- Georgeanne Richards, Sea Meadow Gifts, for use on Thursday, December 13, 2018, between the hours of 4:00 and 8:00 p.m., within the confines of 7 Main Street.

One-Day Entertainment License:

- MMSF, Inc. for use on Sunday, May 5, 2019, between the hours of 1:00 p.m. and 5:00 p.m., within the confines of Centennial Grove.

Shellfish Constable William Knovak came before the Board. He said that whenever the clam flats are closed because of a certain amount of rain, there is a five day waiting period before the flats are open again. If the sixth day falls on a Sunday, the flats are kept closed to commercial digging until Monday. The Constable said that he would like to recommend that the regulations be changed to allow the flats to be opened to commercial digging on Sunday if a rain closure of at least five days occurs and the sixth day or greater falls on Sunday. After a short discussion, the Board was in agreement and a motion was made, seconded, and unanimously voted to approve the change to the regulations, to become effective January 1, 2019.

Constable Knovak said that he would also like to recommend increasing the fee for a Commercial Shellfish License. It is currently \$300.00, while neighboring towns charge \$400-\$450. A motion was made, seconded, and unanimously voted to raise the Commercial Shellfish permit fee that the Town charges to \$400.00, beginning with license renewals in March 2019. Mr. Knovak thanked the Board and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 24th through December 7th, 2018, regarding the following:

Community Compact Best Practices Program Grants: Mr. Zubricki reported that the Town had been successful in obtaining two new "best practices" grants from the State: One, to study options for shared services with the town of Manchester for \$25,000; and the second, to work with SeniorCare towards creating an age and dementia friendly action plan for Cape Ann communities, in the amount of \$20,000. A motion was made, seconded, and unanimously voted by the Board to accept the two grants and to authorize the Chairman to sign each State contract agreement. Her signature was notarized by Town Clerk Pam Thorne.

The Board reviewed the Town Clerk's chart comparing Essex fees (birth, death, and marriage certificates; business certificates; parking stickers; and shellfish permits) to other Massachusetts municipalities. She asked that the Board consider increasing some and/or all of the various fees Mr. Zubricki advised, if the Board is in favor of increasing any of the fees, that it be accomplished via a future Town Meeting vote to amend the bylaws. The Board agreed to take the matter under advisement and the Town Clerk thanked the Board and left the meeting.

The Board asked Mr. Zubricki to confer with the Shellfish Constable about additional shellfish license fee increases.

A motion was made, seconded, and unanimously voted to approve a request from the American Diabetes Association to pass over Essex roads during their annual North Shore Tour de Cure on Sunday, May 19, 2019.

The Board reviewed a letter from Movimiento Cosecha regarding a company called Green Life Janitorial.

Concerning Conomo Point matters, the Board reviewed the process suggested by Town Counsel for conversion of the 23 Middle Road (Map 108, Lot 53) accessory lot (Map 108, Lot 50) from a year-to-year lease to a long-term lease by including said lot 50 in the 23 Middle Road lease for its remaining lease term. A motion was made, seconded, and unanimously voted to include Lot 50 in the long-term lease for Lot 53 and to let the current year-to-year lease for Lot 50 expire at the end of 2018.

The Board was reminded of the following upcoming meetings:

- Manchester Essex Regional School District's tentative FY2020 budget proposal meeting on Wednesday, December 12, 2018 at 7:00 p.m. at the Manchester Essex Regional High School.
- Joint meeting of the Selectmen and the Town Building Committee on Thursday, December 13, 2018, at 7:00 p.m. in the Town Hall Auditorium.
- The next regular Board of Selectmen's meeting will take place on Monday, December 17, 2018, at 6:00 p.m. in the Stage Conference Area on the 2nd floor of the Town Hall.
- The MMA will hold their annual trade show and meeting at the Hines Center in Boston in January. Both Mr. Zubricki and Chairman O'Donnell plan to attend. Chairman O'Donnell will be the official voting delegate from the Town.
- On another matter, Mr. Zubricki reported that the MMA has agreed to help the Town with a mini traffic study of Apple Street.

Mr. Zubricki resumed the presentation of his Town Administrator's report regarding the following:

Town Building Committee Meeting Summary: Mr. Zubricki presented an update to the Board regarding the many properties under consideration for a possible future site of a public safety building. He reported that the family of the man that owns 42 Western Avenue is not interested in selling that property or any part of it. The owners of the Pallazola property on John Wise Avenue are interested in selling that property and their asking price is \$3,500,000, which the Town cannot afford. In addition, the buildings on that property would have to be removed, since they could not be used to house the Police or Fire Department. The family that owns the property across the street is not interested in selling any part of that property. The Eastern Avenue property is only suitable for the Police Department. The site of the current Police Department is more favorably located in the center of Town. It would be more cost effective to demolish the current police building and rebuild on the existing site. The Duncan Family Trust is not interested in selling any of their land on Western Avenue. Following some discussion, the Board asked Mr. Zubricki to contact the realtor for the Pallazola property and ask if the price could be negotiated for a lower amount. The Board also asked Mr. Zubricki to get the Fire Department's and Police Department's opinions regarding Hardy's field on John Wise Avenue as a possible site, and to research wetlands and possible chapter land status concerning that site.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki gave the Board a list of his proposed goals for FY2020. The Board asked Mr. Zubricki to add a goal relative to

general compliance with the new Occupational Safety and Health Administration rules. The Board will review the list and approve it at a future meeting.

Preliminary Review of FY20 Capital Plan Update and Operating Budget: Mr. Zubricki reviewed each of the items on the proposed operating budget and capital plan with the Board. He will revise the documents for further discussion at the next meeting, based upon the Board's guidance.

School Budget Group Meeting Summary: Mr. Zubricki reported that he, Chairman O'Donnell, and Finance Committee Chair Benn Buttrick attended the recent School Budget Group meeting, which included discussion of the Memorial School project and preliminary school budget figures.

Preliminary List of Annual Town Meeting Article Topics: Mr. Zubricki reviewed possible Town Meeting Article Topics along with their assigned ranking of importance. He will revise the document for further discussion at the next meeting, based upon the Board's guidance.

At 8:15 p.m., citing the need to discuss strategy with respect to Collective Bargaining concerning the proposed FY20 renewal of the American Federation of State, County, and Municipal Employees (AFSCME) collective bargaining agreement; to discuss strategy with respect to Collective Bargaining concerning the proposed FY20 renewal of the Essex Police Benevolent Association (EPBA) collective bargaining agreement; to discuss the purchase, lease, or value of real property with respect to parcels at 42 Western Avenue, map 129, lot 1; 7 Lane's Road, map 120, lot 9; 0 Western Avenue, map 129, lot 4; and, 21 Western Avenue, map 129, lot 50; and, to discuss pending litigation concerning the case of 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. She stated that discussing these matters in Open Session would be detrimental to the Town's bargaining, negotiating, litigating strategies. She invited the Town Administrator to attend the Executive Session and said that 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. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:25 p.m.

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

Documents used during this meeting include the following: None.

Attested by: _____
Andrew C. Spinney

Prepared by: _____
Pamela J. Witham