

Selectmen's Minutes
TOHP Burnham Library

June 22, 2015

Present: Chair Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Selectman David A. Doane, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Board of Health Chair Dr. David Driscoll, Board of Health Administrator Elaine Wozny, Board of Health member Martha Mazzarino, Conomo Point Planning Committee Chair Mark Lynch, Jignesh Patel, Robert Perrigo, Jack Chisholm, Paul Chisholm, Christine & Pat Marano, Victor Marano, Eamon Keating, Attorney Douglas Kiernan, Shellfish Constable William Knovak, and Shellfish Advisory Commission members Kelly Corrao, Jim Haskell, and Michael Pascucci.

The Chair called the meeting to order at 7:00 p.m. in the TOHP Burnham Library and announced that the Board would hear Public Comment. No one offered any comment.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 13th through June 19th, 2015, regarding the following:

Contract for Promotion of Town Resources and Attractions: Mr. Zubricki reported that the new contract with the Essex Merchants Group to promote Town Resources and Attractions was now ready to sign. The Chair entertained a motion to approve and sign the contract. The motion was moved and seconded. Selectman Gould-Coviello recused herself from the voting and the motion was approved by the Chair and Selectman Doane, who signed the contract.

Contract for Letter of Map Revision Application, FEMA Maps: Mr. Zubricki said that the contract with the Woods Hole Group to provide technical assistance with the preparation of a Letter of Map Revision Application to FEMA regarding the recently issued flood maps is also ready to be signed. A motion was made, seconded, and unanimously voted to approve and sign the contract with the Woods Hole Group.

Lease of the Central Grammar School (Legion Hall) Building: Mr. Zubricki reported that the Essex Historical Society and Shipbuilding Museum has asked that a certain requirement in the lease for 28 Main Street that would obligate the Society to maintain the grounds and sidewalks for this building be removed from the lease. After a short discussion, the Selectmen were in agreement that they were not in favor of removing this stipulation. Mr. Zubricki said that he would inform the Society and a motion was made, seconded, and unanimously voted to sign the new lease outside of a meeting when it becomes available.

Proposal for Scope/Cost Estimate, Tennis Court Renovation: Mr. Zubricki said that he had received a *proposal from an engineering firm* to provide an in-depth study for the renovation of the Memorial Park Tennis Courts. The proposal is for less than \$4,000 and could be funded from money previously raised by an ad-hoc group for that purpose. The members of the group and the Town Accountant have no objection to the funds being used in this manner. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to authorize Mr.

Zubricki to arrange and sign a contract with Hancock Associates to provide a renovation study of the tennis courts.

At 7:05 p.m., the Chairman entertained a motion to open a Public Hearing regarding a request to issue a new Wine and Malt Package Store License from Devonshire Wine, LLC, d/b/a Boston Wine Exchange at 91 Main Street. The motion was moved, seconded, and unanimously voted. Chair O'Donnell asked the attorney for Devonshire Wine, Douglas Kiernan, to begin the discussion with a review of the plans for the 91 Main Street property. Attorney Kiernan said that the company also owns a high-end wine shop on Federal Street in Boston, in the heart of the financial district and showed pictures of the interior of that store. He said that the owners have similar plans for the Essex property and have already secured a building permit for their proposed renovations. He introduced Eamon Keating, the manager of the Federal Street property, who will now be the manager for the Essex store. Mr. Keating has more than ten years' experience in this field. The Chair asked if anyone else would like to speak in favor of the new license and no one did. Chair O'Donnell then asked if anyone would like to speak against and Jack Chisholm, the owner of the Chebacco Liquor Mart, said that he would like to ask that the Selectmen delay their decision regarding the approval of the license to allow himself and others time to prepare a presentation to establish if there is a public need for the new license. Pat and Vincent Marano, owners and manager of Essex Wine and Spirits, and Jim Haskell, also spoke against granting the license. They noted that Essex is a small town and already has more than enough establishments where alcohol may be purchased. There were no more comments and a motion was made, seconded, and unanimously voted to close the hearing. After a short discussion among the Selectmen, during which it was noted that the hearing had been advertised in the local paper ten business days in advance (June 8, 2015), the Selectmen said that they did not feel that increased competition for the present businesses was a valid reason for delaying or denying this request. A motion was made and seconded to approve the new license request. Chair O'Donnell abstained and Selectman Gould-Coviello and Selectman Doane voted in favor of granting the new license. The Selectmen signed the documents, which will now be forwarded to the Alcoholic Beverage Control Commission for their approval. Jack Chisholm, Paul Chisholm, Christine and Pat Marano, Vincent Marano, Mr. Patel, Eamon Keating, and Doug Kiernan left the meeting.

Shellfish Advisory Commission members Kelly Corrao, Jim Haskell, and Michael Pascucci, along with Shellfish Constable William Knovak joined the Selectmen to discuss closing the clam flats on the Spit. Shellfish Constable Knovak was in favor of closing a portion of the Spit for a period of time in order to allow the seed clams to grow to harvestable size. The other three Commission members, however, were against closing the flat. The Selectmen listened to the comments and decided to take no action on the matter and allow the flat to continue to be open. Mr. Corrao, Mr. Haskell, Mr. Knovak, Mr. Pascucci, and Mr. Perrigo left the meeting.

Board of Health Chair Dr. Driscoll and member Martha Mazzarino and Board of Health Administrator Elaine Wozny came before the Selectmen to discuss proposed administrative changes and review a *revised position description for the Board of Health Administrator*. Ms. Wozny said that she will be retiring in August/September of this year after 15 years with Essex. With her imminent retirement in mind, she and the Board of Health members have reviewed the

existing job description for her position and updated it. Prior to taking that action, the Board of Health considered and rejected other potential courses of action, including contracting out its work, using a regional employee, and making the position less than full-time. The Selectmen, acting in their capacity as Personnel Board, were in favor of the course of action and a motion was made, seconded, and unanimously voted to approve the revised job description. BOH members said that they plan to advertise the position in the Massachusetts Health Officers Association newsletter. The Board of Health is responsible for interviewing and choosing a replacement for the Health Administrator's position. The Selectmen thanked everyone and Elaine Wozny, Dr. Driscoll, and Martha Mazzarino left the meeting.

Mark Lynch joined the Selectmen to discuss the potential role of the Conomo Point Planning Committee concerning the formulation of long-term northern Conomo Point leases. The Selectmen said that they would appreciate any comments that the Committee could provide regarding the proposed components of the new long-term leases that are being contemplated for northern Conomo Point, particularly the length of the term of the new leases. Mr. Lynch said that he would canvass the Committee and get back to the Board. He also said the Committee could be helpful as to which public access improvements the Town should start with. Mr. Lynch left the meeting.

Regional Dredging Meeting: Chair O'Donnell reported on a regional dredging meeting sponsored by Senator Bruce Tarr that she had attended. The group is composed of representatives from coastal communities from Salisbury to Cape Ann. Their discussion included mutually beneficial ways that the southern communities could return the sand that has eroded and migrated from the northern community coastlines. Chair O'Donnell said that Senator Tarr would like the group to meet quarterly, but that she would advocate meeting more often to maintain the group's momentum.

Mr. Zubricki said that he is very appreciative of the continued efforts that Seth Moulton's Office is making to encourage the Army Corps of Engineers with the Essex River Channel Project. Thanks to them, the project continues to move forward.

DEP Quarterly Report: Mr. Zubricki announced that he has completed this quarter's report to the Department of Environmental Protection and a motion was made, seconded, and unanimously voted to transmit the report.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$154,854.75.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 15th, 2015, Open Meeting and Executive Session.

Mr. Zubricki said that a resident has complained about the unattractiveness of the new seawall that was built as part of the Massachusetts Route 133 Reconstruction Project. The Selectmen agreed and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to

approach the State for permission to either replace the seawall structure with a "see-through" structural railing or allow the existing structure to be beautified in some way.

A motion was made, seconded, and unanimously voted to approve a 33B transfer request in the amount of \$2,865.00 from the Sewer Department.

A motion was made, seconded, and unanimously voted to approve another 33B transfer request in the amount of \$5,000 from the Council on Aging.

A motion was made, seconded, and unanimously voted to postpone discussion regarding an unlicensed second-hand shop on John Wise Avenue until the next Selectmen's meeting on July 13th, 2015, when the Board will consider a request for an annual antiques license.

A motion was made, seconded, and unanimously voted to approve a request from Police Chief Silva to carry over 40 hours of vacation time to FY2016.

Mr. Zubricki reported that he has been investigating temporary solutions for Town Hall and Library operations during the renovation/construction period which is projected to last from 9 to 12 months. He has been searching Craig's List for used trailers and also plans to check the State's inventory of surplus goods. Both the Town Hall Offices and the Library will be required to move out of the building during the renovation/repair project.

A motion was made, seconded, and unanimously voted to approve a request for a One-Day Wine and Malt Permit for Woodman's Inc., Joan Houghton, for use on Wednesday, June 24, 2015, between the hours of 2:00 and 7:00 p.m., within the confines of Woodman's Function Hall at 125 R Main Street.

A motion was made, seconded, and unanimously voted to ratify the approval of a One-Day Wine and Malt Permit for Woodman's Inc., Joan Houghton, for use on Sunday, June 21, 2015, between the hours of 11:00 a.m. and 9:00 p.m., within the confines of the Tented Area at 125 R Main Street.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, July 13th, 2015, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

Mr. Zubricki announced that Town Treasurer/Tax Collector Virginia Antell was awarded a Certificate of Merit and has been elected to serve on the Executive Board of the Massachusetts Treasurers and Collectors Association.

At 8:20 p.m., citing the need to discuss the lease, sale, 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 negotiating strategy and invited the Town Administrator to attend the Executive Session. She 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, the Town Administrator, and the Board's Assistant moved to Executive Session.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:35 p.m.

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

Documents used during this meeting include the following:

Proposal from an engineering firm for renovation of the Memorial Park Tennis Courts
Revised position description for the Board of Health Administrator

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello