

**Selectmen's Minutes  
Senior Center**

**January 11, 2016**

Present: Chairman 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: Tina Lane.

The Chairman called the meeting to order at 7:01 p.m. in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. Mr. Zubricki announced that he had received an email *letter from the daughter (Linda Campanella) of a lessee (Dr. Sachsse) at Conomo Point*, who wished her letter to be read into the record of the minutes of this meeting. Selectman Gould-Coviello read the letter to those present and a copy of it is attached.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period December 19<sup>th</sup>, 2015 through January 8th, 2016, regarding the following:

Town Administrator Goals for Calendar Year 2016: Mr. Zubricki distributed an updated copy of his 2016 goals for the Selectmen's review at a future date. The Chairman asked that administration of the Coastal Zone Management Grant be included in the list.

Contract for Long-Term Lease Value Appraisals, Conomo Point: Mr. Zubricki reported that only one vender had provided a quotation to perform the long-term lease appraisals at Conomo Point, after three quotations had been sought: Tyburski Appraisal Services in the amount of \$23,300. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a contract with Tyburski Appraisal Services in the amount of \$23,300.

Draft Request for Proposals for Management of Centennial Grove: Mr. Zubricki reviewed the latest draft of an RFP for management of Centennial Grove. The Selectmen were pleased with the progress and asked Mr. Zubricki to continue working on the proposal for future discussion at the next Selectmen's meeting.

Application for Definitive Subdivision, Robbins Island: Mr. Zubricki reported that the paperwork for the Robbins Island Subdivision application has been completed and signed by the Chairman as previously approved at a Selectmen's meeting. The Board was reminded that a public hearing is required to be held regarding the proposed subdivision. Mr. Zubricki filed the application with the Planning Board earlier today and it included a final copy of the plan produced by the Horsley Witten Group.

Purchase of Builder's Risk Insurance Policy: Mr. Zubricki reported that he has been working with the Town's insurance agent to purchase builder's risk insurance for the Town Hall/Library Renovation Project. The Town's insurance agent may only provide insurance on the project up to \$3,000,000 and the total project costs will exceed that amount by more than 33%. Mr. Zubricki said that the Town's agent is helping to place the Town's project with a larger carrier. There has been very limited interest in providing the additional insurance and Mr. Zubricki will continue to

work with the Town's agent.. A motion was made, seconded, and unanimously voted to approve and sign a policy when it becomes available outside of a meeting. Mr. Zubricki also said that the Town may need to appropriate more money to fund this item so that the project's contingency allowance for actual construction remains full-funded.

Proposed Signage for Town Landing and Municipal Parking Lot: Mr. Zubricki reported that he had discussed the Selectmen's ideas for new parking signage at the Town Landing and the Municipal Parking Lot with the Police Chief, the Town Clerk, and the Department of Public Works and they are in agreement with the proposed plans. The Selectmen authorized Mr. Zubricki to work with DPW Superintendent Paul Goodwin to purchase and place explanatory signs in the desired areas.

Enrollment in the Agricultural/Technical School District vs. Ability to Pay: Mr. Zubricki said that enrollment in the new school is based on an individual student's ranking in relation to all the other students who have applied. Enrollment is not based on a quota system per Town. Each town in the district pays a set fee for each student it has enrolled. In the past, the number of students attending from Essex was very small. Recently, due to the recent merger and changes at the school, Essex has had an ever increasing number of students who would like to attend the school and meet the ranking requirements. A small town, like Essex, cannot afford to send an unlimited number of students to the school and Mr. Zubricki has been discussing the situation with Senator Tarr. Mr. Zubricki has also been talking to the Town's representative on the Regional School Committee. The Chairman suggested speaking to Representative Ann Margaret Ferrante, which Mr. Zubricki will also undertake.

FY17 Board of Selectmen Operating Budget Request; and, FY17 Board of Selectmen Capital/Personnel Plan Update: Mr. Zubricki briefly reviewed these two items with the Selectmen. A motion was made, seconded, and unanimously voted to approve both the proposed Operating Budget and the Capital/Personnel Plan Update and forward them to the Finance Committee for approval.

Preliminary Draft List of Potential Topics for 2016 Annual Town Meeting: Mr. Zubricki also reviewed a draft of potential topics for the May 2016 Annual Town Meeting, some of which are included in the proposed operating budget and capital plan.

Memoranda of Understanding with Emergency Resources: The Cape Ann Emergency Planning Team has recommended that the Town consider executing memoranda of understanding with various entities that the Town may wish to utilize during an emergency. Mr. Zubricki said that the CAEPT had provided a few examples and the Selectmen were in favor of the idea. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to draft appropriate agreements for discussion and possible implementation.

Green Community Designation Grant Paperwork: Mr. Zubricki reported that Town Planner Matt Coogan has been successful in obtaining a "Green Community" designation for the Town which thereby entitles the Town to receive a grant in the amount of \$130,000. This money will be used

to fund parts of the Town Hall/Library Renovation Project. A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the Green Communities Grant application.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$603,341.37.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 21<sup>st</sup>, 2015, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to ratify the Chairman's approval of a request from Committee Films to shoot some footage on the side of Spring Street on January 10, 2016, for a future item to be shown on the History Channel.

The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to sign a form authorizing a voting delegate for the MIIA Board elections.

Mr. Zubricki said that he has asked the Conservation Agent whether it would be permissible for the Department of Public Works to remove the retaining stones that have fallen down on the Clammers' Beach boat access way. The Agent has asked if there is a Chapter 91 License for the property, which would determine her answer to the question. Mr. Zubricki will check to see if a copy of the License is in the Selectmen's files.

A motion was made, seconded, and unanimously voted to adopt the *Town of Essex OPEB Trust Investment Policy Statement*.

The Selectmen reviewed a *letter of resignation from the Director of the Council on Aging* and asked that a letter of appreciation be sent to Kristen Crockett.

Mr. Zubricki said that Manchester has approached him to see if the Board has any interest in sharing a full-time Fire Chief. The Selectmen thought that Mr. Zubricki should continue the conversation with Manchester.

On another matter, Mr. Zubricki informed the Selectmen that the Essex Merchants Group has asked if the Selectmen would fund a Special Duty Police Detail for the Essex River Race event. There is still money left in the Special Events budget.

Selectman Gould-Coviello said that some residents have approached her regarding making a change to the winter parking regulations. Presently, the winter parking ban goes into effect on December 1<sup>st</sup>, whether or not there is snow. Mr. Zubricki said that he would look at the Town bylaw for winter parking and inform the Selectmen on the correct procedure for making changes.

Mr. Zubricki reviewed the two articles on the Warrant for the Special Town Meeting scheduled for February 1, 2016. A motion was made, seconded, and unanimously voted to include the

articles as they appear on the draft of the Warrant, dated January 11, 2016, which is attached hereto. A motion was made, seconded, and unanimously voted to close the Warrant; and a motion was made, seconded, and unanimously voted to sign the Warrant. The Selectmen were in agreement that it will not be necessary for Town Counsel to be present at the Special Town Meeting.

The Selectmen agreed that they would like to meet on Friday morning at 7:30 a.m. in the temporary space the Library will be occupying during the renovation project at 245 Western Avenue to discuss the results of the General Contractor bids that will be received on January 26.

Regarding the following Conomo Point Matters, the Selectmen acknowledged that there have been no new developments that warrant discussion and will continue discussion of both matters at a future meeting:

- Town of Essex v. Leah Maher, Essex Superior Court, C.A. No. ESCV2014-00522 – discuss litigation strategy and potential settlement with Estate of Paul Touher; open and executive session pursuant to G.L. c. 30A, s. 21(a)(3) expected; votes may be taken.
- Consider a building permit for Mr. Romano's leased property on Robbins Island, if application presented by meeting time.

The Selectmen were reminded that Congressman Moulton will hold a press event on Thursday, January 14, 2016, from 1:00 to 1:30 p.m. at the Essex Marina on Dodge Street, regarding the Senator's filing of a bill seeking to re-define the boundaries of the Federal Channel in the Essex River.

The next regular Board of Selectmen's meeting will take place on Monday, January 25<sup>th</sup>, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

There will be a Special Town Meeting on Monday, February 1, 2016, starting at 7:30 p.m. at the Essex Elementary School, preceded by a Selectmen's meeting starting at 6:30 p.m. in the Teachers' Lounge.

At 8:10 p.m., citing the need to discuss pending litigation concerning the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A; and, collective bargaining with respect to a successor collective bargaining agreement with EPBA; 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 litigating and negotiating strategies and invited the Town Administrator to attend the Executive Session. She said that the Town 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 Selectmen's Assistant moved to Executive Session. Tina Lane left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:30 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

*Letter from Linda Campanella, the daughter of a lessee at Conomo Point*  
*Letter of resignation from the Director of the Council on Aging*  
*Town of Essex OPEB Trust Investment Policy Statement*

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

Attested by: \_\_\_\_\_  
Susan Gould-Coviello

January 11, 2016

Lisa O'Donnell

Chair, Board of Selectmen

Essex Town Hall

30 Martin Street, 2nd Floor

Essex, MA 01929

Re: #44 Robbins Island Road, Essex, MA, and proposed subdivision of Robbins Island land

Dear Ms. O'Donnell,

I learned this morning that the Board of Selectmen will be meeting tonight and that a proposed/ revised subdivision of property on Robbins Island will be discussed. Unfortunately no representative of my family (which holds two separate leases for combined lots 072 (on which sits our house) and 074A (on which sits our garage) on Map 19) will be able to attend the meeting, so I am writing in the hope that our views might be considered as part of your debate; in fact, I would be pleased and grateful if this short letter might be read into the record during the public comment period tonight.

In September 2014, prior to the deadline for returning his signed request to enter into a fourth bridge lease period for two combined lots (072 and 074A), my father, Dr. Eckart Sachsse, wrote a letter to the Conomo Point Commissioners expressing concerns and raising questions about the potential impact on 44 Robbins Island Road (Map 19, lots 072 and 074A). The concerns he expressed in that letter, which I assume and hope you have on file, were not answered as far as I know, and they remain valid today. Our most serious concern is the following, as expressed by my father in his September 2014 letter:

Ever since the 10-year lease on 44 Robbins Island expired on December 31, 2011, we have had two separate one-year leases and have been invited to renew both leases annually (bridge leases). We have entered into bridge leases for 44 Robbins Island with the understanding that substantially the same property (including that on which sits our garage) would be offered for sale (or continued lease). Under the last version we saw of the Town of Essex Planning Board's proposed subdivision of land, the land under our garage (Map 19, lot 074) would become part of #43 Robbins Island Road (land leased currently by Judy Riggs). We are very surprised and troubled by that, since both lots together have constituted 44 Robbins Island. Taking the garage away would substantially change the property and make it far less desirable and valuable not just for our family but for *any* potential purchaser. Without the garage the occupants of the house would have virtually no storage space (because the house itself has none) and no parking space for visitors without Town of Essex stickers.

We hope the Planning Board will reconsider this proposed scheme if it has not already done so. For the record, we also share concerns previously expressed by other Robbins Island residents regarding the possibility of replacing existing garages with a parking lot. I trust others may touch on that issue this evening.

Thank you very much for your consideration.

Sincerely,

Linda S. Campanella, *on behalf of lease signer Eckart Sachsse, MD (who is unavailable to correspond today)*

42 Four Mile Road

West Hartford, CT 06107

cc: Brendhan Zubricki ([bzubricki@essesma.org](mailto:bzubricki@essesma.org))

Pamela Witham, assistant to the Selectmen ([pwitham@essexma.org](mailto:pwitham@essexma.org))

2016  
Commonwealth of Massachusetts  
Town of Essex  
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, February 1, 2016 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for repairs to and/or replacement of certain components of the Water Filtration Plant and any costs incidental thereto, including but not limited to the costs of design, construction, oversight, and testing of said repairs/replacements; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, including, without limitation, funds under the Community Preservation Act, or any combination thereof, a sum of money to be added to an existing appropriation to make further renovations to the Town Hall and Library building at 30 Martin Street including but not limited to full exterior renovation, addition of an elevator, addition of a fire suppression system, and any improvements required by the Americans with Disabilities Act; and also including costs of design, project management and construction oversight/administration, temporary relocation, furnished temporary office space, temporary office utilities, insurance, and all other costs incidental or related to the project; and further to authorize the Board of Selectmen to enter into all agreements

and execute on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article; or to take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 11<sup>th</sup> day of January, two thousand sixteen.

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Lisa J. O'Donnell, Chairman

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Susan Gould-Coviello

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David Doane

**BOARD OF SELECTMEN**  
**TOWN OF ESSEX**