

**Selectmen's Minutes
Senior Center**

August 15, 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: Bicentennial Committee Chair Dawn Burnham, Librarian Debbie French, Library Trustee Diane Kotch, Tina Lane, Chris LaPointe, Bicentennial Committee member Sue Lufkin, Stephen Sloan, and Jim Witham.

The Chairman called the meeting to order at 7:00 p.m. in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

A motion was made, seconded, and unanimously voted to sign deeds for the following Conomo Point property sales on Robbins Island:

- Jeffrey G. Calder and Lucia Cecchetti, 34 Robbins Island, Map 108, Lot 005
- David Cutter, 40 Robbins Island, Map 108, Lot 010
- Stuart and Christine Winfrey, 44 Robbins Island, Map 108, Lot 012
- Richard and Susan Denton, 34 A Robbins Island, Map 108, Lot 006

The signatures were witnessed and notarized by Dawn Burnham, in her capacity as a Notary Public. Mr. Zubricki said that just before the meeting, he had received an email from Mr. Cutter's attorney (through Town Counsel) stating that Mr. Cutter had informed him that 40 Robbins Island is a year-round property and that the deed was incorrect since it was for a seasonal property. Mr. Zubricki said that the agreement signed by Mr. Cutter when the lease was transferred, stated that the property was seasonal only and would remain seasonal. The Selectmen were in agreement and Mr. Zubricki said that he would forward a copy of the transfer agreement to Mr. Cutter's attorney (through Town Counsel).

There were no deeds for sales at Southern Conomo Point ready for signature.

A motion was made, seconded, and unanimously voted to sign cover letters offering leases for properties on northern Conomo Point, Robbins Island, and Beach Circle as follows (Assessors' map 108 to be reconfigured in accordance with Conomo Point Commissioners' revised leasehold maps):

- Category 1: Seasonal 20-Year Leases for Properties with Dwellings:
 - 39 Middle Rd, Map 108, Lot 21
 - 2 Conomo Pt Ln, Map 108, Lot 22
 - 11 Conomo Pt Ln, Map 108, Lot 25
 - 31 Middle Rd, Map 108, Lot 27
 - 29 Middle Rd, Map 108, Lot 28

- 179 Conomo Pt Rd, Map 108, Lot 29 A
- 171 Conomo Pt Rd, Map 108, Lot 32
- 169 Conomo Pt Rd, Map 108, Lot 33
- 167 Conomo Pt Rd, Map 108, Lot 34
- 154 Conomo Pt Rd, Map 108, Lot 42
- 1 Middle Rd, Map 108, Lot 43
- 166 Conomo Pt Rd, Map 108, Lot 45
- 21 Middle Rd, Map 108, Lot 49 A
- 25 Middle Rd, Map 108, Lot 51
- 19 Middle Rd, Map 108, Lot 54
- 17 Middle Rd, Map 108, Lot 55
- 15 Middle Rd, Map 108, Lot 56
- 11 Middle Rd, Map 108, Lot 57
- 9 Middle Rd, Map 108, Lot 58
- 134 Conomo Pt Rd, Map 108, Lot 63
- 126 Conomo Pt Rd, Map 108, Lot 66
- 124 Conomo Pt Rd, Map 108, Lot 67
- 122 Conomo Pt Rd, Map 108, Lot 68
- 120 Conomo Pt Rd, Map 108, Lot 69
- 113 Conomo Pt Rd, Map 108, Lot 75
- 111 Conomo Pt Rd, Map 108, Lot 76
- 109 Conomo Pt Rd, Map 108, Lot 77 A
- Category 2: Year-Round 20-Year Leases for Properties with Dwellings:
 - 175 Conomo Pt Rd, Map 108, Lot 30
 - 172 Conomo Pt Rd, Map 108, Lot 48 A
 - 144 Conomo Pt Rd, Map 108, Lot 59
 - 142 Conomo Pt Rd, Map 108, Lot 60
 - 136 Conomo Pt Rd, Map 108, Lot 62
 - 187 Conomo Pt Rd, Map 108, Lot 70
 - 114 Conomo Pt Rd, Map 108, Lot 71
 - 110 Conomo Pt Rd, Map 108, Lot 72
- Category 3: Accessory Lots without Buildings, 1-Year, Seasonal Leases:
 - 179 Conomo Pt Rd, Map 108, Lot 29 B
 - 165 Conomo Pt Rd, Map 108, Lot 35
 - 159 Conomo Pt Rd, Map 108, Lot 38
 - 162 Conomo Pt Rd, Map 108, Lot 44 B
 - 170 Conomo Pt Rd, Map 108, Lot 47
 - 172 Conomo Pt Rd, Map 108, Lot 48 B
 - 113 Conomo Pt Rd, Map 108, Lot 74
- Category 4: Accessory Lots with Building(s), 1-Year, Seasonal Leases:
 - 9 Conomo Ln, Map 108, Lot 26
 - 173 Conomo Pt Rd, Map 108, Lot 31

- 163 Conomo Pt Rd, Map 108, Lot 36
- 168 Conomo Pt Rd, Map 108, Lot 46
- 21 Middle Rd, Map 108, Lot 49 B
- Conomo Pt, Map 108, Lot 50
- 109 Conomo Pt Rd, Map 108, Lot 77B
- Category 5: Dwelling Affixed, Seasonal 20-Year Lease:
 - 130 Conomo Pt Rd, Map 108, Lot 65
- Category 6: Dwelling not Affixed, Seasonal 20-Year Lease:
 - 23 Middle Rd, Map 108, Lot 53
- Category 7: Seasonal 1-Year Lease for Property with Dwelling:
 - 11 Beach C, Map 108, Lot 79
- Category 8: Robbins Island Accessory Lots with Buildings, Seasonal 1-Year Leases:
 - 43 Robbins Island Rd, Map 108, Lot 15 1
 - 44 Robbins Island Rd, Map 108, Lot 15 2
- Category 9: Seasonal 20-Year Lease for Property which May Eventually Contain a Dwelling (by converting a previously-occupied building back to a habitable dwelling):
 - 162 Conomo Pt Rd, Map 108, Lot 44 A
- Category 10: Lots with Building(s) and No Primary Dwelling Lot, 1-Year, Seasonal Lease:
 - 161 Conomo Pt Rd, Map 108, Lot 37
 - 159 Conomo Pt Rd, Map 108, Lot 39
 - 155 Conomo Pt Rd, Map 108, Lot 40

A motion was also made, seconded, and unanimously voted to countersign the leases, outside of a meeting, as they are returned.

On another matter, Mr. Zubricki said that it has come to his and the Board's attention that there is a question regarding the seating at the Riversbend Restaurant. The Selectmen were in agreement that they would like to discuss it at their next meeting and Mr. Zubricki will consult with Town Counsel in the meantime. It is possible that the Selectmen will schedule a hearing on the matter in the future.

Mr. Zubricki said that there would be no reason to move to Executive Session this evening.

A motion was made, seconded, and unanimously voted to approve the following request for permits and licenses:

Auction Permit:

- Blackwood March Antiques, Michael March, for use on Tuesday, September 13, 2016, between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

One-Day Entertainment License:

- Essex County Greenbelt Assoc., Inc., Shelley Raymond, for use on Saturday, September 17, 2016, between the hours of 9:00 a.m. and 3:00 p.m. within the confines of 82 Eastern Avenue.
- Cape Ann Chamber of Commerce, Kerry McKenna, for use on Saturday, October 22, 2016, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of Memorial Park for Essex Clamfest.

One-Day Wine and Malt License:

- Essex County Greenbelt Assoc., Inc., Shelley Raymond, for use on Saturday, September 17, 2016, between the hours of 9:00 a.m. and 3:00 p.m. within the confines of 82 Eastern Avenue.
- Cape Ann Chamber of Commerce, Kerry McKenna, for use on Saturday, October 22, 2016, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of Memorial Park for Essex Clamfest.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Saturday, September 3, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Saturday, September 24, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Sunday, September 25, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Friday, September 30, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Saturday, October 1, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.
- Woodman's Inc., Woodman's Function Hall, Joan Houghton, for use on Sunday, October 9, 2016, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 R Main Street.

Non-resident Recreational Clamming License and Waiver of Application Deadline:

- David Carnevale, Beverly, MA, sponsored by Robert Bradley

Mr. Zubricki said that Jim Heroux, the Town's consultant and designer for public access at Conomo Point, is recommending that a pre-permitting study be made of 153 Conomo Point Road now that the completed site survey work has raised some questions. The Board agreed that this topic should be added to the next agenda, at which time, a proposal may be available.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, August 29th, 2016, at 7:00 p.m. in the second floor meeting room at the Senior Center on Pickering Street.

Bicentennial Committee Chair Dawn Burnham and Committee Member Sue Lufkin joined the Selectmen at the table. Those present discussed how the Committee and the Board will work together to plan and implement the Town's celebration of the bicentennial. The Selectmen will need to approve all expenditures of Town funds by reviewing cost proposals and proofs (if applicable) in advance. Everyone was in agreement that a Facebook page could be created to provide information about the Town's history and upcoming events for the bicentennial. In addition, the Town Clerk's approval will also be necessary if the Committee would like to place the Town Seal on commemorative items to be sold to provide additional funds for the celebration. Another fund raiser the Committee is discussing is the sale of t-shirts and Jim Witham will be designing a few suggestions for the Committee to consider. Those present reviewed pictures for the first of a proposed series of calendars to commemorate the event. The Board said that they would consider the pictures suggested for the calendar and discuss them again at their meeting on August 29. Dawn Burnham and Sue Lufkin left the meeting.

Stephen Sloan, from Cambridge Consulting, came before the Selectmen to review two revised Conservation Restrictions for the Febiger property. The revisions consisted merely of a few technical items and did not affect the Municipal Certificate that had been approved by the Conservation Commission in the past. A motion was made, seconded, and unanimously voted to approve and sign the revised restrictions. The signatures were witnessed by Chris LaPointe in his capacity as a Notary Public. Mr. Sloan agreed to send the Board a copy of the restrictions once all the signatures and approvals have been obtained. He thanked the Selectmen and left the meeting.

Chris LaPointe, Director of Land Conservation at Essex County Greenbelt Association, came before the Selectmen to review a Conservation Restriction for more than 59.3 acres of land located off Choate Street, which is part of the larger Sagamore Hill Conservation Project. He said that there will be a total of nine restrictions sought from various entities (3 in Essex) and they will be proceeding with them one by one. He also announced that they had been successful in raising all the funds being sought for the project. Subsequently, a motion was made, seconded, and unanimously voted to sign and approve the restriction, subject to approval by the Commonwealth. Mr. LaPointe stated he would be back before the Board at two future meetings concerning the other two restrictions. Mr. LaPointe thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$1,513,851.82.

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 8/11/16 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	7/24/16	76.90	Shellfish
David Pereen	Pereen Plumbing	7/19/16	85.00	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 25, 2016, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to sign the warrant for the 2016 State Primary to be held on Thursday, September 8th, 2016 at the Essex Memorial Fire Station.

A motion was made, seconded, and unanimously voted to approve a request from the First Congregational Church of Essex to rent Centennial Grove for their annual picnic on Sunday, September 11, 2016, between the hours of 11:00 a.m. and 6:00 p.m. and to waive the rental fee. The Chairman signed the request and the parking pass.

A motion was made, seconded, and unanimously voted to reappoint Christina St. Pierre to a 3-year term as Town Clerk, ending 6/30/2019. The Selectmen signed the appointment card.

A motion was made, seconded, and unanimously voted to reappoint Virginia Antell to a 3-year term as Treasurer/Tax Collector, ending 6/30/2019. The Selectmen signed the appointment card.

Mr. Zubricki reported that a question had been raised regarding the existing fee policy for vehicle-assisted launching of kayaks by non-residents at the Town Landing. After a short review, the Selectmen were in agreement that non-residents should be charged a launch fee for kayaks if they wish to back down the ramp.

Mr. Zubricki said that a film company has asked for a Release for Filming they performed adjacent to Spring Street Cemetery in January of 2016. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to work with Town Counsel to develop an appropriate release to be signed outside a meeting, when ready.

Concerning Conomo Point matters, the Selectmen considered a request to execute a rider to the Purchase & Sale Agreement for 41 Robbins Island Road, Map 108, Lot 16, and a motion was made, seconded, and unanimously voted to approve and sign the rider.

It was announced that the request to transfer the lease for 130 Conomo Point Road, Map 108, Lot 65 from the David Wendell Revocable Trust to the Thayer Wendell McKenzie Living Trust, Thayer McKenzie, Trustee, had been withdrawn.

Four motions were made, seconded, and unanimously voted to approve a written request for the transfer of all interests in the leaseholds for each of the following four properties held by the Harlan L.P. and Dorothea R. Wendell Revocable Trust 11-05-2003 to The Dorothea R. Wendell Exemption Trust, with Harlan Wendell, Jr. and Thayer McKenzie, Trustees; and it was further voted that nothing in these approvals was intended to convey or imply any right, title or interest in the properties, or any portion thereof that was not already held by the Harlan L.P. and Dorothea R. Wendell Revocable Trust 11-05-2003, Dorothea R. Wendell, Trustee:

- 1 Middle Road, Map 24, Lot 19 (New Map 108, Lot 43)
- 3 Middle Road, Map 24, Lot 18 A (New Map 108, Combined with Lot 43)
- 162 Conomo Point Road, Map 24, Lot 20 (New Map 108, Lots 44 A and B)
- 159 Conomo Point Road, Map 24, Lot 15 B (New Map 108, Lot 38)

Librarian Debbie French and Library Trustee Diane Kotch joined the Selectman and Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 23rd, through August 12th, 2016, regarding the following:

Library Furnishings/Built-in Component Update and Discussion: Mr. Zubricki reviewed the status of certain furniture items for the Library. Some pieces are already included as built-ins in the Contractor's contract. The Contractor has also been asked for a cost proposal for some additional specialty items and the Library Trustees have solicited bids from local artisans for the same items. These special items will also be included in Mr. Zubricki's general furniture bid.

Mr. Zubricki reminded everyone that the discussion regarding the small conference room had been continued from an earlier meeting. The small conference room will have an eight person table and a finished wood floor with no carpeting. There will be shelves on the interior walls. There continues to be a diversity of opinion regarding the type of chairs suitable for this room. All agreed that the seating for this first floor shared conference room should not be included in the general furniture bid, so that the final choice can be purchased separately, when known.

Design Recommendations for Third-Floor Town Hall Finish Work: Mr. Zubricki reported that the Town can use the Ryder Trust to help with funding the restoration/creation of a third floor meeting room. McGinley Kalsow had prepared a preliminary cost estimate that was reviewed by the Selectmen and a motion was made, seconded, and unanimously voted to approve a change order in the amount of \$29,850, authorizing McGinley Kalsow to produce a design plan for completion of the third floor and to oversee its eventual construction. It is likely that project contingency funding and funding that may be appropriated at the Fall Town Meeting will be necessary to augment the Ryder funding.

Masonry/Window/Varnish Change Order Requests, Town Hall: Mr. Zubricki reviewed the various changes to the proposed masonry work and the addition of one interior office window. A motion was made, seconded, and unanimously voted to approve and sign the change orders, totaling \$5739.69.

It was agreed that the Town Hall portico would not be stripped and stained, but instead will be sanded and painted, as per the base bid.

Review of Previously-Concealed Structural Issues, Town Hall: Mr. Zubricki reviewed two unexpected structural issues that had been concealed at the time of design. The two rotted and damaged beams will need to be addressed. More structural issues may be found when the contractor removes the current siding before replacing it. These structural issues will be presented as potential change orders in the future.

Diane Kotch and Deborah French left the meeting.

Replacement of Primary Domain Controller and Assessors' Server: Mr. Zubricki reminded the Selectmen that one of the servers had malfunctioned while he was on vacation in July. He was able to perform a work around, working remotely with Melrose and personnel here, and later, fully restored the server. However, the server needs to be replaced due to its age (^ years old). Additionally, the server for the Assessors' Patriot program is at the end of its useful life and also needs to be replaced. There is ample money in the Technology Fund to pay for replacement of both servers. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to proceed with replacement of both servers.

Folsom Pavilion Repair/Replacement Designs and Cost Estimates: Mr. Zubricki reported that McGinley Kalsow expects to have two sets of designs with associated cost estimates available for review early this fall. One design will focus on restoration of the current structure and the other design will feature complete replacement of the facility. Mr. Zubricki will attempt to have the designer in, along with the Essex Historical Commission, for the Board's second meeting in September.

Proposed Letter Regarding Removal of House at 9 Beach Circle: The Selectmen reviewed a letter prepared by Town Counsel outlining the Town's requirements regarding the proposed removal of the building at 9 Beach Circle. A motion was made, seconded, and unanimously voted to approve and send the letter, along with an agreement the Board is asking all former leaseholders and Daniel Mayer to sign, to Thayer Wendell McKenzie.

Cable Franchise Agreement Renewal Update: Mr. Zubricki said that he had recently met with Cable Representative Barry O'Brien. Current negotiations include a request to raise the surcharge percentage allocated for public programming from 2% to 5% and a request for a grant to fund updated equipment for public programming. They are also asking for a grant for improvements to the i-net and to continue the 1.25% contribution to the technology fund.

MIIA Grant Program: Mr. Zubricki said that every year the Town qualifies for grants from the Town's insurance carrier. Again, this year, the Town is eligible to receive up to \$15,000 in grant money. The Water and Sewer Department would like to ask for \$5,000 to combine with \$4,000 of funds they already have to contract with Weston and Sampson for a sewer maintenance plan. The Police Department would like to apply for \$5,000 to improve its closed circuit camera system, and the Fire Department would like to request the remaining \$5,000 for either back-up cameras for the trucks or an infrared camera. Mr. Zubricki will prepare the grant application and a motion was made, seconded, and unanimously voted to sign the application outside of a meeting when it becomes available.

Mr. Zubricki said that the Chief of Police has asked for permission to use Centennial Grove for department training on Monday, September 19, 2016. A motion was made, seconded, and unanimously voted to approve the request.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:25 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello