

Selectmen's Minutes
T.O.H.P. Burnham Library

October 17, 2011

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Town Clerk Christina Wright, and Conomo Point lessees Steve Cuthbertson, Leah Maher, and Steve and Margaret Hartley.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear public comment. No one offered any comment.

Mr. Zubricki said that discussion of the proposed warrant for the Special Town Meeting planned for November 14, 2011 would take place later in the meeting, but that it was necessary to provide the Town Clerk with Ballot Language now so the ballot could comply with posting requirements. A motion was made, seconded, and unanimously voted to hold a Special Town Meeting on Monday, November 14, 2011, starting at 7:30 p.m. Also, a motion was made and seconded to hold a Special Town Election on November 21, 2011 from 12:00 noon until 8:00 p.m. and that the language for the single ballot question would read as follows:

“Shall the Town of Essex be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to acquire real property for the relocation of the Town offices from the present Town Hall at 30 Martin Street and for the design, construction, reconstruction, renovation and improvement of such property for use as town offices, including the furnishing and equipping of such offices, moving expenses, site improvements, and all other costs incidental or related to the project?

_____ Yes _____ No”

After a discussion about starting the election earlier than 12:00 noon, the original motion was passed by a majority vote of two to one. Town Clerk Christina Wright thanked the Selectmen and left the meeting.

Mr. Zubricki reminded the Selectmen that the Town requires public officials to acknowledge awareness of the Town's various policies on an annual basis and provided Selectman O'Donnell and Selectman Gould-Coviello with the acknowledgement forms. He said that the policies are available on the Town's website for review and that the completed forms should be returned to the Selectmen's Assistant after they have reviewed the policies. The Chairman had already reviewed the policies and submitted a completed form.

Mr. Zubricki presented his Town Administrator's Report for the period October 1st, 2011, through October 14th, 2011, regarding the following:

Review of Draft Town Building Feasibility Study: Mr. Zubricki and Selectman O'Donnell (in her capacity as Chair of the Town Building Committee) reported that the Committee is reviewing the draft study from Reinhardt Associates and will have comments at a later time.

On a related matter, Mr. Zubricki said that he had spoken with the company asked for advice regarding repairs to stop rainwater from coming into the Town Hall. The company has agreed to allow the Town to hire the lift needed for the assessment of the damage and for making the repairs. The company has also agreed to a new estimate that doesn't include the cost of the lift, in the amount of \$4,658, and has said that if the repairs prove to be not as extensive as initially thought, that they would adjust the price downwards. The Selectmen were in agreement that Mr. Zubricki should proceed with scheduling the repairs.

Early Retiree Reinsurance Program (ERRP): Mr. Zubricki said that the Town's insurance carrier, MIIA, has informed him of a new federal program that MIIA will be participating in to make health insurance more affordable. The program would provide partial rebates to the Town and to the active participants in the Town's health insurance plan. MIIA is asking the Selectmen to choose one of three options available under the program. After review, a motion was made, seconded, and unanimously voted to select option number three which would combine the rebates from fiscal FY10 with the rebates from FY11, to be received by the Town in Fiscal Year 13.

Mr. and Mrs. Richard Carter, and Joanne Averay joined the meeting.

Conomo Point Parking Site Visit: Mr. Zubricki reported that, recently, he had joined Selectman Susan Gould-Coviello, Police Chief Peter Silva, and DPW Superintendent Paul Goodwin on a site visit to Conomo Point to view and discuss available parking sites and signage for non-resident parking. Some alterations in the current parking were suggested that were agreeable to all, as well as new signage which would result in closer and safer access to areas of Conomo Point for non-residents. The Selectmen agreed that Mr. Zubricki will consult with Mr. Goodwin to design mock-ups of the new signs for future approval by the Selectmen.

2011 – 2012 Fiscal Planning Calendar: Mr. Zubricki said that he has helped the Town Accountant to draft a *new fiscal calendar for FY12* and he briefly reviewed the projected sequence of events/meetings to complete the school budget for FY13.

Conomo Point lessee Judd Pratt joined the meeting.

MIIA Loss Control Grant Program and MIIA Risk Management Grant Program: Mr. Zubricki said that he had recently been able to meet the application deadlines for grant applications, on behalf of the Fire Department, the Police Department and the DPW, to the Town's insurance carrier. The grants would provide funding for reflective safety vests and traffic cones, as well as recording and camera equipment for use during police interviews. A motion was made, seconded, and unanimously voted to ratify Mr. Zubricki's signature on the application documents.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$68,206.79.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the October 3rd, 2011, Selectmen's Open Meeting and the Selectmen's October 3rd, 2011, Executive Session.

A motion was made, seconded, and unanimously voted to approve a Reserve Fund Transfer Request to transfer \$2,524.00 to Unemployment Expenses for the month of September.

A motion was made, seconded, and unanimously voted to approve the following *appointments to the Essex Cultural Council* as requested and recommended by Council Chair Peggy Duff: Jack Gale, Erica Funkhouser, and Betsy Vicksell. These appointments will replace Gail Pepe and Kim Pederson (each of whom has served her term limit, based on State regulations) and add one additional member.

A motion was made, seconded, and unanimously voted to approve a *request from North Shore United Way* to place their fund raising thermometer to the right side of the driveway by the Library in mid-November.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on an Application for Waiver of Household Hazardous Waste Collection Requirements as part of a State-wide effort to collect out-dated medications and to safely dispose of them.

A motion was made, seconded, and unanimously voted to ratify the approval of a One-Day Wine and Malt License for Cynthia Schlaikjer, the Essex Historical Society and Shipbuilding Museum, for a wine tasting on Friday, October 14, 2011, between the hours of 6:00 and 10:30 p.m. within the confines of the Shipyard at 66 Main Street.

The Chairman recognized Mr. and Mrs. Richard Carter, the trustees of the Richard B. Carter Revocable Trust which is the lessee of the Conomo Point property at 14 Robbins Island Road (Map 19, Lot 63) and Joanne Averay who is a lessee of another Conomo Point property.

The Chairman entertained a motion to approve the *transfer of the leasehold for the property at 14 Robbins Island Road* (Map 19, Lot 63) from The Richard B. Carter Revocable Trust to Joanne Averay with the caveat that the lease expires by its term on December 31, 2011, and that nothing in this vote shall be construed as an extension of said lease; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by The Richard B. Carter Revocable Trust. Selectman Gould-Coviello moved the motion, Selectman O'Donnell seconded the motion, and the Selectmen voted unanimously to approve. Chairman Jones said that a copy of the minutes approving the lease transfer would be forwarded to the Carters and Mrs. Averay. They thanked the Selectmen and left the meeting.

The Selectmen reviewed letters received from some of the candidates seeking election to the Boston Region of the Metropolitan Planning Organization. After a short discussion, the Chairman marked the 2011 MPO Absentee Ballot with the choices discussed and a motion was made, seconded, and unanimously voted to approve the ballot as marked by the Chairman, choosing Clarissa Rowe, Hank Manz, and Richard Dunne for the contested seats.

The Chairman stated that the Board had received a *written notice of an intra-family assignment of the leasehold for 172 Conomo Point Road* (Map 24, Lot 24) for the addition of Ms. Brown Herrmann's children: Todd Russell Herrmann, Laura Herrmann Couallier, and Craig William Herrmann, to the lease. Pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. Therefore, the Chairman entertained a motion that the Selectmen acknowledge said assignment with the disclaimer that this acknowledgement is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by Joan Brown Herrmann and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

The Chairman also said that the Board had received a *written notice of an intra-family assignment of the leasehold for 114 Conomo Point Road* (Map 19, Lot 86) for the addition of Ms. Martha Mazzarino's children: Tasney Mazzarino, Jodi Howes, Tina Mazzarino, Robyn Mazzarino, and Robert Mazzarino, Jr., to the lease. Pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. He entertained a motion that the Selectmen acknowledge said assignment with the disclaimer that this acknowledgement is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by Martha Mazzarino and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. This motion was also moved, seconded, and unanimously voted.

The Selectmen were reminded that there will be a Public Hearing on Wednesday, October 19th, 2011 starting at 8:00 p.m. in the Essex Elementary School on Story Street to discuss the Definitive Subdivision Plan Application for a Southern Conomo Point Zoning District which will be hosted by the Planning Board and attended by the Selectmen.

The Selectmen will meet at 7:00 p.m. on Monday, October 24, 2011 in the T.O.H.P. Burnham Library on Martin Street and the next regular Board of Selectmen's meeting will take place on Monday, November 7th, 2011, at 7:00 p.m. at the Essex Elementary School on Story Street.

Citing the need to discuss union negotiations and the lease of real property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's bargaining position and detrimental to the Town's negotiating strategy. He said that the Board would be eventually returning to Open Session and invited Town Administrator Zubricki and Town Counsel Corbo to attend the

Executive Session. The motion was moved and seconded. Everyone else left the meeting and the Board moved to Executive Session following a unanimous Roll Call Vote.

The Board returned to Open Session at 10:38 following a unanimous Roll Call Vote.

Special Town Meeting and Election Warrant: The Selectmen were in agreement that they would postpone reviewing and signing the proposed combination meeting and election warrant until their next meeting on October 24th.

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

Documents used during this meeting include the following:

- *New fiscal calendar for FY12*
- *Appointments to the Essex Cultural Council*
- *Request from North Shore United Way*
- *Transfer of the leasehold for the property at 14 Robbins Island Road*
- *Written notice of an intra-family assignment of the leasehold for 172 Conomo Point Road*
- *Written notice of an intra-family assignment of the leasehold for 114 Conomo Point Road*

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell