

**Selectmen's Minutes
Essex Elementary School**

November 7, 2011

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Conomo Point Planning Committee Chairman Mark W. Lynch, and approximately 150 Town residents.

Chairman Jones called the meeting to order at 7:00 p.m. in the cafetorium of the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. Francis Burnham came before the Selectmen to comment about a Board of Health matter regarding the William Allen property on Southern Avenue. The Chairman thanked Mr. Burnham for his remarks and he left the meeting.

The Chairman announced that Mr. Zubricki would begin the Public Discussion of Bridge Leases at Conomo Point with a review of the terms and rental rates for the three types of bridge leases. Leaseholders may sign the new bridge leases or decide not to lease the property. If the decision is not to lease the property, the leaseholder will have the option to remove any structures on the property. Otherwise, anything left on the property will be considered abandoned. A question and answer period followed Mr. Zubricki's comments. Mr. Zubricki also reviewed and answered questions regarding each of the four Conomo Point articles that will be voted on at the November 14th Special Town Meeting.

At 8:10 p.m., the Chairman said that the Board had other business to take care of and thanked everyone for attending the meeting. Most of those present left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$96,673.43.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the October 17th, 2011, Selectmen's Open Meeting, the October 17th, 2011, Selectmen's Executive Session, the October 24th, 2011 Selectmen's Open Meeting I & II, the October 24th, 2011 Selectmen's Executive Session I & II, and the Selectmen's October 31st, 2011 Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a request from the Lions Club to hold their annual Turkey Trot on Sunday, November 20, 2011.

A motion was made, seconded, and unanimously voted to approve a ***renewal contract with Sullivan Rogers Company*** for financial auditing services for FY 2012-2014.

A motion was made, seconded, and unanimously voted to approve a request from Thomas Guertner to close Periwinkle's from November 7 through November 18, 2011 for minor renovations and cleaning.

A motion was made, seconded, and unanimously voted to approve a request from Joseph Cellucci to close Farnham's Restaurant for 3 months starting November 28th through March 1, 2012.

The Selectmen reviewed proposed improvements to the property at 21 Gregory Island Road and determined that the planned work is permissible since it does not contribute to any further encroachment onto the Town's adjacent property. A motion was made, seconded, and unanimously voted to approve the property owner's request for a building permit.

The Selectmen reviewed a *report by KDTurner Design and Community Investment Associates* for Pocket Parks and Design Recommendations. They asked Mr. Zubricki to forward the report to the Long Term Planning Committee for their review and comment. Any additional detail desired by the Board or by the LTPC may be added by the consultant as an addendum.

A motion was made, seconded, and unanimously voted to approve and sign a *contract between the Essex Cultural Council and the Massachusetts Cultural Council*.

The Selectmen reviewed a request from the Friends of the Library to remove trees and redo landscaping around the Town Hall. The Selectmen agreed to take the matter under advisement.

The Chairman moved that, pursuant to Paragraph 6 of the Lease, the Board of Selectmen approve a request to modify property located at 42 Robbins Island Road (Map 19, Lots 71 & 75) by replacing the roof and that this approval did not convey or imply that the lessee of 42 Robbins Island Road has any right, title, or interest in the subject property or any portion thereof, and also, that it does not affect the lease termination date of December 31, 2011. The motion was seconded and unanimously voted.

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

Auction Permit:

- Richard DiFillipo, R.A. DiFillipo Antiques & Auctions, for use on Tuesday, December 6, 2011, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.

One-Day Wine and Malt License:

- Teri Eramo, Eventide Art Studio & Gallery, for use on Saturday, November 19, 2011, between the hours of 7:00 and 10:00 p.m. within the confines of the Eventide Art Studio & Gallery at 63 Main Street.

Non-Resident Recreational Clamming Permit:

- Scott McKenna, sponsored by Keith Woodman, of Ipswich, MA, waiver of the application deadline and approval of his permit.

The next Board of Selectmen's meeting will take place on Monday, November 14th, 2011, in the Teachers' Lounge at the Essex Elementary School on Story at 6:30 p.m. followed by a Special Town Meeting in the gymnasium at the Essex Elementary School on Story Street starting at 7:30 p.m.

Chief Silva appeared before the Selectmen and introduced Mark Brewer, a candidate for the position of Part-Time Police Officer. The Chief reviewed the *many accomplishments of Mr. Brewer*. A motion was subsequently made, seconded, and unanimously voted to appoint Mr. Brewer to the position of Part-Time Police Officer pending successful completion of a psychological, drug, and medical test. The Selectmen congratulated Mr. Brewer. Mr. Brewer and the Chief thanked the Selectmen and left the meeting.

John Bediz, Kim Drake, and Jim Witham approached the Selectmen and said that they would like to make a suggestion that any proposed subdivision plan for the northern area of Conomo Point include the whole section. They said that this would allow the Selectmen more flexibility to work toward an acceptable solution to DEP issues and public access for that property. The Selectmen thanked the group for their suggestion and they left the meeting.

Mr. Zubricki reported that a request had been received in the mail from one of the leaseholders at 134 Conomo Point Road (Map 24, Lot 39) to remove the other leaseholder from the lease and to add a third person. The Selectmen were in agreement that the leaseholder being removed from the lease needed to also request in writing that she be removed from the lease before any deletions or additions could be made to the lease.

Selectman Gould-Coviello announced that the Board had received a written notice of an intra-family assignment of the leasehold for 9 Beach Circle (Map 19, Lot 96) for the addition of Thayer Adams' children: Caroline Adams, Douglas Adams, Marjorie Adams, and Eliza Adams 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, Selectman Gould-Coviello 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 Thayer Adams, and also, that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

Chairman Jones announced that the Board had received a written notice of an intra-family assignment of the leasehold for 4 Town Farm Road (Map 19, Lot 35) for the addition of Richard C. Tofuri's children: Christine E. Sutton and Paul Tofuri 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, Chairman Jones 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 Richard C. Tofuri and Richard C. Tofuri Jr., and also, that this acknowledgement

does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

Selectman O'Donnell announced that the Board had received a written notice of an intra-family assignment of the leasehold for 110 Conomo Point Road (Map 19, Lot 88) for the addition of Robert L. and JoAnne Marsolais' children: Robert C. Marsolais and Julie Marsolais Burroughs 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, Chairman Jones 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 Robert L. and JoAnne Marsolais, and also, that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

Mr. Zubricki presented his Town Administrator's Report for the period October 15th, 2011, through November 4th, 2011, regarding the following:

Youth Activities Programming: Mr. Zubricki said that he had received an inquiry from a resident about whether the Town and/or the Selectmen will be appointing a new Youth Commission that would sponsor events from time to time such as the Halloween party. Last year individual groups sponsored each of the holiday celebrations. This year, however, no one volunteered to organize anything for Halloween. It was suggested that perhaps the YMCA might be interested in providing various activities throughout the year in addition to sponsoring and running the summer program at Centennial Grove. Mr. Zubricki agreed to contact the YMCA and initiate a discussion.

Request for Proposals for Real Property: Mr. Zubricki reported that *one proposal* had been submitted for alternative space to be used for Town Hall Offices. The Selectmen, after review of the proposal, agreed to rank the proposal overall as "highly advantageous". Mr. Zubricki then opened the cost proposal part of the submitted proposal and announced that the asking price for the Lahey Building would be \$599,999.00. Following a discussion, a motion was made, seconded, and unanimously voted to authorize the Chairman and the Town Administrator to begin negotiations regarding the price of the building with Shalom Realty Trust, the representative for the seller of the building. They will also obtain a hazardous materials clearance that the present owner commissioned in the past.

Town Hall Repairs: Mr. Zubricki said that he had ridden in the man-lift along with the contractor who was hired to assess and repair the water damage to the Town Hall. The boards covering the join between the chimney and the outside wall of the Town Hall had become loose and there was no caulking or sealant to prevent water from penetrating the space. The contractor also discovered that there was no cap on the top of the chimney. The contractor has since repaired these two areas.

Town Building Committee Meeting: It was reported that the Town Building Committee had a meeting recently to review the feasibility study. The study has concluded that an adequate new building for the Police and Fire departments cannot feasibly be constructed at 24 Martin Street, and that the best location for a public safety building would be the John Wise Avenue site next to the cemetery. The Committee is also in favor of moving the Town Hall Offices to the Lahey Building and moving the Library to a new facility. The Town Hall cannot meet the needs for either offices or a library without major, costly renovations and is extremely expensive to operate. The building has several issues, including mold and water damage, in addition to the deterioration of the building itself. The recommendation of the TBC would be to turn the building over to an entity that can save the structure, but recycle it as senior housing or professional offices, etc.

Porch Repairs, Grove Cottage: Mr. Zubricki reported that the Church of the Latter Day Saints has commenced repairs to the porch at the Grove Cottage. He recommended that a thank you letter be created to thank the church for their excellent work in repairing the porch.

On a related matter, Mr. Zubricki said that the backboard on the nice basketball hoop that Adam Sandler had donated to the Town at Centennial Grove had been vandalized. The Police have apprehended the offenders and will be asking them to pay for full replacement of the broken hoop backboard. Mr. Zubricki agreed to ask his contact with the film company for information regarding the original purchase of the hoop.

Maintenance of Paglia Pocket Park: Mr. Zubricki said that Maureen Duncan Mitchell has offered to maintain one of the new pocket parks in exchange for the Town allowing her to place a small sign at the park advertising her design services. The Selectmen are still in the review process of deciding on a uniform design for similar signs that will be placed at the pocket parks and traffic islands. They agreed that no signs should be placed until that process has been completed and that Mr. Zubricki should remove the present signs in front of the Village Restaurant and at Paglia Park for the time being. Mr. Zubricki will also check with Town Counsel to see if Town Counsel has prepared any guidance in this matter for other towns.

The Selectmen reviewed a *note from Robert Coviello* regarding a list of locations in Town that could be "adopted" and/or maintained by groups or persons. It was agreed that this matter would be taken under advisement until a decision had been made regarding uniform signage design.

Special Town Meeting Motions: Mr. Zubricki briefly reviewed the *proposed motions* for the November 14th Special Town Meeting. Appropriate wording for some of the motions is still being considered and the motions will be reviewed again prior to the Special Town Meeting.

Draft Parking Signs, Conomo Point: Mr. Zubricki exhibited two proposals for new signage regarding parking at Conomo Point. The Selectmen discussed how the signs would be placed and agreed to take the matter under advisement.

At 9:45 p.m., citing the need to discuss the leasing of real property at Conomo Point and collective bargaining with the Essex Police Benevolent Association, 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 negotiating strategy and detrimental to the Town's bargaining position. He invited Mr. Zubricki to attend the session and stated that the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded. And, following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:10 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:

Renewal Contract with Sullivan Rogers Company
Report by KDTurner Design and Community Investment Associates
Contract between the Essex Cultural Council and the Massachusetts Cultural Council
Resume of Mr. Brewer
Shalom Realty Trust Proposal
Note from Robert Coviello
Proposed Motions for the November 14th Special Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell