

Selectmen's Minutes
Senior Center

April 4, 2011

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Kathy Pennoyer, James Lewiecki, Ramie Reader, Daniel Doucette, Kim Drake, Andrew St. John, Paul Goodwin, Scott DeWitt, Sue Lufkin, Virginia Boutchie, Mark Osburn, Jim Witham, Susan Coviello, Mark Lynch, Jeffrey Soulard, Richard Ross, Roxanne Tieri, Christina Wright, Julie Scofield, and Carina Walder.

The Chairman called the meeting to order at 7:00 p.m. in the Senior Center on Pickering Street and announced that the meeting was being recorded and that the Board would hear Public Comment. There was no public comment.

The Chairman asked if Gary King of 39 Williamine Dr., Newton, NH, was present to request a waiver of the filing deadline for an annual non-resident shellfish license application. Mr. King was not present and he had not left his application with anyone.

Carina Walder of 8 Essex Reach Road came before the Selectmen to request a waiver of the filing deadline for both of her sons: Erik Walder and Alex Walder. Both boys were unable to attend tonight's meeting, but had submitted complete applications with supporting documents. A motion was made, seconded, and unanimously voted to waive the filing deadline and to approve the student applications for Erik Walder and Alex Walder. The Selectmen signed the applications. Mrs. Walder thanked the Selectmen and left the meeting.

Finance Committee Chair Jeffrey Soulard reported that his committee is continuing to work on the final numbers for next year's budget. The purchase of a trailer with a bathroom, to be used as an interview room by the Police Department, will be included in the budget. The location for the trailer has not yet been determined; however, it is likely that it may be placed somewhere behind the Fire/Police Station. The Finance Committee said that it is better to buy the trailer instead of to lease it. Mr. Soulard said that if the override does not pass at the Annual Town Meeting, every department's budget will have to be cut back by about 4%. The Finance Committee Report booklet will only include one set of FY2012 budget figures (those based on approval of the override) and is expected to be sent out to print by April 8.

Mr. Zubricki began his Town Administrator's Report for the period from March 19, 2011 to April 1, 2011 regarding the following:

Pocket Park Planning and Design Project: Mr. Zubricki said that a question has arisen as to whether or not wetland permitting is needed for the proposed pocket parks. Woodman's Beach Pocket Park is already permitted under the Route 133 Reconstruction Project. The Village Pocket Park is not in a wetland and is also permitted under the Reconstruction Project. The Town

Landing Pocket Park is not included in the plan that is currently being reviewed. The only permitting that may be necessary is for the Paglia Pocket Park.

The revised plan for the Village Pocket Park has been approved by all the divisions at MassDOT except one.

Sample Conomo Point Bridge Lease Value Appraisals: Mr. Zubricki said that he expects to receive an outline of a bridge lease this week from Town Counsel. The basic terms of the bridge lease will include a 3- to 5-year term, provision for the eventual sale of properties in the southern section of Conomo Point, and provision for a to-be-determined mixture of sale/lease for properties in the northern section of Conomo Point. Mr. Zubricki recommended a variety of values to be reported by the appraiser that included land only, land plus improvements and prospect of sale versus long-term lease. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to contract for the sample appraisals of properties at the Point.

Alewife Brook Maintenance Permitting: Mr. Zubricki reported that after the Conservation Committee had approved the Town's request to renew the permitting for Alewife Brook maintenance, the Department of Environmental Protection has indicated that a Notice of Intent and an Order of Conditions will be required. Since there is no funding at present to hire a scientist to assist with the paperwork and the creation of a plan, this project has been temporarily postponed. Mr. Zubricki will obtain a quotation for the work.

Use of Community Preservation Funds: Mr. Zubricki reported that Town Counsel has opined that Community Preservation Funds may not be used to purchase and install lighting posts on the causeway. The funds could be used to renovate existing historic lighting, but not for the creation of new lighting.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$127,304.86.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the March 21st, 2011, Selectmen's Open Meeting; the March 21st, 2011, Selectmen's Executive Session; the March 29th, 2011, Selectmen's Open Meeting; the March 29th, 2011, Selectmen's Executive Session; and, the Selectmen's April 1st, 2011, Open Session.

Selectman O'Donnell said that she will represent the Town at the Essex National Heritage Commission meeting in Rockport on April 12th.

Mr. Zubricki said that he would like to begin the Department Heads segment of the meeting by reviewing the articles on the warrant for the coming Annual Town Meeting in May. He was assisted by FinCom Chair Jeff Soulard. The articles are arranged so that the first night of Town Meeting can be devoted entirely to Conomo Point matters. The way that these articles are voted will have a direct impact on the proposed budget and on the amount of the proposed override.

Following discussion of the warrant articles, Kathy Pennoyer, Jim Lewiecki, Scott DeWitt, Paul Goodwin, Ramie Reader, Dan Doucette, Virginia Boutchie, Christina Wright, Roxanne Tieri, and Julie Scofield left the meeting.

Chairman Randall commenced the Conomo Point discussion period by reading a *Statement of Position regarding Conomo Point* that the Selectmen had crafted and voted on at a meeting last Friday. Those present discussed the reasons for the content and scope of the paper and there were some objections regarding the extent of the paper. However, the Selectmen were in agreement that everything contained in the paper was important.

Quantum of Vote for Conomo Point Bridge Lease Article: Mr. Zubricki said that he has researched previous Town votes on actions regarding Conomo Point for Town Counsel, who has, subsequently, issued an opinion regarding the quantum of vote necessary to pass the bridge lease article at Town Meeting. In the *opinion of Town Counsel*, a simple majority vote will be sufficient.

Mr. Zubricki informed those present that the Selectmen have voted to contract for appraisals for Conomo Point properties and hope to have the appraisals before the Town Meeting.

Mark Lynch, Chair of the Conomo Point Planning Committee, said that member Susan Coviello has been developing a paper containing Frequently Asked Questions about Conomo Point and she expects to have it compiled and ready for discussion by the end of the week.

There being no further items for discussion regarding Conomo Point, Susan Coviello, Kim Drake, Sue Lufkin, Mark Lynch, Mark Osburn, Richard Ross, Andrew St. John, Jeff Soulard, and Jim Witham left the meeting.

The Selectmen reviewed a copy of their position paper that Andrew St. John had annotated and returned to them as he left tonight's meeting. A motion was made to accept some of the revisions he had suggested. The motion was moved, seconded, and unanimously voted to approve the *Revised Statement of Position regarding Conomo Point*.

Draft Town Meeting Motions: Mr. Zubricki said that the use of an "overflow" room is being considered for the Annual Town Meeting. He will check with Town Counsel as to whether it is only necessary to have audio in the overflow room, not video as well. He reviewed the *draft Town Meeting motions* and said that articles 12, 14, 22, and 32 will more likely than not be postponed as no longer being needed. The Selectmen said they would review the motions and inform Mr. Zubricki regarding which motions each Selectmen intends to present.

In other business, a motion was made, seconded, and unanimously voted to grant a request from the Essex County Velo Cycling Club to pass over Essex Roads during their Time Trial Series on June 1, 8, 15, & 29, and July 13, 20, & 27, and August 17 between the hours of 6:00 and 7:00 p.m.

A motion was made, seconded, and unanimously voted to grant a request from the American Diabetes Association to pass over Essex Roads during their annual North Shore Tour de Cure on Sunday, May 22, 2011 between the hours of 7:00 a.m. and 3:00 p.m.

A motion was made, seconded, and unanimously voted to accept and sign the Single Precinct Release Forms for the State.

A motion was made, seconded, and unanimously voted to approve a request from Thayer Adams to make repairs to the house at 9 Beach Circle on Conomo Point. Chairman Randall initialed her building permit.

A motion was made, seconded, and unanimously voted and all the Selectmen signed a letter of appreciation to Skip Crocker for his generous donation of materials and labor to build a fishing dock for Centennial Grove.

A motion was made, seconded, and unanimously voted to approve a request from the Board of Health to use Centennial Grove for a Youth Triathlon Clinic on Saturday, July 16, 2011, between the hours of 8:00 a.m. and 12:00 noon and to waive the rental fee.

A second motion was made, seconded, and unanimously voted to approve a request from the Board of Health to use Centennial Grove for a Youth Triathlon Clinic on Saturday, August 6, 2011, between the hours of 6:00 a.m. and 1:00 p.m. and to waive the rental fee.

A motion was made, seconded, and unanimously voted to grant permission to the Essex Historical Society and Shipbuilding Museum to build a storage building in back of the schoolhouse that the Society leases from the Town at 28 Main Street.

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

Student Shellfish Licenses:

- Craig Carter
- Ian Richards

Auction Permits:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Antiques & Auctions, for use on Wednesday, April 27, 2011, between the hours of 8:00 a.m. and 10:30 p.m., within the confines of 125 Main Street.

One-Day Wine and Malt License:

- George McCabe, North Shore Bartending Service, for use on Saturday, April 23, 2011, between the hours of 3:00 and 10:00 p.m. within the confines of the Essex Conference and Retreat Center at 1 Conomo Point Road.

One-Day Entertainment License:

- Board of Health for use on Saturday, July 16, 2011, between the hours of 9:00 a.m. and 1:00 p.m., within the confines of Centennial Grove and to waive the license fee.
- Board of Health for use on Saturday, August 6, 2011, between the hours of 9:00 a.m. and 1:00 p.m., within the confines of Centennial Grove and to waive the license fee.

Gravel Pit Permit Renewal:

- David Lane, Curlew Cove Realty Trust for use at 53-57 and Rear John Wise Avenue

The Selectmen were reminded that the next regular Board of Selectmen's meeting will be in the T.O.H.P. Burnham Library on Monday, April 11, 2011, starting at 7:00 p.m.

Mr. Zubricki announced that Deputy Shellfish Constable William Knovak has agreed to place the stakes marking the boundary of the closed winter flats.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:50 p.m.

Documents exhibited during this meeting include the following:

Statement of Position regarding Conomo Point
Opinion of Town Counsel
Revised Statement of Position regarding Conomo Point
Draft Town Meeting Motions

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell