

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

July 11, 2011

Present: Chairman Jeffrey D. Jones, Selectman O'Donnell, Selectman Gould-Coviello, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Gloucester Daily Times Reporter Dyke Henderson, Bruce Allen of Peabody, Sarita Moore of Cogswell Court, and Steve Cuthbertson of Middle Road.

The Chairman called the meeting to order at 7:00 p.m. in T.O.H.P. Burnham Library and announced that the meeting was being recorded and that the Board would hear Public Comment.

Sarita Moore came forward and said that she and several residents are extremely upset that the beach at Centennial Grove is closed weekdays from 9:00 a.m. to 1:00 p.m. during the time that it is in use by the YMCA sponsored summer youth program at the Grove. She asked the Selectmen to reconsider their contract with the YMCA and said that she would like to initiate a petition to support unlimited beach access by Town residents during the weekdays. The Selectmen said that they would take her suggestion under advisement and Sarita Moore left the meeting.

Bruce Allen of Peabody came before the Selectmen to request a waiver of the application deadline for non-resident, non-commercial clamming permits for both himself and his brother (Bradford Allen of Georgetown, MA) sponsored by Russell Jordan. He said that his brother had fallen recently and was unable to attend tonight's meeting. Both brothers do not live in Town and were unaware that the regulations for obtaining permits were recently changed. A motion was made, seconded, and unanimously voted to waive the application deadline for the brothers and the Selectmen signed their approval of their applications. Mr. Allen asked that the permits be mailed to both he and his brother when they are completed by the Town Clerk. He thanked the Selectmen and left the meeting.

The Selectmen reviewed a request from Leonard Capello of Manchester, MA, to waive the application deadline for a non-resident, non-commercial permit. Mr. Capello is being sponsored by Josh Collens and was unable to attend tonight's meeting. His application noted that he was uninformed that the Town's regulations had been changed. A motion was made, seconded, and unanimously voted to waive the filing deadline for Mr. Capello and the Selectmen signed approval of his application.

Mr. Zubricki began his presentation of his Town Administrator's Report for the period June 18th through July 8th, 2011 regarding the following:

Conomo Point Design Services Subcommittee: The Selectmen agreed that they would discuss their wishes for the future direction and focus of the Conomo Point Planning Committee at their next meeting and with the Committee at a joint meeting on Thursday, July 28, 2011.

Paglia Park Permitting: Mr. Zubricki said that it had been suggested that the proposed Paglia pocket park could be combined with another piece of land that is privately owned and is the site of the only surviving spar pit in Town. The pit was used years ago to soak timbers to be used in

the construction of many, many boats and schooners, etc. that were built in Essex over the Town's 200-year boat building history. The Selectmen agreed that Mr. Zubricki should ask DeRosa Environmental, the firm to be hired by the Town to assist with the permitting for Paglia Park, to also look at the spar pit land and advise the Town as to the feasibility of placing a boardwalk or monument on the property. The Selectmen were also interested in understanding how the American Disabilities Act requirements would affect the design for a boardwalk. No work on the Paglia site or the spar pit site will occur until after Selectman O'Donnell conducts a survey of topography in the area.

Police Chief Peter G. Silva and Tom Berube joined the Selectmen. Chief Silva introduced Mr. Berube to the Board and said that Mr. Berube has worked for the Town for the past 7 months on a part-time basis as an assistant Harbormaster and as a dispatcher. The Chief reviewed Mr. Berube's background and accomplishments and said that he would like to recommend that the Selectmen appoint Mr. Berube to the non-paying, part-time training position of Special Police Officer. A motion was made, seconded, and unanimously voted to appoint Mr. Berube to the position of Special Police Officer. The Selectmen signed the appointment card and congratulated Mr. Berube. The Chief and Mr. Berube left the meeting.

Mr. Zubricki resumed the presentation of his report.

Manchester Essex Rotary Club Sponsorship of Pocket Park: Mr. Zubricki said that the Manchester Essex Rotary Club has offered to sponsor one of the proposed pocket parks. The sponsorship might include maintenance and beautification such as benches and plantings. The Selectmen thought that the Village pocket park might be a likely candidate for the sponsorship and suggested that the Rotary Club should discuss their offer with the owner of the Village Restaurant which abuts the pocket park. The Village Pocket Park will be on State-owned land.

Conomo Point Appraisal Services RFP: Mr. Zubricki discussed an addendum to the RFP of an additional evaluation point regarding the proposer's anticipated completion date of the scope of services contained in the RFP. A motion was made, seconded, and unanimously voted to ratify the inclusion of the addendum to the RFP.

Mr. Zubricki reported that *two firms had submitted proposals* in response to the Town's recent request for appraisal services at Conomo Point. The Selectmen acknowledged that they had reviewed the proposal packages from each firm. After some discussion, the Selectmen agreed to rate the two proposals as follows:

<u>Category</u>	<u>Tyburnski Appraisal Corp.</u>	<u>LPC Commercial Services</u>
Experience	Highly Advantageous	Highly Advantageous
Plan of Services	Highly Advantageous	Advantageous
Comparable Exp.	Advantageous (A+)	Advantageous (A-)
Completion Date	Highly Advantageous	Highly Advantageous

Based on the ratings of the two firms, a motion was made, seconded, and unanimously voted to declare the proposal submitted by Tyburski Appraisal Corp. as being more advantageous to the Town than the one submitted by LPC Commercial Services.

Mr. Zubricki proceeded to open each firm's sealed cost proposal. Each cost proposal included both an estimate for Individual Appraisals **with** Interior Inspections and an estimate for Individual Appraisals **without** Interior Inspections. Both cost proposals submitted by Tyburski Appraisal Corp. were within the sum of money appropriated at the Annual Town Meeting for the appraisal services and were approximately 1/3 the cost of the proposals submitted by LPC Commercial Services. Mr. Zubricki, acting in his capacity as the Town's chief procurement officer, designated the Tyburski Appraisal Corp. proposal as the most advantageous proposal received, considering both technical merit and price. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to extend an offer awarding the appraisal contract to Tyburski Appraisal Corp. A further motion was made, seconded, and unanimously voted to sign the appraisal contract outside of a Selectmen's meeting as soon as it is approved and signed by Mr. Tyburski.

Potential Purchase of Lahey Clinic Building: Mr. Zubricki reported that the owner of the Lahey building was willing to defer any action with the building until the Town could obtain Town Meeting approval to use and/or acquire the building as a temporary facility for Town offices. He also discussed the extent to which the Town could legally request pre-purchase renovations to the property. The Selectmen discussed the advantages of acquiring the building and a motion was made, seconded, and unanimously voted to include a warrant article at the next Town Meeting (likely to be in November 2011) to purchase the Lahey building for use by the Town, subject to the recommendation of the Town Building Committee.

Fiscal Year 2012 School district Budget: The Selectmen agreed that they were comfortable with the FY2012 school budget which had been recently revised as a result of the failure to pass an over-ride in Essex.

Second Preliminary Subdivision Plan Review Meeting: Mr. Zubricki said that the Planning Board will be continuing their discussion of the proposed subdivision plan for southern Conomo Point at their next meeting on July 20, 2011. The Selectmen have been posted for this meeting and may attend if interested. Mr. Zubricki said that he will forward to the Planning Board Chair his summary of Town Counsel's response to questions asked by the Planning Board during their last meeting.

(Mr. Henderson from the Gloucester Daily Times left the meeting.)

One of the questions regarding the proposed subdivision of the southern section of the Point involves determining the official designation of the roads. The roads have not been designated public roads. At the request of the Board, Mr. Zubricki said that he would ask Fire Chief Daniel Doucette and Police Chief Peter Silva to visit the site and opine on the safety of the roads in their current condition. Selectman O'Donnell said that she would like to be included on the site visit.

Town Counsel has advised that the simplest solution would be to keep the designation of the roads as "private roads" belonging to the Town.

Renewal of Lockup Agreement: A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the Prisoner Lockup Agreement between the Town of Manchester by the Sea and the Town of Essex for the period July 1, 2011 through June 30, 2012.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the FY12 weekly warrant in the amount of \$1,206,631.35.

A motion was made, seconded, and unanimously voted to approve and sign an FY11 warrant in the amount of \$37,288.35.

A motion was made, seconded, and unanimously voted to ratify the approval of the expenditure of \$170.00 on the June 27th, 2011 warrant from the Luther Burnham Fund to Reader Electrical for repairs to the electrical system at the Town Hall.

A motion was made, seconded, and unanimously voted to ratify the exemption from § 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the June 27th, 2011 warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously voted to approve an MGL Chapter 44 § 33B transfer from Election Expenses to Election Salaries in the amount of \$161.75.

A motion was made, seconded, and unanimously voted to approve and sign an FY2011 Reserve Fund Transfer in the amount of \$2,082.50 to be paid to Gloucester Schools Public Transportation for services rendered to the Essex Youth Commission during the summer of 2010.

A motion was made, seconded, and unanimously voted to approve and sign a Reserve Fund Transfer in the amount of \$103.67 for FY2011 street lighting.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the June 20th, 2011, Selectmen's Open Meeting, and the minutes for the July 6th, 2011, Selectmen's Open Meeting.

A motion was made, seconded, and unanimously voted to approve and sign an Agreement between the Town of Essex and Patriot Properties, Inc. to provide assistance to the Board of Assessors.

The Selectmen reviewed a notification from Chief Silva that he will carry over 10 days of vacation from FY 11 to FY 12.

The Selectmen reviewed a *letter from Maureen Appleyard* regarding use of the beach at Centennial Grove. Mr. Zubricki said that there is another Chebacco Lake beach area on Town-

owned land off Red Gate Road that can be used by residents at any time during the day, but also may be used as an alternative during the times that the Centennial Grove beach is in use by the YMCA summer program. The Selectmen asked Mr. Zubricki to ask the DPW Superintendent to mow the path, if necessary, on Red Gate Road to the beach area. There is also a beach area near the Centennial Grove Cottage that may be used by residents during daytime hours.

A motion was made, seconded, and unanimously voted to approve the following requests related to the use of Centennial Grove:

- Approve the use of Centennial Grove by the Church of the Latter Day Saints Church on Saturday, July 30, 2011, between the hours of 11:00 a.m. and 4:00 p.m.
- Vote to waive the rental fee for Centennial Grove on July 30, 2011, in lieu of a project at Centennial Grove by the members of the Church of the Latter Day Saints.
- Approve the use of Centennial Grove by the Italian Community Center for their annual picnic on Saturday, August 20, 2011 between the hours of 11:30 a.m. and 7:00 p.m.

The Selectmen signed an appointment card for Peter Wilson, Deputy Shellfish Constable. His appointment had previously been approved at the Selectmen's meeting on June 20, 2011.

A motion was made, seconded, and unanimously voted to approve a ***request to appoint Robert J. Cameron*** as the Essex representative to the Cape Ann Transportation Company's Board. The Selectmen signed his appointment card.

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

One-Day Auction Permit:

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

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One-Day Wine and Malt Permit:

- Ratify the approval for Teri Eramo, Eventide Art Studio and Gallery, for use on Saturday, July 2, 2011, between the hours of 6:00 and 9:00 p.m. within the confines of 63 Main Street.
- Ratify the approval to change the date on the license granted to the Essex Historical Society and Shipbuilding Museum for the launch of the *Ardelle* to July 9, 2011.
- Italian Community Center for use on Saturday, August 20, 2011 between the hours of 11:30 a.m. and 7:00 p.m., within the confines of Centennial Grove.
- Apple Street Farm, Frank McClelland, for use on Thursday, July 14, 2011 between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.

- Apple Street Farm, Frank McClelland, for use on Friday, July 15, 2011 between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Frank McClelland, for use on Saturday, July 16, 2011 between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.

One-Day Entertainment License:

- Ratify the approval to change the date on the license granted to the Essex Historical Society and Shipbuilding Museum for the launch of the Ardelle to July 9, 2011.
- Italian Community Center for use on Saturday, August 20, 2011 between the hours of 11:30 a.m. and 7:00 p.m., within the confines of Centennial Grove.

The next regular Board of Selectmen's meeting will be on Monday, July 25th, 2011, at 7:00 p.m., upstairs in the Senior Center on Pickering Street.

The Conomo Point Planning Committee will be hosting a joint meeting with the Selectmen at 7:30 p.m. on Thursday, July 28th, 2011 in the Senior Center.

Mr. Zubricki said that the Town has been asked by Senator Tarr to send a letter of support regarding the proposed passage of the Sewer Rate Relief Act. Passage of this act is attempted each year, but so far, has failed. Mr. Zubricki presented a draft *letter of support for the Act* which includes a request that the fiscal year reference in the Act be changed to fiscal year 2005 to include Essex and a request to add the phrase "or extraordinary costs of construction". The Selectmen approved the letter and a motion was made, seconded, and unanimously voted to sign the letter of support.

Mr. Zubricki said that he had recently received a call from Rusty Harnish regarding the tent that he had loaned to the Town last year for use by the Youth Commission. The Town had offered to purchase the tent from Mr. Harnish. Mr. Harnish said that he has no further use for the tent and knows of no one else who is interested in purchasing the tent. The Selectmen said that they would honor their previous commitment to buy the tent.

It was suggested that extra copies of the agendas for the Selectmen's meetings be brought to future meetings to be provided to members of the public who may attend.

Members of the Board of Public Works: Paul Rullo, Scott DeWitt, and Brian Feener, and DPW Superintendent Paul Goodwin joined the Selectmen. Steve Cuthbertson left the meeting.

BPW Chair Scott DeWitt said that his board, after researching the idea, would like to change the sewer regulations to allow a user to go from 3 bedrooms to 4 bedrooms for an additional fee of \$250.00. Currently, there are just under 600 users connected to the Town sewer system out of a possible 800+. The Town is allowed 225,000 gallons discharge per day and is only using about

100,000 gallons. The Selectmen were in favor of the change and Mr. Zubricki said that he would prepare something to be reviewed and approved by Town Counsel for a vote at the next Town Meeting.

On another matter, Mr. Zubricki said that it had come to his attention that the BPW needs to have a Red Flag Policy in place to protect personal information and that he had asked Town Counsel to draft one for review. The BPW said that they have reviewed Town Counsel's draft and gave Mr. Zubricki a simplified, one-page version that they had drafted. Mr. Zubricki said that he would ask Town Counsel to review the revised policy and comment.

Everyone present was reminded that the Town's ten-year, solid waste contract with Covanta will be expiring in 2013 and that the terms of the contract require that the Town notify Covanta one year in advance if the Town does not intend to renew the contract. Superintendent Goodwin said that current rates are more than double what the Town is paying under the existing contract. Town Meeting approval is required for a contract in excess of 3 years. After some discussion, it was agreed by everyone that Superintendent Goodwin and Town Administrator Zubricki, with the help of Town Counsel, would begin working on a new contract agreement to replace the expiring one in 2013.

Scott DeWitt, Paul Rullo, Brian Feener, and Paul Goodwin left the meeting.

At 9:05 p.m., citing the need to discuss the value of real property, pending litigation, and collective bargaining, 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, the Town's litigating strategy, and the Town's bargaining position. The Chairman said that the Board would only be returning to Open Session to adjourn the meeting and invited Mr. Zubricki to attend the Executive Session. 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 9:59 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:

Proposals from Two Firms for Conomo Point Appraisals
Letter from Maureen Appleyard
Request to appoint Robert J. Cameron to CATC
Letter of Support for the Sewer Rate Relief Act

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell