

Selectmen's Minutes
Senior Center

July 25, 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, Board of Health Chair Dr. Driscoll, Board of Public Works Chair Scott DeWitt, Conomo Point Planning Committee Chair Mark Lynch, Council on Aging Chair Keith Symmes, DPW Superintendent Paul Goodwin, Finance Committee Chair Jeff Soulard, Fire Chief Daniel Doucette, Planning Board Chairman Westley Burnham, Essex Parks Improvement Committee Chair Kathy Pennoyer, Town Accountant Roxanne Tieri, Town Clerk Christina Wright, Treasurer/Collector Virginia Boutchie, and Kimberly Ross Smith.

The Chairman called the meeting to order at 7:00 p.m. and announced that the meeting was being recorded and that the Board would hear Public Comment.

Kimberly Ross Smith came before the Selectmen and read a letter asserting that, among many other things, she is the official leaseholder of 138 Conomo Point Road (Map 24, Lot 37) and that the Selectmen should not transfer the leasehold for that property to anyone else. The Selectmen listened to Ms. Smith's statement and comments. The Selectmen said that Town Counsel has been communicating with the leaseholder of record for that property, Gelineau and Kline, the law firm representing the estate of Judith Foley. Ms. Smith said that she needed to be kept informed regarding developments related to 138 Conomo Point Road and 153 Conomo Point Road. She thanked the Selectmen and left the meeting.

Treasurer/Collector Virginia Boutchie came before the Selectmen to request that they approve and sign notes refunding debt service for the ***DPW Barn Serial Note*** in the principal amount of \$152,700.00 and for the ***Pond Street Water Refunding Note*** in the principal amount of \$149,000.00. A motion was made, seconded and unanimously voted to approve and sign both notes. Town Clerk Christina Wright witnessed the Selectmen's and the Treasurer/Collector's signatures on the note documents.

Treasurer/Collector Boutchie reviewed the ***highlights of a recent meeting*** that she had attended of the Essex Regional Retirement Board Advisory Council. The Council had voted for a 3% cost of living adjustment, but voted down a request to increase the base retirement by \$1000. The Selectmen thanked Ms. Boutchie for her report.

Mr. Zubricki presented his Town Administrator's Report for the period July 9th through July 22nd, 2011 regarding the following:

Conomo Point Design Services Subcommittee: Selectman O'Donnell presented a draft she had prepared of proposed guidelines for the ***RFQ for Designer/Engineer Selection*** for Northern Conomo Point Public Access Improvements to be reviewed and commented on by the Selectmen. Mr. Zubricki said that he would gather any comments that Chairman Jones or Selectman Gould-Coviello had and incorporate them into the draft for review at the joint meeting of the Conomo Point Planning Committee and the Selectmen on Thursday. Mr. Zubricki said that

he would also prepare a summary of the procurement options open to the Selectmen for choosing professional assistance in the planning of Conomo Point.

At 7:30 p.m., Chairman Jones opened the quarterly meeting of the Department Heads and Chairpersons of Town Boards and Committees with an update on the Route 133 Reconstruction Project and an update on the status of Conomo Point.

Virginia Boutchie said that the Treasurer/Collector's Office is continuing to work with City Hall Systems to perfect the new software and further adapt it to the Town's specific needs. The most recent refinement of the software allows the Treasurer/Collector's Office to include and accurately label preliminary billing for betterments on the quarterly tax bills. So far, she is enormously pleased with the performance of the new software and the customer support she has received.

Town Clerk Christina Wright reported that she continues to work on creating, establishing and organizing procedures in the Town Clerk's Office. Her most recent efforts involved a campaign to get all dogs in Town licensed. As a result, the number of licensed dogs in Town has almost doubled. However, she estimates that only about half the dogs in Town are now licensed. She is also working on making sure that parking ticket revenue is collected.

Town Accountant Roxanne Tieri said that she is currently working on closing out FY2011 in preparation for the auditors. She said that she also is very pleased with the new software that the Treasurer/Collector has chosen and said that it is a great improvement over what was used in the past.

Fire Chief Daniel Doucette said that there is nothing new to report regarding the Fire Department, although, there is a new leak in the roof that appeared during one of the recent downpours.

Keith Symmes introduced himself as the new chair of the Council on Aging. He said that he has been working with Senior Care to discover and complete the paperwork for grants for which the COA may be eligible. He is also working with Bill Sanborn (who is the ADA Coordinator) and the DPW and Mr. Zubricki to create and clearly mark handicap parking spaces in front of the Senior Center. The group discussed the most effective way to mark the spaces and the Selectmen expressed a desire to refrain from painting the entire area of the spaces blue. He said that he is very pleased that the Town recently funded a part-time position for a Council on Aging van driver and that he is actively looking for candidates to fill the position.

Westley Burnham, the new Chairperson of the Planning Board, said that the PB has just completed a review and approval of the proposed subdivision for southern Conomo Point pending acceptance by the Attorney General of an article that was passed at the Annual Town Meeting to allow the Selectmen to consider plans to sell or lease portions of Conomo Point. (Any action to sell or lease would ultimately have to be approved by Town Meeting.) The Planning

Board is now discussing ideas to modify zoning in the "downtown area" of Town to encourage existing and new business.

Kathy Pennoyer from the Essex Parks Improvement Committee said that the tennis court project is proceeding very well. The Committee managed to secure funding that paid for all the necessary design and engineering services. They plan to hold fundraisers over the course of the winter to raise money for a spring groundbreaking. The first fundraiser is scheduled to be held at the Essex Shipbuilding Museum in August. The Committee has also been working with the Manchester Athletic Club to create learning programs and games utilizing the new courts that are attractive to children. The Committee plans to gift any and all donations to the Town and public procurement laws will therefore govern the construction process.

Mark Lynch, Chairman of the Conomo Point Planning Committee, reminded everyone that the Committee will be meeting with the Selectmen this Thursday to discuss ways the Committee can assist the Selectmen with planning the future of Conomo Point now that most of the Committee's original goals and objectives have been accomplished.

Scott DeWitt said that the Town's contract for waste disposal will be expiring in 2013 and the Board of Public Works has been exploring alternative trash disposal methods. The Board had decided to extend and/or replace a portion of sidewalk on Western Avenue and on Martin Street. However, the bids that were received for the Western Avenue portion were all too high and the Board decided to table that project for the time being. They are still working on the design aspect of the Martin Street sidewalk. They will be using some of the Chapter 90 money allotted to the Town this year to replace a section of guardrail on Southern Avenue.

Finance Committee Chair Jeff Soulard said that his committee will continue to work with the department heads to stretch budget dollars and that they are hoping to have free cash available in the fall to fund some additional items. The Committee is also optimistic that revenue from the new bridge leases for Conomo Point may help alleviate part of the budget crisis.

Board of Health Chair Dr. Dave Driscoll reported that they are busy organizing this year's Youth Triathlon that will take place in August. The Triathlon Clinic was held two weeks ago and was a great success. Dr. Driscoll said that they are looking for volunteers to help, since the primary burden of organizing the event has been carried by the Health Agent. Selectman Gould-Coviello suggested that they contact the school guidance department for volunteers. Dr. Driscoll also mentioned that the Board of Health has been sponsoring public informational forums on lyme disease and mosquito borne diseases, as well as immunization clinics. Recently, the Board of Health has contracted with an independent firm to help them process reimbursement requests from their immunization clinics. The new service has been very effective in reducing the number of requests returned for insufficient information, etc.

Town Building Committee Update: Selectman O'Donnell, who is also the chair of the Town Building Committee, reported that the firm hired to conduct the town building feasibility study has completed phase I and II of their contract. They are currently working on phases III and IV

which comprises evaluating the Town Hall building and the current Fire/Police building. The Building Committee has also been asked to evaluate the Lahey building on Martin Street as a candidate for temporary/permanent space for Town offices. The TBC does not have enough information to respond to that request at this time and it was decided that Mr. Zubricki will schedule another site visit for the professionals on the Committee who have offered to volunteer their services to help inspect and analyze the condition of the Lahey space. Committee members had also commented that the purchase of the Lahey building should be viewed as a permanent home for Town Offices and not a temporary solution.

Selectman Gould-Coviello announced that the Chamber of Commerce/Merchants Group has decided to bring back Essex Pride Week in celebration of the completion of the Route 133 Reconstruction Project.

That completed the quarterly department head/committee chair update portion of the Selectmen's meeting. Chairman Jones thanked everyone for their comments and everyone left the meeting, except for the Selectmen, the Town Administrator and the Selectmen's Assistant.

Mr. Zubricki resumed his Town Administrator's report:

Conomo Point Property Appraisal Contract: Mr. Zubricki reported that the appraisal contract for Conomo Point has been awarded and that the appraisal firm has spent last week and this week becoming familiar with the area. The firm is expected to begin the individual appraisals within the near future. Town Counsel had prepared a *statement regarding the appraisal work* to be issued to the leaseholders, etc. A motion was made, seconded, and unanimously voted to ratify the signature and approval by Chairman Jones of Town Counsel's statement regarding the appraisals at Conomo Point dated July 21, 2011.

Constellation New Energy Successor Electricity Supply Contract: Mr. Zubricki said that the Town's contract with Constellation is due to expire soon and he has been monitoring the rates to determine whether to renew the contract now at a blended rate or to wait until the contract expires and renew for the current rate at that time. He said that he is still collecting information.

Municipal Health Insurance Reform: Mr. Zubricki drew the Selectmen's attention to *two handouts* regarding the recent legislation concerning municipal health care. The Selectmen agreed to review the information for discussion at their next meeting.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$60,026.41.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the July 11th, 2011, Selectmen's Open Meeting, and the minutes for the July 11th, 2011, Selectmen's Executive Session.

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 July 18th, 2011, warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on a Reserve Fund Transfer Request in the amount of \$291.63 for Unemployment Expense for the month of June, FY2011.

A motion was made, seconded, and unanimously voted to approve a request from Neurofibromatosis, Northeast to pass over Essex roads during their Coast to the Cure bike ride on Saturday, September 10, 2011, and to allow them to post arrows marking the route contingent upon their timely removal following the ride's conclusion.

A motion was made, seconded, and unanimously voted to approve the Town's insurance coverage as listed on the Auto Fleet Schedule, the Special Property Coverage Supplement, and the Statement of Values for FY2012.

Mr. Zubricki said that one of the businesses along upper Main Street has asked if lighting conduits would be placed in that section of Main Street as part of the MassDOT Route 133 Reconstruction Project. The original design concept for the project called for conduits in the project zone. However, during the final design process, all conduits had been left out. The Town successfully convinced MassDOT to add conduits back into the project by change order, but the scope was limited to the causeway. The Selectmen asked Mr. Zubricki to ask his representative at MassDOT for an extension of the conduits through the business owner's Main Street section and acknowledged that this would be unlikely at this stage.

The Selectmen reviewed a *letter of thanks from the Essex Historical Society and Shipbuilding Museum* regarding the assistance of various Town departments during the launch of the schooner Ardelle. The Chairman asked that copies of the letter be forwarded to the departments mentioned.

A motion was made, seconded, and unanimously voted to approve the use of Centennial Grove and the Field of Dreams for the Essex Music Festival on Saturday, August 27, 2011, and to waive the associated rental fees.

The Selectmen discussed a request from Dana King, the Essex Music Festival organizer, to allow a rental tent that will be used by the Music Festival to remain at the Grove until the following Monday when it would be picked up by the rental company. The Town cannot assume liability for the tent, however, the Cape Ann Chamber of Commerce has signed the usual hold harmless agreement for use of the Grove and the tent would be included under that agreement. A motion was made, seconded, and unanimously voted to agree to allow the tent to remain at the Grove until the Monday following the Music Festival.

The Selectmen also discussed allowing the Essex Music Festival to use the large room in the Grove Cottage as a performance area only from 12:00 noon to 6:00 p.m. on the day of the Music Festival. Mr. King has offered, in return for permission to use the room, that his group would clean the cottage, including the windows. A motion was made, seconded, and unanimously voted to allow the Music Festival to use the large room at the Grove Cottage. Mr. Zubricki agreed to install a lock for the Grove Cottage bathroom so that no one would be able to access it during the Music Festival. The cesspool at the cottage is not adequate to handle any kind of heavy usage.

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

One-Day Wine and Malt License:

- Katherine Earley for use on Friday, August 5, 2011, between the hours of 7:00 and 11:00 p.m. within the confines of the Shipyard at the Essex Shipbuilding Museum at 66 Main Street.
- Woodman's Inc. for use on Thursday, August 18, 2011, between the hours of 12:00 noon and 10:00 p.m. within the confines of 121 Main Street.
- Essex Music Festival, Dana King, for use on Saturday, August 27, 2011, between the hours of 12:00 noon and 10:30 p.m. within the confines of Centennial Grove, contingent upon a certificate of liability insurance from the Cape Ann Chamber of Commerce to the Town of Essex.

One-Day Entertainment License:

- Katherine Earley for use on Friday, August 5, 2011, between the hours of 7:00 and 11:00 p.m. within the confines of the Shipyard at the Essex Shipbuilding Museum at 66 Main Street.
- Essex Music Festival, Dana King, for use on Saturday, August 27, 2011, between the hours of 12:00 noon and 10:30 p.m. within the confines of Centennial Grove.

Mr. Zubricki reported that it had been brought to his attention by the Essex National Heritage Area, which is affiliated with the National Park Service, that certain land in Essex that had been used for the old train line was for sale and was eligible to be purchased and improved with Community Preservation Funds. The Essex National Heritage Area is advocating the purchase of the land for use as a "Rail Trail". The Selectmen were very much in favor of the idea and asked that Mr. Zubricki continue to seek out additional information regarding the project.

The State Senate Committee that voted for the amended special legislation last fall that will allow the Town to enter into bridge leases with the leaseholders at Conomo Point is requiring that the Town vote again at a Town Meeting to request permission to sell or enter into long-term leases at Conomo Point. The Selectmen and Town Counsel have been petitioning the local legislators for a ruling from Senate Counsel that another Town vote is not necessary. Town Counsel heard last week from Senator Tarr's Office that Senate Counsel will require a new vote. Although the Selectmen would have liked to have gotten a different response from Senate Counsel, the Selectmen were in agreement that Mr. Zubricki should proceed to schedule a Special Town Meeting for September 12, 2011, and should draft the warrant for this STM. The warrant will include an article to reaffirm the vote that was taken at a previous Town Meeting to

seek special legislation exempting the Town from Chapter 30b of the Massachusetts General Laws for all leases or sales at Conomo Point and also such housekeeping articles as may be needed at that time.

On another matter, Selectman O'Donnell mentioned that the Long Term Planning Committee has been discussing, among other items, the advantages of overlay districts and historical districts.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will be on Monday, August 8th, 2011, at 7:00 p.m., in the T.O.H.P. Burnham Library on Martin Street.

At 9:25 p.m., citing the need to discuss pending litigation and the lease of real property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He said that discussing these matters in Open Session would be detrimental to the Town's litigating strategy and detrimental to the Town's lease negotiating strategy. He invited Mr. Zubricki to attend the Executive Session and said that the Board would be returning to Open Session only 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 9:50 p.m.

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

Documents discussed during this meeting include the following:

DPW Barn Serial Note
Pond Street Water Refunding Note
Highlights of the ERRB Meeting
RFQ for Designer/Engineer Selection
Statement Regarding the Appraisal Work at Conomo Point
Two Handouts Regarding Recent Municipal Healthcare Legislation
Letter of Thanks from the Essex Historical Society and Shipbuilding Museum

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello