

**Selectmen's Minutes
Senior Center**

October 22, 2012

Present: Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

At 6:45 p.m., Acting Chair Lisa O'Donnell called the meeting to order and announced that the Board would hear Public Comment. No-one offered any comment.

Citing the need to discuss the lease, sale, and value of real property at Conomo Point and pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249, Acting Chair O'Donnell made a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. She invited Mr. Zubricki to attend the Session and said that the Board would be returning to Open Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session at 6:46 p.m.

The Board returned to Open Session at 7:00 p.m.

85 Conomo Point Road (Map 19, Lot 118): Mr. Zubricki said that the tenants at this property, Gary and Donna Beck, have asked for a time extension to the signature deadline for the Purchase & Sale Agreement to allow them to secure financing. A motion was made, seconded, and unanimously voted to extend their deadline until the end of the calendar year, at which time their needs can be re-assessed.

34 Cogswell Road (Map 19, Lot 11): Mr. Zubricki said that he has been informed by the attorney for Mr. & Mrs. Mores, the tenants at 34 Cogswell Road, that their interested buyer has changed her mind about purchasing the property. Mr. & Mrs. Mores would now like to sign the Purchase & Sale Agreement for this property. A motion was made, seconded, and unanimously voted to extend the signing deadline until October 31, 2012 for this property.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$85,653.50.

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

One-Day Wine and Malt License:

- Teri Eramo, Eventide Gallery, for use on Saturday, October 27, 2012, between the hours of 5:00 and 9:00 p.m. within the confines of the Eventide Gallery.

Auction Permit:

- Michael March, Blackwood March Antiques, for use on Saturday, November 17, 2012, between the hours of 9:00 a.m. and 6:00 p.m. within the confines of 125 Main Street.

The Selectmen were reminded that the Cape Ann Chamber's Congressional Debate and breakfast will be held at Cruiseport Gloucester, from 7:30 to 9:30 a.m. on Friday, October 26, 2012.

The next regular Board of Selectmen's meeting will take place on Monday, October 29th, 2012, at 7:00 p.m. in the Senior Center on Pickering Street.

The Annual Fall Meeting of the Essex National Heritage Commission is scheduled for Tuesday, October 30, 2012, at Smith Barn at Brooksby Farm, 38 Felton Street, Peabody, from 8:00 a.m. to 10:00 a.m.

A motion was made, seconded, and unanimously voted to approve a request by the Paul Russell Company to use the lower parking lot at Centennial Grove for overflow parking on Saturday, November 3rd, 2012, between the hours of 1:30 p.m. and 6:00 p.m. and to waive a rental fee.

A motion was made, seconded, and unanimously voted to waive the application deadline and approve a Senior Commercial Clamming Permit for Ernest L. Doucette of 12 Prospect Street.

The Selectmen were joined by Conomo Point Planning Committee Chair Mark Lynch and members Kim Drake, George Marsh, Jim Witham, John Bediz, Mike Dyer, and Gil Guerin. Also joining the Selectmen were Maria Burnham, the Town's Planning Consultant Nick Cracknell, and representatives from the Brown Sardinia design firm: James Heroux, Sheldon Pennoyer, and Dan Ottenheimer.

James Heroux introduced himself as the head of Brown Sardina and his associates, Sheldon Pennoyer and Dan Ottenheimer (both from other firms). Mr. Heroux handed out copies of his ***power point presentation*** and a ***written response to the three questions*** that had been given to each design firm regarding preliminary ideas and concepts, communication and public outreach, and deliverables. He also spoke briefly about his background and that of his associates and narrated a power point presentation illustrating past projects. He showed pictures of Conomo Point and spoke about the design challenges and strengths of the site. Both Mr. Pennoyer and Mr. Ottenheimer used to live in Essex and were familiar with the history of Conomo Point. The team also understood the constraints placed on the Town by the Department of Environmental Protection and had ideas about how these problems might be addressed. After the presentation, the team answered ***three additional questions*** prepared by the Selectmen and the Conomo Point Planning Commission and several questions from the audience. The Selectmen thanked the Brown Sardina team for coming and they left the meeting.

In other business, the Selectmen agreed to postpone discussion of the final location of Harbormaster's shed until their next meeting.

Selectman Gould-Coviello said that the State is currently creating two signs to mark the Town's newly created Cultural District and that the cost to the Town for the signs will be about \$200.00. The Board agreed to use the Town Property line item to cover that cost.

Mr. Zubricki reviewed a letter from Mr. and Mrs. Dennis Burnham requesting permission to purchase a small piece of Town land that abuts their property. Mr. Zubricki said that he will check with the Department of Public Works to see if the land is needed for drainage or snow removal and whether other departments had comments. Eventual sale of the land would have to be approved by a Town Meeting vote and the Board agreed that insufficient time exists to make the November Special Town Meeting. Mr. Zubricki will include this topic for the Annual Town Meeting warrant in May.

Mr. Zubricki reported that based on the recent testing of soil conditions around the Town Hall, the consultant has revised their estimate for waterproofing the Town Hall basement from \$300,000 to about \$236,000. He said that the Finance Committee had originally suggested that the project be financed by asking the Town to vote for an over-ride. The Selectmen suggested that perhaps it could be financed from free cash. The Board agreed to discuss this matter again at their next meeting when members of the Finance Committee will be present.

The Board agreed that, with various matters still in flux, discussion of the Special Town Meeting Warrant for November 19, 2012 and an associated future Special Town Election should be continued to their next meeting. Mr. Zubricki will prepare the November Special Town Meeting Warrant and a Special Town Election Warrant (if necessary) in multiple ways to allow the Selectmen to choose an option after further discussion at their next meeting on Monday, October 29, 2012.

Cynthia Smith of Halvorson Design, along with Mike DeRosa and Howard Snyder joined the Selectmen and those present. Howard Snyder had worked with Taintor Associates a couple of years ago to help them develop their plan for Conomo Point. Ms. Smith spoke about the many projects that she has worked on in the past, several of which included waterfront sites. During her power point presentation, she said that plantings are a good way to define public and private areas. Following the presentation, Acting Chair O'Donnell asked the group the three questions that had been asked of the first team that was interviewed regarding visualization techniques, cost-estimating, and scope, timeline, and budget concerns. Other questions were asked and answered. The Selectmen thanked Ms Smith, Mr. DeRosa, and Mr. Snyder for coming and they left the meeting.

Maria Burnham also left the meeting.

There followed a brief discussion among those present of the rating criteria to be used for evaluating the two design firms. Both Selectmen and the three designated members of the Conomo Point Planning Committee stated their opinions regarding each on the candidates. Following that, the remaining members of the CPPC and Nick Cracknell also commented on the interviews. Everyone was in agreement that the design contract should be awarded to Brown

Sardina. A motion was made, seconded, and unanimously voted by both Selectmen and designated CPPC members Kim Drake, Mark Lynch, and George Marsh, to give the contract to Brown Sardina. Mr. Zubricki said that he would notify each design firm of the Town's decision and forward a contract to Brown Sardina for review.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:25 p.m.

Documents used during this meeting include the following:

Power Point Presentation by Brown Sardina

Written Response to the Three Questions by Brown Sardina

Three Additional Questions

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell