

**Selectmen's Minutes
Teachers' Lounge
Essex Elementary School**

November 19, 2012

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Assessor Barry Ewing, Assessor Kurt Wilhelm, and Mr. Alfred Landry.

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School and announced that the Board would hear Public Comment. Mr. Alfred Landry stated that he had not understood that the deadline for his Purchase & Sale Agreement for 96 Conomo Point Road was November 19 and requested one additional week to allow his son-in-law, who is an attorney, to review the document with him. A motion was made, seconded, and unanimously voted to allow Mr. Landry a one-week extension through November 26, 2012 and to countersign Mr. Landry's Purchase & Sale Agreement outside of a meeting after its receipt and confirmation by Town Counsel that no substantive changes are present in the final document.

The Chairman entertained a motion to open a Public Hearing to adopt a Residential Factor for the Town. The motion was moved, seconded, and unanimously voted. The two Assessors present also voted to open the hearing. The Chairman asked Assessor Wilhelm to present an opening statement and Mr. Wilhelm explained the reasons for adopting a residential factor and how it works. Mr. Wilhelm said that the Board of Assessors is recommending the adoption of a residential factor of 1 (one), a single tax rate. The Chairman asked if anyone else wished to comment and no one did. A motion was made, seconded, and unanimously voted to close the hearing. The two Assessors present also voted to close the hearing. A motion was made, seconded, and unanimously voted to adopt a residential factor of 1 (one) and the Selectmen signed the appropriate document provided by the Assessors. A second motion was made, seconded, and unanimously voted to authorize an electronic sign-off on the levy limit when the final information becomes available. Mr. Ewing and Mr. Wilhelm thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 3rd through November 16th, 2012 regarding the following items:

Renewal of Annual Code Red Reverse 911 System Contract:

Mr. Zubricki explained that the Town had entered into a new, standardized contract with Code Red last year that only requires a letter of renewal for each new year. The cost for Code Red is fixed at the original price and no changes from last year's Town Counsel-approved contract were made. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the ***Code Red renewal letter*** for the upcoming calendar year.

Town Hall Renovation Design Choices:

Mr. Zubricki presented to the Board a ***table that had been prepared by Meyer & Meyer*** summarizing the various costs for design of Town Hall/Library improvements versus the projected construction cost of each. The Board agreed that additional information should be sought from the firm in time for the

Town Building Committee Meeting of November 26, 2012 in order to get an opinion from that Board regarding where design dollars should be focused.

Northern Conomo Point Planning & Design Contract Kickoff:

Mr. Zubricki explained that the Conomo Point Planning Committee will meet on November 29, 2012 to arrive at the final contents of a public forum regarding northern Conomo Point Planning that will be held on December 6, 2012 at 7:30 p.m. at the school. Consulting designer Brown Sardina will be present on the 29th to get final guidance from Town officials regarding how to structure the public forum. The Board asked Mr. Zubricki to record and release a Code Red message advertising the forum one week before and also two days before the forum. The forum will also be advertised in the Gloucester Times via a feature story, on the Town sign board, and on the Town website.

Successor Solid Waste Disposal Agreement:

Mr. Zubricki explained that the subject Agreement was to have been signed and delivered to the Town by Covanta in time for the present meeting. However, that did not occur. A motion was made, seconded, and unanimously voted for the Board to sign the successor Covanta solid waste agreement outside of a meeting, once received and reviewed against Town Counsel's final comments.

Management of Sale of Conomo Point Property Proceeds:

Mr. Zubricki presented to the Board the *Treasurer's plan for managing the sale proceeds for southern Conomo Point properties* for the first year. The Board was in agreement with her plan, which includes: depositing all proceeds into the Sale of Real Estate Fund (as required by the General Laws); holding the funds in CD's since CD's do not carry any risk of market-related loss; and purchasing CD's in multiple amounts of \$245,000 each to take advantage of full insurance on all funds. Mr. Zubricki pointed out that he and the Treasurer had reviewed the Department of Revenue bonding requirements for municipal Treasurers and had determined that the Treasurer's present bond amount is more than adequate to cover the expected sale proceeds, along with funds handled in the course of her regular duties.

Additional Review of Draft FY14 Capital Budget Plan:

The Board had no additional comments regarding this plan (introduced to them by Mr. Zubricki at the last meeting) at this time and asked that the Town Building Committee discuss the building-related plan elements at its next meeting on November 26, 2012.

Finalization of Town Meeting Motions:

Mr. Zubricki reviewed the various motions for the Special Town Meeting and Chairman Jones and Selectman Gould-Coviello decided to exchange the reading of several motions.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$61,538.72.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 5th, 2012, Open Meeting and for the November 5th, 2012, Executive Session.

A motion was made, seconded, and unanimously voted to approve the *recommendation by the Historical Commission Chair Richard Stevens* to appoint Joseph Bourneuf to a vacancy on the Historical Commission. The Selectmen signed the appointment card.

The Selectmen considered whether additional Cultural District signage was needed and a motion was made, seconded, and unanimously voted to approve the acquisition of two more signs, if it is confirmed by those planning the District that these will be necessary. It is possible that the signs are more related to demarcating the boundaries of the District as opposed to directing people to the District, in which case two signs will suffice.

A motion was made, seconded, and unanimously voted to approve a request from Joseph K. Cellucci, Manager of J.T. Farnham's, to close for cleaning and repairs from Monday, November 26, 2012 through February 28, 2013.

A motion was made, seconded, and unanimously voted to approve a request from James Stavros, Manager of Cape Ann Golf Course, d/b/a Fairway Pub, to close for cleaning and repairs from December 1, 2012 through March 15, 2013.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, December 3rd, 2012, at 7:00 p.m. in the Library on Martin Street.

A motion was made, seconded, and unanimously voted to countersign Purchase and Sale Agreements for:

- Jean A. Appeltofft, 5 Cogswell Road, Map 19, Lot 49
- Richard C. Tofuri, 4 Town Farm Road, Map 19, Lot 35

A motion was made, seconded, and unanimously voted to countersign the Purchase and Sale Agreement for Sarah W. & Kristen Wainwright, 8 Sumac Drive, Map 19, Lot 17 outside of a meeting after its receipt and confirmation by Town Counsel that no substantive changes are present in the final document.

Mr. Zubricki explained that no property deeds will be ready for signature at this meeting since Town Counsel and various closing attorneys representing various buyers are still working out the final deed language.

The Board considered the potential assignment of the Bridge Lease and Purchase & Sale Agreement for 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli. At this time, the executrix for the estate has requested an extension of time to continue to allow the buyer of the rights to arrange for financing. A motion was made, seconded, and unanimously voted to extend the signing deadline for this property through December 3, 2012.

The Board considered the potential assignment of the Bridge Lease and Purchase & Sale Agreement for 11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein. At this time, the tenant has requested an extension of time to continue to allow the buyer of the rights to arrange for financing. A motion was

made, seconded, and unanimously voted to extend the signing deadline for this property through December 3, 2012.

At 7:00 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; and, a potential easement over Town land for the benefit of Demeter, Map 3, Lot 19, Southern Avenue; 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 negotiating and litigating strategies and invited Town Administrator Zubricki and Town Counsel Corbo to attend the session. He also informed those present that the Board would be returning to Open Session to attend the Special Town Meeting at 7:30 p.m. The motion was moved, seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session and all other persons left the room.

The Board returned to Open Session at 7:28 p.m.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting and move to the Cafetorium to attend the Special Town Meeting at 7:30 p.m.

Documents used during this meeting include the following:

Code Red Renewal Letter

Meyer & Meyer Cost Table

Treasurer's Plan for Managing Southern Conomo Point Proceeds

Recommendation by the Historical Commission Chair Richard Stevens

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Lisa J. O'Donnell