

**Selectmen's Minutes
Library**

December 17, 2012

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Clerk Christina Wright, Shellfish Advisory Commission member Jim Haskell, Conomo Point tenants Ida and Robert Doane and Steve Cuthbertson, and Gloucester Daily Times Reporter James Niedzinski.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. No one offered any comment.

Mr. Zubricki said that Town Counsel, Katie Klein, had forwarded the following deeds that have been agreed to by Town Counsel and counsel for the tenants:

- Donna & Gary Beck, 85 Conomo Point Road, Map 19, Lot 118
- Louis V. & Paige C. Bertocci, 3 Town Farm Road, Map 19, Lot 45
- Stephen L. & Alison R. Bryer, 6 Town Farm Road, Map 19, Lot 36
- Jonathan D. & Cynthia F. Calder, 28 Cogswell Road, Map 19, Lot 12
- Jonathan D. & Cynthia F. Calder, 90 Conomo Point Road, Map 19, Lot 34
- Robert, Ida, Daniel P., and Darlene Doane, & Deborah Sutherland, 10 Town Farm Road, Map 19, Lot 38
- Laurinda, Eric, Brian, & Erica Durie, 87 Conomo Point Road, Map 19, Lot 117
- Mary Lewis & Margaret Sydlowski, 33 Cogswell Road, Map 19, Lot 28
- Daniel Mayer, 6 Sumac Drive, Map 19, Lot 16
- Daniel Mayer, 12 Town Farm Road, Map 19, Lot 40
- Daniel Mayer, 98 Conomo Point Road, Map 19, Lot 56
- Glenn S. & Heather D. Mores, 34 Cogswell Road, Map 19, Lot 11
- Christopher Osburn, 22 Cogswell Road, Map 19, Lot 14
- Kathleen P. Simpson, 86 Conomo Point Road, Map 19, Lot 33
- Sharon & Michael Tardie, 10 Robbins Island Road, Map 19, Lot 61

The deeds for the above properties are now ready for signature, and a motion was made, seconded, and unanimously voted to approve and sign these deeds. The signing was notarized by Town Clerk Christina Wright, who verified that the Selectmen were acting on their own free act and deed.

Mr. Zubricki also reported that the Installment Agreements for sale of two southern Conomo Point properties leased by elderly tenants were also ready for signature and a motion was made, seconded, and unanimously voted to sign installment agreements for these two properties:

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

The signatures on these documents were also notarized by Christina Wright.

Mr. Zubricki said that the deed for the property that was purchased by the Brenneman Trust, 9 Cogswell Road, Map 19, Lot 51, had gotten lost in the mail between Town Counsel, and the Brenneman's Counsel. A motion was made, seconded, and unanimously voted to sign a new deed, which was also notarized by Christina.

The Selectmen thanked Christina for notarizing all the deeds and she left the meeting.

Selectman Gould-Coviello said that she would like to move to approve a written request for the assignment of both the leasehold and the offered Purchase & Sale Agreement for the property at 8 Sumac Drive (Map 19, Lot 17) from Sarah W. Wainwright and Kristen Wainwright to Kristen Wainwright and Richard Harriman pursuant to Article VIII, Section 1 of the Bridge Lease and Paragraph 21 of the Purchase & Sale Agreement for said property with the caveat that said Bridge Lease expires by its term on December 31, 2012 or any subsequent extension granted by the Conomo Point Commissioners, that said Purchase & Sale Agreement expires by its term or any subsequent extension granted by the Conomo Point Commissioners, and that nothing in this vote should be construed as an extension of said Bridge Lease or Purchase & Sale Agreement or an alteration of any of the terms contained therein; that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by Sarah W. Wainwright and Kristen Wainwright. The motion was moved, seconded, and unanimously voted.

Another motion was made, seconded, and unanimously voted to countersign the Purchase and Sale Agreement for Kristen Wainwright and Richard Harriman, for 8 Sumac Drive, Map 19, Lot 17.

A motion was made, seconded, and unanimously voted to authorize Town Counsel Katie Klein to execute on behalf of the Town, any and all ancillary documents related to closings at southern Conomo Point, including, but not limited to, settlement statements, and other instruments necessary to effectuate said conveyances (not including deeds, purchase and sale agreements, and/or other instruments establishing the terms of said transactions), and to ratify any and all acts by Attorney Klein to date authorized hereunder.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$601,856.50.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 3rd, 2012, Open Meeting and the December 3rd, 2012, Executive Sessions I and II.

Mr. Zubricki said that the Girl Scouts have taken over the bottle recycling center at the transfer station. It used to be managed by the Boy Scouts, who gave it up a few years ago. The Selectmen were in agreement that Code Red could be used to announce the new hours of operation at the transfer station starting in January and the announcement would also mention that the recycling center is now being operated by the Girl Scouts.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on the application for a *commercial saltwater fishing permit for the Town*.

A motion was made, seconded, and unanimously voted to approve a *request from the American Diabetes Association* to pass over Town roads during their annual Tour de Cure cycling event on Sunday, May 19, 2013.

A motion was made, seconded, and unanimously voted to approve a recommendation from the Shellfish Advisory Board to open the winter clam flats on January 3, 2013.

Mr. Zubricki began his presentation of the Town Administrator's Report for the period December 1st through December 14th, 2012 regarding the following:

First Northern Conomo Point Future Design and Planning Forum: Mr. Zubricki reported that the Conomo Point Planning Committee had met twice recently: once, for a working meeting, and once to host a public forum about Conomo Point with the Town's design consultant, Brown Sardina. An email address has been set up to receive ideas and questions about Conomo Point. Mr. Zubricki said that he will monitor the mailbox and respond to the questions about facts and policy that has already been set. All other input and questions will be referred to the Selectmen and the Conomo Point Planning Committee. Mr. Zubricki said Mark Lynch, the CPPC Chair, would like to schedule a working meeting for January 10, which would be followed by another public forum on January 17th.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki reminded the Selectmen that every year at this time, they review his past performance for the past calendar year and help him formulate goals for the new year. He handed out a rating form for the Selectmen to consider. The Selectmen's comments will be collected and Chairman Jones will review their comments with Mr. Zubricki at a future date.

Selectman Gould-Coviello offered to be the Selectmen's representative for collective bargaining with the Police union, EPBA. She is already the Selectmen's representative for AFSCME bargaining.

Future Federal Channel Realignment: Mr. Zubricki said that both he and Selectman O'Donnell had met recently with Ed O'Donnell of the Army Corps of Engineers to discuss the procedures to reconfigure the Essex River Channel. Mr. O'Donnell explained that the Corps would not consider dredging the channel until all the encroachments have been removed from the area. Based on maps, supplied by Mr. O'Donnell, there are numerous encroachments on the Essex River Federal channel. It was suggested that perhaps a consulting engineering firm, such as Vine Associates, could be hired to help with the project. The Town may also qualify for government funding for this project. Vine Associates, who is helping the Town with the causeway boardwalk project, has said that they will provide a change order proposal to expand the boardwalk project

to include pocket dredging and the addition of floats for boat tie-up along the proposed boardwalk.

Asbestos Management Plan for Fire Station: Mr. Zubricki reported that the preliminary analysis of the Fire Station has revealed some asbestos in the glazing around the windows and some in the roof. The Selectmen discussed using the Reserve Fund to remove the asbestos from the windows, if the final report deems that necessary. It was agreed that the total amount of asbestos in the building should be assessed first to determine whether or not it would be economically feasible to proceed with the entire building or to just do one piece at a time, versus potentially waiting until demolition, if that course of action should occur in the future.

Manchester Essex Regional School District Tentative Budget Hearing: Mr. Zubricki said that both he and Finance Committee Chairman Soulard had attended the recent budget meeting at Manchester Essex Regional High School. Future meetings and a public forum are planned for January 2013.

DEP Quarterly Report: Mr. Zubricki reported that he had completed the next installment of the Quarterly Report to the Department of Environmental Protection. A motion was made, seconded, and unanimously voted to distribute the report.

Potential Eagle Scout Project: Mr. Zubricki said that an eagle scout candidate has requested permission to redo and reorganize the files and artifacts that are stored in balcony area of the Town Hall. The Selectmen were in favor of the idea and Mr. Zubricki said that the candidate will now approach his counselor to seek to get it accepted as a valid eagle scout project.

Draft FY14 Selectmen's Operating Budget Request: Mr. Zubricki said that he has prepared a draft of the proposed *Selectmen's operating budget* for the next fiscal year and reviewed the changes that he had made from the current fiscal year numbers.

Continued Review of Draft Capital Budget Plan: Mr. Zubricki went on to review the current revision of the *capital budget plan*.

Mr. Zubricki reminded the Selectmen that every year in December, the Selectmen set the date for the Annual Town Meeting. Subsequently, a motion was made, seconded, and unanimously voted to set the date for the Annual Town Meeting for Monday, May 6, 2013, starting at 7:30 p.m. at the Essex Elementary School. A motion was made, seconded, and unanimously voted to open the Warrant for the Annual Town Meeting and to accept articles for inclusion in the Warrant until 3:00 p.m. on Monday, March 4th, 2013. And, a motion was made, seconded, and unanimously voted to accept reports for the Annual Town Report until noon on Monday, February 4th, 2013.

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

All Alcohol Package Store License Renewals:

- CPM Investment Group, Inc., d/b/a Essex Wine & Spirits, Vincent Marano, Manager, at 91 Main Street

All Alcohol Restaurant License Renewal:

- Blue Marlin Grille, Inc., d/b/a Blue Marlin Grille, Allen W. Matthews, Manager, at 63 Eastern Avenue

Wine and Malt Package Store License Renewal:

- Chanty, Inc., d/b/a Richdale, Peter A. Panagoplos, Manager, at 156 Main Street
- SC Market, Inc., d/b/a Schooner's Market, Arian Litton, Manager, at 121 Eastern Avenue

Antiques License Renewals:

- Richard Bevilacqua, Essex Antiquarians, at 165 Main Street, pending payment of back taxes
- Michael Bider, Bider's Antiques, Home, Camp & Cottage, at 67 Main Street
- Debbie & Alfred Brosch, Brosch Antiques, at 143 Main Street
- Fred Grobe, White Elephant Outlet, at 101 John Wise Avenue
- Fred Grobe, White Elephant Shop, at 32 Main Street
- Dana Guarnera, Ro-Dan Antiques, at 69 Main Street
- Ellen Neily, Ellen Neily Antiques, at 157 Main Street
- David Neligan, David Neligan Antiques, at 38 Main Street
- Ann C. Orcutt, Anntiques, 2 R Martin Street
- Donna-Lee Young Rubin, Ruby Manor Antiques & Fine Arts, at 144 Main Street
- Alexander Westerhoff, at 18 Eastern Avenue
- Nicholas & Barbara M. Zakas, Zakas Antiques, at 149 Western Avenue

Class II License Renewals:

- Charles F. Coles, Jr. & Mark Gallagher, Dynamic Auto Brokers, at 14 Laurel Lane
- Stanley E. Collinson, III, Wheelworks, Inc., d/b/a Gaybrook Garage, at 152 Western Avenue
- Stephen Monell, Foreign Auto Enterprises, at 171 Eastern Avenue
- Steven Pascucci, Cape Ann Auto Body, Inc., at 19 Grove Street
- Paul Russell, Gullwing Service Co., Inc., d/b/a Paul Russell and Company, at 106 Western Avenue

Common Victualler's License Renewals:

- Captain Dusty's Inc., d/b/a Captain Dusty's Ice Cream, John Bartlett, Manager, at 121 Eastern Avenue
- Chanty, Inc., d/b/a Richdale, Peter A. Panagoplos, Manager, at 156 Main Street
- CPM Investment Group, Inc., d/b/a Essex Wine & Spirits, Vincent Marano, Manager, at 91 Main Street

- Essex Conference & Recreational Center, Stephen Gersh, Manager, at 1 Conomo Point Road
- Essex River Cruises & Charters, Clifford Amero, Manager, at 35 Dodge Street
- Essex Seafood , Howard Lane, Manager, at 143 R Eastern Avenue
- P and G Cookout, d/b/a P and G Cookout, Greg Mahoney, Manager, at 91 Main Street
- SC Market, Inc., d/b/a Schooner's Market, Arian Litton, Manager, at 121 Eastern Avenue
- Village Market, Nelson H. Emmons, Manager, at 1 Martin Street

Innholder's Renewal License:

- Essex Conference & Recreational Center, Stephen Gersh, Manager, at 1 Conomo Point Road

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, January 7th, 2013, at 7:00 p.m. in the Library on Martin Street.

There will be a Joint Meeting of Essex and Manchester Boards of Selectmen and Finance Committees to discuss final FY14 Operating Budget Recommendations on Tuesday, January 22, 2013, in Manchester Essex Regional High School Cafeteria starting at 7:30 p.m.

There will be a Final FY14 Operating Budget Hearing for the school budget on Tuesday, January 29, 2013, in the Manchester Essex Regional High School Auditorium starting at 7:00 p.m.

At 7:56 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of The Town of Essex v. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; and collective bargaining for AFSCME and EPBA; 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, litigating, and bargaining strategies. He invited Mr. Zubricki to attend the session and said that the Board would be returning to Open Session probably around 9:30 p.m. The motion was moved and seconded. Following a unanimous Roll Call Vote, all others present left the Library and the Board moved to Executive Session.

The Board returned to Open Session at 9:13 p.m.

A motion was made, seconded, and unanimously voted to sign a Notice of Intention Not to Renew Bridge Lease for the Landry leasehold at 96 Conomo Point Road, Map 19, Lot 48.

A motion was made, seconded, and unanimously voted to offer an extension of the Bridge Lease and the Purchase and Sale Agreement until January 31st, 2013, for the following southern

property rentals to allow for 2013 sale closings. Extensions require January's rent at the second-year rate and proof of diligence to secure financing and must be submitted to the Town by December 31, 2012.

- Joanne Averay, 14 Robbins Island Road, Map 19, Lot 63
- Stephen L. & Alison R. Bryer, 6 Town Farm Road, Map 19, Lot 36
- Robert, Ida, Daniel P., and Darlene Doane, & Deborah Sutherland, 10 Town Farm Road, Map 19, Lot 38
- Laurinda, Eric, Brian, & Erica Durie, 87 Conomo Point Road, Map 19, Lot 117
- Leah Maher, 13 Town Farm Road, Map 19, Lot 41
- Daniel Mayer, 6 Sumac Drive, Map 19, Lot 16
- Daniel Mayer, 12 Town Farm Road, Map 19, Lot 40
- Daniel Mayer, 98 Conomo Point Road, Map 19, Lot 56
- Glenn S. & Heather D. Mores, 34 Cogswell Road, Map 19, Lot 11
- Marybeth Tirrell, 20 Cogswell Road, Map 19, Lot 54
- Alexander and Cynthia Y. Carco Van Hamersveld and Jonyelle B. Ellis, 89 Conomo Point Road, Map 19, Lot 116
- Sarah W. Wainwright & Kristen Wainwright, 8 Sumac Drive, Map 19, Lot 17

A motion was made, seconded, and unanimously voted to also offer extensions of the Bridge Lease for the following properties. Extensions require January's rent at the second-year rate and proof of diligence to sell the property interest and must be submitted to the Town by December 31, 2012.

- Estate of Hedwig Sorli, Marie McRae, Executrix, 19 Cogswell Road, Map 19, Lot 53
- Joan Brown Herrmann, 92 Conomo Point Road, Map 19, Lot 46
- Bernice K. Lichtenstein, 11 Cogswell Road, Map 19, Lot 52

A third motion was made, seconded, and unanimously voted to authorize the Town Administrator, with the approval of the Chairman, to send out additional extension offers between now and the end of the calendar year, if deemed appropriate.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:20 p.m.

Documents used during this meeting include the following:

Commercial Saltwater Fishing Permit for the Town
Request from the American Diabetes Association
Selectmen's Operating Budget
Capital Budget Plan

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell