

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

January 9, 2012

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

Also Present: Shellfish Advisory Commission member Jim Haskell, Shellfish Constable William Knovak, and Council on Aging Chair Keith Symmes.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment. Shellfish Constable Billy Knovak and Shellfish Advisory Commission member Jim Haskell came before the Selectmen to recommend that the Selectmen open the Winter Clam Flats on Tuesday, January 17, 2012. The Selectmen discussed the idea of staggering the opening of the clam flats and decided that they may revisit that idea again this summer. A motion was made, seconded, and unanimously voted to open the winter clam flats effective January 17, 2012.

On a related matter, Jim Haskell informed the Selectmen that the Shellfish Advisory Commission has not met for the past six months. He said that it is difficult to achieve a quorum and suggested that the Shellfish Constable should also be a member of the Commission. The Selectmen were in favor of the suggestion and said that they would review the bylaw before making a decision. Mr. Haskell and Mr. Knovak thanked the Selectmen and left the meeting.

Keith Symmes, the COA Chair, came before the Selectmen to request their signatures on the Council on Aging Formula Grant contract and application form with the State. A motion was made, seconded, and unanimously voted to sign the contract and the grant application forms. Mr. Symmes said that he would forward a copy of the completed forms to the Selectmen for their records and left the meeting.

Senator Bruce Tarr, Police Chief Peter Silva, Police Inspector Michael French, Officer Tom Shamshak, and several members of former Police Chief Platt's family joined the meeting. Chief Silva spoke about the recent passing of Chief Platt and his great contribution to the Town of Essex. Mr. Platt was Chief of Police in Essex from 1974 until 1991 and hired Chief Silva in 1988 to serve on the Town's Police force. Senator Tarr said that it had been his privilege recently to adjourn the State Senate in memory of Chief Platt. He said that Chief Platt's legacy had been read into the record and a moment of silence held in recognition of Chief Platt. Senator Tarr presented a framed copy of the Senate minutes from that portion of their meeting printed on parchment to the family. Senator Tarr, Chief Silva, Inspector French, Officer Shamshak, and the family then posed for photographs.

Chief Silva said that he wanted to thank Senator Tarr again for his help in obtaining a surplus 15' Boston whaler for the Town to patrol Chebacco Lake. Senator Tarr acknowledged the thanks of the Selectmen and the Chief. Senator Tarr, Chief Silva, Inspector French, Officer Shamshak, and Chief Platt's family left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the warrant in the amount of \$736,240.89.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the December 19th, 2011, Selectmen's Open Meeting and the December 19th, 2011, Selectmen's Executive Session.

A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the Massachusetts Municipal Association Credential Vote Form designating Selectman O'Donnell as the Selectmen's voting representative at the MMA Annual Business Meeting.

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

Antiques License Renewal:

- Ratify the Selectmen's signature of a renewal of an Antiques License for Ann C. Orcutt, AnnTiques at 2 R Martin Street outside of a Selectmen's meeting
- Ratify the Selectmen's signature of a renewal of an Antiques License for Fred Grobe, White Elephant Shop at 32 Main Street outside of a Selectmen's meeting
- Ratify the Selectmen's signature of a renewal of an Antiques License for Fred Grobe, White Elephant Outlet at 101 John Wise Avenue outside of a Selectmen's meeting
- Approve a renewal of an Antiques License for Edna I. Goudreault, Essex Antiques & Interiors at 235 John Wise Avenue
- Approve a renewal of an Antiques License for Alexander Westerhoff at 18 Eastern Avenue

Common Victualler's License Renewal:

- Dimitrios Tegos, Manager, Essex Pizza & Restaurant at 235 Western Avenue
- James Roumeliotis, Manager, DVR Corporation, d/b/a Cape Ann Pizza and Subs at 65 Eastern Avenue

A motion was made, seconded, and unanimously voted to accept a *gift in the amount of \$100* to benefit the Police Department from Edward and Patricia Marchetti.

Through Chief Silva, Mr. Zubricki reviewed a *request from the Coast Guard to place a sign* at Town Landing promoting safe boating classes and vessel inspections. The Selectmen were in favor of the request and a motion was made, seconded, and unanimously voted to approve the request.

The Chairman said that the Board had received on December 21, 2011 a written request to amend the lease still in effect on that date for a leasehold for 187 Conomo Point Road, Map 19, Lot 85, to specifically identify the parties previously known only as the "Webber Children", by deleting that reference and replacing it with the following names: William Webber IV, Peter Webber, Mark Webber, and Lauri Webber, and by making the same change to the Bridge Lease recently signed by Mark Webber (also retaining the name Mark Webber, for a total of four individual names) on behalf of the "Webber Children". According to the written request, the requested amendment does not change any individual's substantive rights with respect to the former lease or the Bridge Lease. Therefore, the Chairman entertained a Motion to acknowledge

the amendment and to issue a new Bridge Lease in the form requested for signature by all parties now identified as being lessees; said acknowledgment containing the caveats that the Selectmen are acknowledging the request on its face value and the Selectmen take no position as to whether and to what extent the parties now named have any legal right to the interest held by the so-called "Webber Children", and any dispute as to the validity of such amendment or the rights of the parties thereto, shall be solely between anyone disputing the validity of the amendment and the parties to the lease and Bridge Lease, who shall be solely responsible for defending their interest in said leases and who shall indemnify and hold the Town harmless for any claims made in connection with this acknowledgment; and further, that this acknowledgment is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by the Webber Children and also that this acknowledgment does not affect the now passed lease expiration date of December 31, 2011. The motion was moved, seconded, and voted unanimously.

The Selectmen were reminded that there will be an informational forum to discuss Conomo Point matters hosted by the Selectmen at the Essex Elementary School on Tuesday, January 17, 2012, starting at 7:00 p.m.

The next Board of Selectmen's meeting will take place on Monday, January 30, 2012, at 7:00 p.m. in the Senior Center on Pickering Street.

There will be a public hearing regarding the MERS proposed FY13 budget on Tuesday, January 31st, 2012, starting at 7:30 p.m. at the Manchester Essex Regional Middle High School.

Finance Committee Chair Jeff Soulard and members Gordon Martin, Richard Ross, and Mark McKenna, Town Accountant Roxanne Tieri, Conomo Point Planning Committee Chair Mark Lynch, Gloucester Times Reporter Stephanie Bergman, and Conomo Point lessees Sarah Cushing and Judd Pratt joined the meeting.

FinCom Chair Jeff Soulard said that his Committee has been meeting with school officials to discuss the proposed FY13 regional school budget. Due to an increase in the Town's population, the Town's share of the regional budget will increase this year. There is another school budget meeting planned for this Friday.

Mr. Zubricki said that out of 121 bridge leases offered to the tenants at Conomo Point, 115 have been signed and countersigned. There are another 3 bridge leases that are being reviewed and may be accepted. The first rental payment under the signed bridge leases is due March 1st, 2012. The lessees will make two quarterly tax payments this fiscal year based on the old method of calculation at 70% of their valuation. Tax payments for FY2013 will be based on 100% of valuation.

The Selectmen, Finance Committee members, and Mark Lynch discussed their plans for the joint informational forum to be held on January 17th at the elementary school. Mr. Zubricki indicated that the Town Moderator would be open to moderating the forum. Selectman O'Donnell

reviewed the order of the topics that will be discussed. A question and answer period will also be included. However, it is hoped that all the information can be presented and discussed within one hour. The Finance Committee said that they are in favor of the bridge leases.

The Finance Committee members adjourned their meeting to a far corner of the Library and Sarah Cushing and Judd Pratt left the meeting.

John Broderick, the owner and manager of Lewis' Oyster House of Essex, joined the Selectmen for the Public Hearing regarding an alcoholic beverage license for his restaurant. The Chairman entertained a motion to open the public hearing and the motion was moved, seconded, and unanimously voted. Mr. Broderick missed the license renewal deadline and the State is now requiring him to submit an application for a new license. No one wished to speak, and a motion was made, seconded, and unanimously voted to close the hearing. A motion was made, seconded, and unanimously voted to approve Mr. Broderick's application for forwarding to the Alcoholic Beverage Control Commission. The Selectmen signed the forms and Mr. Broderick was given the completed package to hand-deliver to the ABCC in Boston on Tuesday. Mr. Broderick left the meeting.

Mark Lynch announced that he would like to have a joint meeting of the Conomo Point Planning Committee, the Selectmen, and the Horsley Witten representative to discuss the focus and provide guidance to Horsley Witten regarding the creation of a proposed subdivision plan for northern Conomo Point. Mr. Zubricki said that he would check the availability of Nick Cracknell for the meeting and it was agreed that a meeting would be posted for Thursday, January 26, 2012, if possible, for both the Selectmen and the CPPC.

On another matter, Mr. Lynch, as president of the Lions Club, said that the Lions would like to find another place for the monument that they had commissioned years ago to commemorate the Town's shipbuilding history. After some discussion, the Selectmen agreed that the best place for the monument is somewhere at the Town Landing. The Selectmen hope to engage the services of a planner to help with the redesign of the Town Landing site which might include as its centerpiece, the strategic placement of the monument. Mr. Lynch thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period December 17th, 2011 through January 6th, 2012:

e-mail Archiving: Mr. Zubricki said that he has found a service that would archive the Town's email for about \$220 per month, including unlimited storage capacity. He will also be asking the City of Melrose if they would be interested in providing a similar service. Currently, the Town's email is backed up each day via a dedicated computer and messages are periodically transferred to DVDs, since the hard drive has limited storage space. Mr. Zubricki also reported that the City of Melrose is seeking a grant to help fund their cloud-based services and has requested a letter of support from the Selectmen. A motion was made, seconded, and unanimously voted to sign the letter of support.

Sponsorship of Downtown Streetscape Features: The Selectmen said that they would like additional time to consider the designs for sponsorship signage suggested in Carolyn Britt's Pocket Park Report. Mr. Zubricki will bring the issue back up in March. Selectman Gould-Coviello said that when Mr. Costello retired from the Cape Ann Chamber of Commerce, he was given a gift of a tree to be planted in each of the Cape Ann communities. She asked the other Selectmen to consider where they would like to see a tree planted.

Update of Appraisals for Southern Conomo Point Properties: The Selectmen discussed the need to update the appraisals for the southern Conomo Point rental properties in time for the Annual Town Meeting in May. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to solicit quotes for the appraisal work. The appraisals will include a valuation for land only and a valuation for land plus improvements. The Selectmen hope to have the report available for discussion by mid-April.

Final Selectmen's FY13 Budget Package: Mr. Zubricki presented a brief overview of the proposed ***FY13 Selectmen's operating budget and 5-10 Year Capital Plan***. A motion was made, seconded, and unanimously voted to forward the budget and capital plan to the Finance Committee for review.

Draft Annual Town Meeting Topics: Mr. Zubricki reviewed the proposed articles to be included in the ***warrant for the coming Annual Town Meeting***.

Essex River Boardwalk Project: Mr. Zubricki said that the DCR will have to approve both Salem State and Vine Engineering as sub-grantees to the Town's Seaport Bond Bill Grant. As a result, the commencement of the study will be delayed until approval is granted. A motion was made, seconded, and unanimously voted to sign a contract outside of a Selectmen's meeting with Vine Engineering and Susan St. Pierre if the need should arise before the next meeting. The Selectmen agreed to keep the Long Term Planning Committee informed regarding the progress of the project.

Cape Ann Emergency Planning Team Meeting: Mr. Zubricki said that he had recently attended a meeting with other Essex officials of the CAEPT and that the group is interested in drafting a Memorandum of Understanding regarding the potential sharing of information in each town's Continuity of Operations Plan.

Historical Site Walking Path Brochure: Mr. Zubricki said that the Selectmen have received a request from the Essex Merchant's Group for a donation towards a brochure that will be created to promote a historical walking tour of the Town. Mr. Zubricki said that there is some money in the Selectmen's advertising budget and the Selectmen could contribute \$100 from it to the brochure. A discussion followed and a motion was made, seconded, and unanimously voted to ask the Finance Committee to provide a \$1000 line item budget to the Historical Commission in FY12 for printed materials that will promote the unique history of the Town.

In other business, Mr. Zubricki said that the Town's insurance carrier has asked the Town to fill out a questionnaire that would enable the insurance carrier to formulate a marine services liability policy for the Town. A motion was made, seconded, and unanimously voted to forward the completed fact sheet to the insurance carrier for analysis and policy quotation.

The Selectmen said that they had reviewed the Town Accountant's successor contract and have no comments. A motion was made, seconded and unanimously voted to approve the contract. They asked Mr. Zubricki to have the Town Accountant sign the contract and return it to them for countersignature.

Selectman Gould-Coviello reported favorably on her interview with the Town Treasurer/Tax Collector. She said that she is doing a great job and deserves a cost of living pay increase and a 3% merit increase. A motion was made, seconded, and unanimously voted to grant both increases to the Town Treasurer/Tax Collector.

Mr. Zubricki said that the Town Clerk has asked for a performance review. Selectman Gould-Coviello volunteered to meet with the Town Clerk.

A question was raised as to whether or not back-lit signs were permissible in Town. Mr. Zubricki said that they are legal, but the size is regulated.

The Selectmen have also received a complaint that someone is living in a trailer on Addison Street. Mr. Zubricki said that the Building Inspector had been working on the matter and that he would ask the Building Inspector for an update.

The Selectmen also asked Mr. Zubricki to ask the Building Inspector about the plastic signs that Essex Wine and Package Store has been displaying.

Mr. Zubricki said that Mr. Barron, a leaseholder on Conomo Point, has requested an appointment with the Selectmen to discuss the terms of his bridge lease which he has not signed. The Selectmen were in agreement that Mr. Barron could meet with them at their January 30th, 2012, meeting at 7:10 p.m.

The Selectmen reviewed some questions that were submitted by Conomo Point Leaseholders.

Mr. Zubricki discussed possible handouts for the informational forum on January 17th, which could include the Conomo Point calendar and the April 1st statement of position by the Selectmen. Selectman O'Donnell will produce an annotated version of the Selectmen's position statement for the forum.

Mr. Zubricki agreed to invite Town Counsel to the February 13th Selectmen's meeting.

Mr. Zubricki reminded the Chairman that it is time to review the Selectmen's Executive Session minutes.

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

Documents used during this meeting include the following:

Gift in the amount of \$100

Request from the Coast Guard to place a Sign

FY13 Selectmen's Operating Budget and 5-10 Year Capital Plan

Warrant for the coming Annual Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell