

Selectmen's Minutes
Senior Center

January 30, 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: Mr. Melvin Barron, Seth Barron, and Randy Barron, Board of Appeals member Ed Perkins, Board of Health Chair Dr. Driscoll, Community Preservation Committee Chair Kim Drake, DPW Superintendent Paul Goodwin, Essex Historical Commission Chair Richard Stevens, Finance Committee Chair Jeff Soulard, Fire Chief Dan Doucette, Planning Board Chair Westley Burnham, Police Chief Peter Silva, Police Sergeant Paul Francis, Town Accountant Roxanne Tieri, and Town Clerk Christina Wright.

Chairman Jones called the meeting to order at 7:00 p.m. in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

Mr. Melvin Barron came before the Selectmen with two of his sons, Seth and Randy. Mr. Barron was the leaseholder of the Conomo Point property at 11 Beach Circle (Map 19, Lot 95) up until December 31, 2011, but elected not to sign a bridge lease for the property. Mr. Barron's son, Seth, said that the family was surprised when they received the bridge lease for 11 Beach Circle that the valuation by the Town's appraiser was so high. After reviewing the appraisal, they found that the appraiser had not noted the fact that the property is in a flood zone. The Barrons felt that value assigned to the property should be reduced significantly due to its location within what they asserted to be Zone V2 on the FEMA Flood Map. The Selectmen thanked the Barrons for this information and they left the meeting.

Mr. Zubricki reported that he had reviewed the Assessors' property card for Map 24, Lot 19 which is currently leased by the Wendells. The card shows Lot 19 as having 8,800 square feet. The Town's appraiser who prepared the appraisals for the bridge leases subtracted 2,800 feet from Lot 19 and added it to Map 24, Lot 18A, since the Assessors had previously combined Lot 18A with Lot 19. Mr. Zubricki said that he would inform Mr. Wendell that the existing bridge lease rents for Lots 18A and 19 were correct and that if Lot 18A were eliminated, that rent would have to be added to Lot 19.

It was announced that the Conomo Point Planning Committee has scheduled a site visit on Saturday, February 4th, 2012 at Conomo Point with Horsley Witten representatives to review the area to be included in Horsley Witten's preparation of a subdivision plan for northern Conomo Point. The group will meet at the Senior Center after the site visit to discuss aspects of the project.

Mr. Zubricki said that no one has appealed the Planning Board's decision to approve the southern Conomo Point subdivision plan. The Planning Board's decision is contingent upon certain alterations being made to the property. It was agreed by the Selectmen that Horsley Witten should be asked to provide site design, construction plans, cost estimates, permitting, and other preparatory work for these alterations. *Horsley Witten has estimated* that their work on this project will cost about \$22,300, and the Selectmen desired to fund the work from line item transfers and a reserve fund transfer. A motion was made, seconded, and unanimously approved

to authorize Mr. Zubricki to seek approval of the necessary transfers and to issue a notice to proceed to Horsley Witten. Mr. Zubricki said that he will be asking Town Counsel for advice regarding the type of customary performance guarantee that is usually required for a project of this type.

Selectman Gould-Coviello reported that she had attended a school budget meeting recently and that the School has managed to reduce their proposed overall budget increase to 2.9%. The Town's apportionment will increase by 3.5%. The Selectmen were reminded that 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. Selectman Gould-Coviello will try to attend, along with Finance Committee Chair Jeff Soulard and possibly another Selectman.

Town Clerk Christina Wright said that there has been a request for the tapes of the Registrars' hearings and she is unable to easily transfer the recordings to CD. Mr. Zubricki said that he has found a patch cord that will allow her to play the recordings and tape them on another machine, using regular-sized cassette tapes. This will keep the original tapes in the Town offices as required by law.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$792,343.68.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the January 9th, 2012, Selectmen's Open Meeting, the minutes for the January 27th, 2012, Selectmen's Open Meeting, and for the January 27th, 2012, Selectmen's Executive Session.

A motion was made, seconded, and unanimously voted to appoint the Shellfish Constable William Knovak to the Shellfish Advisory Commission.

A motion was made, seconded, and unanimously voted to appoint Ed Perkins to the Board of Appeals and to appoint Meg Nelson as an Appeals Board Alternate.

Mr. Zubricki reported that two quotations for the Update of Southern Conomo Point Values had been received and that Tyburski Appraisal Services, Inc. was the lowest quote at \$16,400 (which includes interior inspections). A motion was made, seconded, and unanimously voted to award the contract to Tyburski Appraisal Services, and the Selectmen signed the contract.

A motion was made, seconded, and unanimously voted to accept an *anonymous donation of office furniture* for the newly installed Police trailer.

A motion was made, seconded, and unanimously voted to sign a *proclamation* designating April 15th through April 21st, 2012, as Holocaust Awareness Week.

Selectman O'Donnell said that during one of the seminars she had attended at the recent Massachusetts Municipal Association's Annual Meeting she had learned that some towns set aside 5% of their annual budget into a fund that can be used for large repairs and/or maintenance.

The Selectmen reviewed a proposed *contract with Cartographic Associates, Inc.* for Year 3 of a 4-year digital mapping project, and a motion was made, seconded, and unanimously voted to approve and sign the contract.

The Selectmen reviewed a *resignation letter from Dana King* as Director of the Annual Music Festival. They asked Dr. Driscoll to ask his acquaintances for suggestions for a replacement.

A motion was made, seconded, and unanimously voted to release the Selectmen's Executive Session minutes for April 5, 2010.

The Selectmen reviewed a *Disclosure of Financial Interest* filed by the Shellfish Constable, William Knovak. Mr. Knovak disclosed that in his capacity as Shellfish Constable, from time to time he confiscates clams that have been dug illegally and sells them to a distant relative of his and then gives the check to the Town. The Selectmen did not have any concerns about this disclosure.

The Selectmen considered a *letter from the owner of a property on Wood Drive*, Mr. Paul Cutler, expressing concern regarding the increase in tax assessment for that property. Mr. Zubricki agreed to contact Mr. Cutler and inform him that his letter has been forwarded to the Board of Assessors who value the Town's properties, set the tax rate, and issue abatements.

A motion was made, seconded, and unanimously voted to sign a *Letter of Support* for the Manchester Essex Conservation Trust Grant Application at the recommendation of the Assessors.

A discussion regarding potential increased involvement of the YMCA in after school programs at the Essex Elementary School was postponed to a future meeting of the Selectmen.

The Selectmen also postponed considering a *request to rename the Field of Dreams* at Centennial Grove until the Town could consider the adoption of a "Naming Policy".

Selectman Gould-Coviello left the meeting.

Mr. Zubricki continued his review of the points not already discussed in his Town Administrator's Report for the period January 7th, 2012 through January 27th, 2012:

Short-Term Steam Boiler Recommendation: Mr. Zubricki reported that the mechanical engineer hired by the Town to review the Town Hall heating system, has recommended that the large boiler in the Town Hall be replaced with an oil fired boiler that can be converted to a gas fired burner at a later date. He is also recommending a hydronic system instead of a hot air system. Mr. Zubricki said that he has checked State law with Town Counsel, and the work does not have

to be bid on. It can be awarded to the Town's current heating contractor under the energy conservation statutes. Subsequently, a motion was made, seconded, and unanimously voted to ask the Town's heating contractor to replace the large boiler with an oil fired boiler based on the specifications provided by the consulting mechanical engineer and to authorize Mr. Zubricki to seek the necessary Reserve Fund transfer and to issue a Notice to Proceed to the contractor. The work will be in the neighborhood of \$14,000 to \$15,000.

Update to Essex Continuity of Operations Plan (COOP): A motion was made, seconded, and unanimously voted to approve the updated changes to the Town's Continuity of Operations Plan that were previously reviewed by the Selectmen.

Chairman Jones asked Mr. Zubricki to begin the Department Head quarterly update.

Mr. Zubricki announced that there have been more decisions issued regarding the enforcement of the Open Meeting Law and Town Counsel has prepared some *advisories* regarding the correct procedures to follow and he strongly urged everyone to review and implement the procedures suggested in the advisories. Mr. Zubricki and the Selectmen's Assistant have widely circulated this guidance to other departments.

Chairman Jones said that the Route 133 Reconstruction Project is almost complete and MassDOT is just finishing up the last details. It was noted that the fog lines on the roadway are coming up. Ed Perkins also reported that the "duck bills" that were installed to help during unusually high tides do not seem to be working correctly. Also, he asserted that the actual height of the road over the causeway is lower than it used to be, instead of being higher. Mr. Zubricki and Selectman O'Donnell pointed out that MassDOT would disagree with that assertion and has claimed that the roadway elevation most definitely increased. Mr. Zubricki said that he and Selectman O'Donnell would ask MassDOT about the other issues at their meeting on Friday.

Boardwalk Feasibility Study Update: Mr. Zubricki said that the Department of Conservation and Recreation has approved Salem State University as a subcontractor for the Town's grant from the Seaport Bond Bill. Salem State will be providing a feasibility study for a proposed boardwalk on the causeway and has recommended Vine Associates to help with the engineering design, permitting, etc. Mr. Zubricki said that the next step is to have Vine Associates approved by the DCR. In the meantime, he has forwarded *Vine's proposal* to the Long Term Planning Committee for review.

Revised Draft of Annual Town Meeting Warrant: Mr. Zubricki said that it is anticipated that the Annual Town Meeting will take place on Monday and Tuesday nights. The first night will be devoted to Conomo Point articles and the remaining articles will be discussed and voted on the second night. Mr. Zubricki briefly reviewed the articles expected to be on the warrant.

Dr. Driscoll, Chairman of the Board of Health, said that they have had several inquiries regarding spraying for mosquitos and decided to ask for it to be placed it on the warrant for the Annual Town Meeting. He said that the company offers several programs that can be adapted to the specific needs of the Town. A town must commit to join the coalition for three years and the

cost to the Town would be approximately \$38,000 per year. The Selectmen will discuss this request at their next meeting.

Chief Silva said that the electrical hookup for the Police trailer is just about completed. He thanked Paul Goodwin, as Superintendent, for his department's extensive help with trenching, etc. for the trailer. The Chief said that the trailer will make a huge difference in the Police Department's daily work environment and will enable them to get a little closer to their goal of certification of the department.

Richard Stevens said that the Historical Commission is working with the Building Inspector regarding implementation of the new demolition delay bylaw. They hope to have a sign-off section inserted on the building permit application to indicate conformance with the new bylaw. He said the Commission has been given \$1,000 budget item which will be used, in part, to help the Merchants' Group publish an historical walking tour brochure. The Commission will also be requesting Community Preservation money to create a detailed inventory catalog of all the structures in Town that are historic.

Jeff Soulard said that the Finance Committee has been working on next year's budget and they will be assigning members to meet with each of the departments and committees to review and help with the individual budgets. They are also working with the School District on the school budget.

Town Accountant Roxanne Tieri said that everything is on track in her department. The auditors have finished their annual audit.

Town Clerk Christina Wright announced that nomination papers are now available for anyone wishing to be elected/re-elected to public office. She said that she is also requiring people to fill out campaign fund disclosure forms which is mandated by State government and carries a penalty fine of \$25 per day.

Fire Chief Dan Doucette said that there is a new leak in the Fire Department roof and that they will be making arrangements for its repair.

Kim Drake, Chair of the Community Preservation Committee said that the Committee would be meeting tomorrow night. One of Kopelman and Paige's attorneys will be at the meeting and will present an informational talk about the Community Preservation Act.

The Selectmen's Assistant reminded everyone that the annual reports for the Town Report are due on February 1, 2012.

Superintendent Paul Goodwin said that his department will be using Chapter 90 money to repair some of Southern Avenue and replacement of guard rails.

Chairman Jones thanked everyone for coming and they left, except for Chief Silva and Sergeant Francis.

Chief Silva asked ***Sgt. Francis to report*** on the department's progress towards achieving certification. Sgt. Francis said that out of 155 points needed for certification, the department has achieved 130 points. They expect that 15 more will be waived as not applicable. The remaining ten are all in various stages of completion. Sgt. Francis said that the new trailer space will greatly facilitate his ability to work on the remaining points. After Sgt. Francis finished his report, the Selectmen thanked him and he left the meeting.

Chief Silva continued with the review of the ***report on his yearly goals and objectives*** which included the addition of laptop technology in the cruisers, the auction of recovered property, the procurement of officer safety equipment, and department certification. The Selectmen thanked the Chief and he left the meeting.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, February 13, 2012, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:00 p.m.

Documents used during this meeting include the following:

Horsley Witten Estimate
Anonymous Donation of Office Furniture
Holocaust Proclamation
Cartographic Associates, Inc. Contract
Resignation Letter from Dana King
Disclosure of Financial Interest
Letter from the Owner of a Property on Wood Drive
Letter of Support
Request to rename the Field of Dreams
Open Meeting Law Advisories
Vine's Proposal
Sgt. Francis' Report
Chief Silva's Report

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell