

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

**February 13, 2012**

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Town Tax Collector/Treasurer Virginia Boutchie, and Robert Amero.

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. Robert Amero came before the Selectmen to ask for a two-week extension for payment of the fee for a shellfish license. A motion was made, seconded, and unanimously voted to grant the extension for two weeks after March 5<sup>th</sup>, 2012 until March 19<sup>th</sup>, 2012 to Mr. Amero. Mr. Amero thanked the Selectmen and left the meeting.

The Selectmen reviewed the budget for Social Services. This budget was severely cut last year when the proposition 2 ½ over-ride was voted down. After a short discussion, a motion was made, seconded, and unanimously voted to ask that the FY13 budget for Social Services be increased to \$7,500 and that the amount be divided among the five agencies using the same ratios used in the past.

A motion was made, seconded, and unanimously voted to sign the *State 911 Department Training and Emergency Medical Dispatch grant application*. Another motion was made, seconded, and unanimously voted to sign the *State 911 Department Public Safety Answering Point and Regional Emergency Communications Center Support and Incentive grant application*. The Chairman signed the documents and was witnessed by the Tax Collector/Treasurer Virginia Boutchie in her capacity as a notary public. Ms. Boutchie left the meeting after the signing.

A motion was made, seconded, and unanimously voted to approve and sign the Warrant for Presidential Primary which will be held on March 6, 2012.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the January 30<sup>th</sup>, 2012, Selectmen's Open Meeting.

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

Non-Resident Clamming Permits:

- Chester M. Sullivan, Methuen, MA, sponsored by Ed Perkins.
- Brendan Sullivan, Methuen, MA, sponsored by Ed Perkins.
- Mary A. Picariello, Boxford, MA, sponsored by Ronald Hemeon.

- Kevin M. Pickett, Middleton, MA, sponsored by Ronald Hemeon.
- Philip A. Picariello, Boxford, MA, sponsored by Ronald Hemeon.

One-Day Wine & Malt License:

- Anthony Dragonetti, Patria E. Lavoro Society, for use on Saturday, July 21<sup>st</sup>, 2012, between the hours of 12:00 noon and 6:00 p.m. within the confines of Centennial Grove, contingent upon the presence of a Special Duty Police Officer and a certificate of insurance liability in the amount of \$1,000.000 made out to the Town of Essex.

A motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of 122,235.18; and further, to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the warrant pursuant to subsection (d) of said Section.

Mr. Zubricki reported that James Genest has requested permission to remove dead wood from Town land along Conomo Point Road. Mr. Zubricki had asked Paul Goodwin, the Department of Public Works Superintendent and Town Tree Warden, for his comments on the request, and he had said that he would prefer that only fallen dead wood be removed. His permission would be needed to cut any standing wood on a tree by tree basis. Mr. Zubricki also commented that the Conservation Commission had no issues with this work. Subsequently, a motion was made, seconded, and unanimously voted to grant Mr. Genest permission to remove any fallen dead wood along Conomo Point Road.

A motion was made, seconded, and unanimously voted to ratify the Chairman's rejection and return of a tax payment for the property at 11 Beach Circle. The tenant had declined to sign the bridge lease that was offered last November in anticipation of his lease expiring on December 31<sup>st</sup>, 2011.

A motion was made, seconded, and unanimously voted to grant a request by Anthony Dragonetti to rent Centennial Grove for a cookout by the Patria E. Lavoro Society, on Saturday, July 21<sup>st</sup>, 2012 from 12:00 noon until 6:00 p.m.

A motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws, the contract with Ed Neal's Automotive in the amount of \$305.00 contained within last week's warrant pursuant to subsection (d) of said Section.

The Selectmen reviewed a *letter from the Board of Health* requesting \$1,200 from the Special Events Budget to offset expenses that will be incurred for Police details and portable toilets during their annual Essex Youth Triathlon in August 2012. A motion was made, seconded, and unanimously voted to approve the request.

At 7:15 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He stated that discussing

this matter in Open Session would be detrimental to the Town's negotiating position and invited the Town Administrator and Town Counsel to attend the session. The Chairman said that the Selectmen would be returning to Open Session. The motion was moved, seconded, and by unanimous Roll Call Vote, the Board moved to Executive Session.

The Selectmen returned to Open Meeting at 8:45 p.m.

Mr. Zubricki presented his Town Administrator's Report for the period January 28<sup>th</sup>, 2012 through February 10<sup>th</sup>, 2012 regarding the following items:

Southern Conomo Point Subdivision Performance Guarantee: Mr. Zubricki reported that he is discussing the types of guarantee that may be appropriate for the Town to offer regarding the subdivision work for southern Conomo Point. The Selectmen were in favor of a written covenant and asked Mr. Zubricki to work with Town Counsel Goldrosen on the document. Mr. Zubricki said that he would inform Planning Board Chair Westley Burnham regarding the Selectmen's intentions to draft a covenant, which is required before the Planning Board can endorse the subdivision plan. The Selectmen would like to obtain endorsement prior to the Annual Town Meeting.

Robbins Island Waterfront Access: Mr. Zubricki said that he has been reviewing the various deeds for Robbins Island property and based on his review, it appears that Mr. Hsia does have property rights to the waterfront access at Robbins Island. Mr. Zubricki said that he has viewed the area and has observed the large rock mentioned in Mr. Hsia's deed and in the Town's Proctor deed. However, Mr. Zubricki cautioned that his review needed to be confirmed by a registered Land Surveyor. The Selectmen authorized Mr. Zubricki to hire a surveyor through the Horsley Witten group to develop a formal plot plan of Mr. Hsia's property.

Cross Island Access: Mr. Zubricki said that the owner of Cross Island also leases property on Sumac Drive and on 155 Conomo Point Road. The owner uses the property at 155 Conomo Point Road as a boat house and parking for access to Cross Island. Based on his review of the most recent Cross Island deed, Mr. Zubricki said that the owner appears to have no deeded access rights to Cross Island. Mr. Zubricki will continue to research the matter.

Southern Conomo Point Sale Value Appraisal Process Update: Mr. Zubricki said that he has informed Mr. Tyburski that some of the tenants of the southern Conomo Point properties may have comments regarding his recent appraisal of those properties. Also, the tenants, as a group, may have input regarding the Appraiser's overall methods. Mr. Tyburski said that he would be happy to discuss any comments, provided they are offered no later than February 24<sup>th</sup>, 2012. Mr. Tyburski is in the process of updating the appraisals and they will be used to determine sale prices for the properties. The Selectmen asked Mr. Zubricki to invite comments from the tenants.

Facility Naming Policy: Town Counsel informed the Selectmen that it is not necessary for the Town to have a Naming Policy and that the Selectmen have the sole right to approve or deny any request to name places or things in Town in remembrance of Town residents. After some

discussion, the Selectmen said that they would like to review a policy to be developed by Town Counsel to be used as an aid to evaluating future naming proposals. They also decided to take under advisement, for the time being, the request to rename the Field of Dreams at Centennial Grove.

Draft Annual Town Meeting Warrant: Mr. Zubricki briefly reviewed the articles that are included in the *proposed warrant for the Annual Town Meeting* in May. He will make the changes proposed by Town Counsel and the Selectmen and bring it back for further discussion at the Selectmen's next meeting on February 27<sup>th</sup>, 2012.

Public Health Mutual Aid Agreement: Mr. Zubricki said that the Board of Health has requested that the Selectmen sign a public health mutual aid agreement that is being recommended by the State Board of Public Health. The Selectmen asked for Town Counsel's opinion of the agreement. Attorney Corbo stated that he could not ethically advise about the agreement. Attorney Corbo reminded the Selectmen that any community that has accepted Chapter 40, Section 4J (which Essex has) can already give and receive mutual aid among other acceptors.

Attorney Corbo left the meeting and Mr. Zubricki continued his Town Administrator's report.

Chief of Police Accomplishments, Merit, and Goals: The Selectmen agreed that they are pleased with Chief Silva's attaining most of his goals that were set for last year (save those that were prevented due to insufficient funding) and a motion was made, seconded, and unanimously voted to award him a 3% merit increase. They decided to review his projected goals for next year and discuss them at their next meeting.

Route 133 Reconstruction Project Closeout Issues: Mr. Zubricki said that the major remaining issue of the Route 133 Reconstruction Project is the sidewalk area at the Village Restaurant corner. Mr. Zubricki reviewed a potential *letter he has drafted to the head of the MassDOT* describing the situation and suggesting a remedy. The Selectmen were in favor of the letter and agreed that Mr. Zubricki could send the text of the letter to MassDOT's resident engineer for the project for comment before sending the letter to Ms. Leavenworth. A motion was made, seconded, and unanimously voted to sign the final letter outside of a meeting when it becomes available.

Route 133 Reconstruction Project Grand Opening/Ribbon Cutting: Mr. Zubricki said that he has had limited success coordinating the attendance of public dignitaries at a grand opening celebration being planned to celebrate the end of the Route 133 Reconstruction Project. The Selectmen decided to try to fix the proposed date for Friday, June 8<sup>th</sup>. The event may include a luncheon for the dignitaries at 1:00 p.m. and a ribbon-cutting ceremony at 3:00 p.m. Mr. Zubricki will inform the dignitaries that the date has been set.

Essex River Boardwalk Project Contract Update: Mr. Zubricki reported that Salem State has submitted a contract for approval and that a contract with the design firm is expected in the near future. A motion was made, seconded, and unanimously voted to approve and sign the contract

with Salem State. A second motion was made, seconded, and unanimously voted to approve and sign the contract with Vine Associates (the design firm) outside of a meeting as soon as it becomes available and has been approved by Town Counsel.

Replacement of Town Hall Steam Boiler: Mr. Zubricki informed the Selectmen that the replacement Town Hall boiler has arrived and is at the Town's heating contractor's facility. He said that the contractor intends to move everything to the Town Hall this coming Friday and install the boiler over the holiday weekend.

Renovation Funding for Lahey Purchase: The Selectmen discussed the possibility of the Library not receiving grant money to renovate the Town Hall in the event that the Town Hall offices are moved to the Lahey Building. The Town would then be required to maintain three public buildings instead of two. However, the Lahey Building is an asset that could be sold when it is no longer needed for Town offices. Selectman O'Donnell will work directly with Reinhardt Associates to incorporate proper reference to Lahey in the final Town Building Feasibility Study Report.

Request for State Fiscal Priorities: Mr. Zubricki said that Representative Ann Margaret Ferrante has requested a list of priorities for State funding from local communities. The Selectmen were in agreement that Special Legislation for Conomo Point is at the top of the list, followed by increased local Chapter 70 and Chapter 90 aid, and also access to the Sewer Rate Relief Fund.

Funding for Local Access Programming, Cape Ann TV: Mr. Zubricki reported that he had met with the Director of Cape Ann TV who is seeking assistance with funding for a playback system. She has recommended that the Town advocate for the 2% local surcharge for public access programming to be increased to 5% in the future. The additional 3% would be allocated to Cape Ann TV to pay for additional equipment and programming. After some discussion, the Selectmen agreed that they are not in favor of increasing the fees to residents for cable service and that they are not in favor of increased programming coverage. Further, the Selectmen were not inclined to provide funding from the Town Technology Fund for the playback system.

The Selectmen were reminded that the Cape Ann Chamber of Commerce Business After Hours is set for Wednesday, February 15<sup>th</sup> from 5:00 - 7:00 pm. Five Guys Burgers and Fries at Gloucester Crossing will be hosting the event. RSVP to [Tim@capeannchamber.com](mailto:Tim@capeannchamber.com).

The Selectmen will meet jointly with the Conomo Point Planning Committee on Thursday, February 16<sup>th</sup> at 7:30 p.m. at the Fire Station.

The next Board of Selectmen's meeting will take place on Monday, February 27, 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 10:10 p.m.

Documents used during this meeting include the following:

*State 911 Department Training and Emergency Medical Dispatch Grant Application*  
*State 911 Department Public Safety Answering Point and Regional Emergency*  
*Communications Center Support and Incentive Grant Application*  
*Request from the Board of Health for \$1,200 for the Youth Triathlon*  
*Proposed Warrant for the Annual Town Meeting*  
*Letter Drafted to the Head of the MassDOT*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell