

Present: Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Attorney Stephen Jacobson, Xun Jie Zheng, Susie Offenberger, Gloucester Times Reporter Stephanie Bergman, and one other unidentified person.

Selectman O'Donnell, serving as acting Chair in the absence of Chairman Jones, called the meeting to order at 7:00 p.m. and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$714,393.08.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the February 13th, 2012, Selectmen's Open Meeting and for the Selectmen's February 13th, 2012, Executive Session.

A motion was made, seconded, and unanimously voted to acknowledge a *letter of resignation* from Richard Trembowicz regarding his membership on the Playing Fields Committee.

A motion was made, seconded, and unanimously voted to sign an *application for a waiver* from household hazardous waste collection requirements to the Department of Environmental Protection which will allow the Board of Health to hold a Hazardous Waste Collection Day.

Acting in their capacity as the Licensing Board for the Town of Essex, a motion was made, seconded, and unanimously voted to approve the following requests for permits and licenses:

Non-Resident Clamming Permits:

- Steven Danca, Beverly, MA sponsored by Robert Brophy
- Charles D. Neville, Wakefield, MA sponsored by Sefton Earl

Senior Commercial Clamming Permits:

- Robert V. Brophy
- Norman A. Burnham
- Robert Doane
- Stephen Hartley
- Dennis Henderson
- George E. Lane

- Charles McNeil
- Richard O'Leary
- Richard Pascucci
- Everett E. Reed

Student Commercial Clamming Permits:

- Michael Loebelenz
- Erik Walder
- John Walder

Standard Commercial Clamming Permits:

- Stephen Aiello
- Robert Amero
- Artan Bila
- Richard Buczko
- Kelly Corrao
- Sefton Earl
- Michael French
- Matthew Jacobs
- Edward G. Lane
- Judson Lane
- Matthew E. Lane
- Brian Loebelenz
- Timothy Marshall
- Chris Maxfield
- George Mullin
- Dean Rossi
- Richard Tofuri
- Peter Wilson

Common Victualler's License Renewal:

- Captain Dusty's, Inc., John Bartlett, Manager at 121 Eastern Avenue

One-Day Wine and Malt License:

- Eventide Art Gallery, Teri Eramo, for use on Saturday, March 3, 2012 between the hours of 6:00 and 10:00 p.m. within the confines of the Eventide Art Gallery at 63 Main Street.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will meet at 8:00 a.m. at the Windward Grille on Wednesday, February 29th, 2012. Mr. Zubricki and Selectman Coviello-Gould said that they would be attending this meeting.

The next Board of Selectmen's meeting will take place on Monday, March 12, 2012, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street.

At 7:05 p.m., a motion was made, seconded, and unanimously voted to open the Public Hearing regarding an application for a new all alcohol restaurant liquor license for 112 Main Street, d/b/a Riverside Bistro, Xun Jie Zheng, Manager. Mr. Zheng and his attorney Stephen Jacobson, and the soon-to-be former owner of the restaurant property, Susie Offenberger came before the Selectmen and introductions were made. Mr. Zheng said that he was looking forward to opening the restaurant sometime in May and that the menu would feature seafood and pasta with an Asian twist. The Selectmen said that as manager of his restaurant he would need to get ServeSafe® Alcohol Server Training which is required by the Town's Alcohol Regulations. Those present discussed the Town's plans to conduct a feasibility study which is being funded by the Seaport Bond Bill for a proposed boardwalk that would be adjacent to the restaurant. Selectman O'Donnell asked if anyone else wished to speak in favor of granting the license and no-one did. She asked if anyone wished to speak against granting the license and no-one did. A motion was made, seconded, and unanimously voted to close the hearing. A motion was made, seconded, and unanimously voted to approve Riverside Bistro Inc.'s request for an annual all alcohol restaurant license on the condition that Mr. Zheng will complete all necessary training pursuant to the Town of Essex Alcoholic Beverage Licensing Regulations prior to the opening of the establishment. The Selectmen signed the documents which will be forwarded to the Alcoholic Beverage Control Commission. A copy of the license application documents and the Town's Alcohol Regulations will also be sent to Mr. Zheng's attorney. The Selectmen were thanked and everyone, except the Gloucester Times reporter, left the meeting.

Mr. Zubricki began his presentation of the Town Administrator's Report for the period February 11th, 2012 through February 24th, 2012 regarding the following items:

Facility Naming Policy: Mr. Zubricki said that Town Counsel has compiled a ***draft naming policy*** for the Selectmen's consideration. The Selectmen agreed to review the policy for later comment.

Town Hall Heating System Boiler Replacement and ***Final Report***: Mr. Zubricki reported that the consultant has finished his analysis of the Town's heating system and is recommending that the Town convert to a gas fired hydronic system if the Town plans on continuing to occupy the building.

One of the two Town Hall oil fired boilers was recently replaced. However, before it was replaced, the old boiler had severely damaged paint and plaster in the Planning Board Office which will need to be repaired. The Selectmen were in agreement that Mr. Zubricki should seek a contractor to make the repairs, since the office is now inhabitable, and to also seek estimates to repair the plaster damage in the Town Clerk's office that was damaged by a water leak. A motion was made, seconded, and unanimously voted to authorize use of the Luther Burnham Fund to pay for the repairs to the Planning Board office and the Town Clerk's office subject to available funds.

Route 133 Reconstruction Project Grand Opening/Ribbon Cutting: Mr. Zubricki said that both Senator Tarr and Representative Ferrante have agreed to take part in the ceremony being planned on June 8th, 2012. Both Mr. Zubricki and Selectman Gould-Coviello have been working to line up other dignitaries and Senator Scott Brown, Congressman John Tierney, and Senator John Kerry have agreed to send staff if they are unable to attend. Mr. Zubricki said that he will also invite MassDOT officials to the ceremony. A luncheon is being planned as one of the events of the day which will be funded from some of the recently appropriated money for special Town events.

It was noted that Mr. Symmes did not appear for his appointment regarding his request for an easement over Town property. Mr. Zubricki took the opportunity to familiarize the Board with the issue in the event Mr. Symmes makes a new appointment.

At 7:45 p.m., citing the need to discuss the value, sale, and lease of real property at Conomo Point and collective bargaining with AFSCME, Selectmen O'Donnell entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating strategy and detrimental to the Town's bargaining strategy. She invited the Town Administrator to attend the Executive Session and said that the Board would be returning to Open Session to resume discussion of regular business. Stephanie Bergman left the meeting. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:30 p.m.

Draft FY13 Wage & Salary Scale: Mr. Zubricki presented a draft of the proposed Wage & Salary Scale for FY13. Following discussion, a motion was made, seconded, and unanimously voted to approve a 3% merit increase for the Town Clerk and for the Selectmen's Assistant. The Board agreed to review the **Wage & Salary Scale** for further discussion at their next meeting when they will also vote on a possible cost of living increase for non-union, non-contract employees.

Chief of Police Goals, Calendar Year 2012: The Board agreed to post pone this discussion until their next meeting.

Shared Planner: Mr. Zubricki said that he had been invited to a meeting with Hamilton/Wenham officials to discuss the benefits of sharing a professional planner, similar to the way they now share a Conservation Agent. The Selectmen agreed with Mr. Zubricki that this could be a very helpful resource. In addition to assisting the Planning Board, the professional planner could assist the Zoning Board of Appeals and the Long Term Planning Committee and help guide projects to their successful completion. Mr. Zubricki will keep the Board informed regarding any new developments.

Southern Sale Appraisal Process Update: Mr. Zubricki said that he has shared the *comments from some of the tenants at Conomo Point* regarding the appraisals of their leased properties with the Town's appraisal consultant, Mark Tyburski. A lot of the comments were concerning items that Mr. Tyburski had already taken into consideration, but Mr. Tyburski said that he would review all the comments and will incorporate them into his analysis if he deems it appropriate.

Request for License to Attach Ramps and Floats to Piers: Mr. Zubricki said that we have received the annual request from the Conomo Point Association for a seasonal license to attach ramps and floats to the Town piers at Conomo Point. The Selectmen reviewed the proposed license that has been prepared by Town Counsel. A motion was made, seconded, and unanimously voted to approve and sign the license for the ramps and floats.

The Selectmen discussed the possibility of allocating proceeds from possible sale of land at Conomo Point to a special fund to be used only for certain items. They agreed that it is a topic for discussion with the Finance Committee at their next meeting.

Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed the most recent changes to the proposed *warrant for the coming annual Town meeting*.

Northern Conomo Point Zoning District Bylaw: It was agreed that there should be another Conomo Point forum held before a possible Planning Board hearing on April 11th to consider the proposed bylaw and that perhaps this Conomo Point forum could be sponsored by the Conomo Point Planning Committee.

Mr. Zubricki said that he has been working with Selectman O'Donnell and the planning consultant to make sure that the number of bedrooms is listed accurately on the Conomo Point map. He will also forward a new map, showing leasehold lines and commonly-leased properties to the Conomo Point Planning Committee once Horsley Witten has finalized it.

Performance Guarantee for Southern Conomo Point Subdivision: Mr. Zubricki said that a draft of a *proposed covenant* which will serve as the performance guarantee for the subdivision project is available to review for a discussion at the next Selectmen's meeting.

Boundary of Private Parcel on Robbins Island: Mr. Zubricki said that he has received a draft of our consultant's study regarding the Hsia property boundary on Robbins Island. He said that use of the mean high water mark causes it to appear that the property line between the Town property and Mr. Hsia's property runs through his house. The Selectmen agreed that the line should be adjusted to go around the house in accordance with customary use and applicable surveying standards. They also noted that Robbins Island is misspelled on the map.

The Selectmen agreed that an article should be added to the Annual Town Meeting Warrant to elect a new member to replace a vacancy on the Conomo Point Planning Committee.

Access to Cross Island: Mr. Zubricki reported that he is working to research any provisions for access rights to Cross Island in Town and Cross Island deeds. Mr. Zubricki suggested that the owner of Cross Island may have documentation and the Selectmen asked Mr. Zubricki to contact him.

Mr. Zubricki asked if the Selectmen have reviewed his goals and achievements. They said that they are still reviewing them and will have a response in the near future.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:25 p.m.

Documents used during this meeting include the following:

Letter of Resignation

Application for a Waiver

Draft Naming Policy

Final Report from MacRitchie Engineering, Inc.

Wage & Salary Scale

Comments from some of the Tenants at Conomo Point

Warrant for the coming Annual Town Meeting

Proposed Covenant

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello