

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

March 12, 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, James Genest, and Virginia Boutchie.

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 began his presentation of the Town Administrator's Report for the period February 25th, 2012 through March 9th, 2012 regarding the following items:

Southern Conomo Point Subdivision Endorsement Process: Mr. Zubricki reported that he had forwarded a draft copy of the *covenant for the southern Conomo Point subdivision* performance guarantee to the Planning Board Chairman for his comment before the document is finalized. The Planning Board Chairman has replied that the document will be sufficient to meet the performance guarantee requirement. Subsequently, a motion was made, seconded, and unanimously voted to approve this draft of the covenant and to authorize signature. Mrs. Boutchie, in her capacity as notary public, witnessed the Selectmen's signature on the document. Mr. Zubricki will send the document to the Planning Board for countersignature.

Tropical Storm Irene Damage and Coverage Reimbursement: Mr. Zubricki said that the DPW Superintendent had applied to The Massachusetts Emergency Management Agency for reimbursement for damage and public safety coverage during the Tropical Storm Irene. MEMA has awarded the Town almost \$4,000 and has provided the necessary paperwork to enable the Town to collect the money. A motion was made, seconded, and unanimously voted to accept the money and to authorize the Chairman's signature on the *MEMA documents*. Mrs. Boutchie witnessed the Chairman's signature. The Selectmen thanked her and she left the meeting.

James Genest came before the Selectmen to request a waiver of the application deadline for a commercial clamming permit. The Selectmen considered Mr. Genest's request for a waiver of the application deadline for clamming permits, along with the requests from the following persons:

Commercial License:

- Steven Hemeon
- Russell Hemeon
- Robert Fitzgerald, Senior
- Kenneth Amero

Non-Resident Recreational License:

- Brad Allen
- Bruce Allen

A motion was made, seconded, and unanimously voted to approve the requests for waivers contingent upon immediate receipt of their applications by the Town Clerk. Mr. Genest thanked the Selectmen and left the meeting.

The Selectmen considered a request for a waiver of both the filing application deadline and the payment deadline for a commercial clamming permit for Keith Woodman. A motion was made, seconded, and unanimously voted to approve the request for both waivers contingent upon immediate receipt of his application and payment by April 5, 2012 to the Town Clerk.

In other business, a motion was made, seconded, and unanimously voted to approve the warrant in the amount of \$93,740.44, and further, to exempt from Section 20 of Chapter 268A of the General Laws the contract with Timothy Lane contained within the warrant pursuant to subsection (d) of said Section.

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

The Selectmen reviewed a *Certificate of Appointment for Town Clerk* Christina Wright and a motion was made, seconded, and unanimously voted to authorize the Chairman to sign the certificate.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on a *letter of thanks to Richard Trembowicz* for his many years as a member of the Playing Fields Committee.

The Selectmen reviewed a request from a Conomo Point tenant for notifications when rent payments are due. After a discussion, it was agreed that no notifications would be sent, in accordance with the terms of the bridge lease, but that the Selectmen would review the request again at a later date.

The Selectmen reviewed a revised ethics disclosure from William Knovak regarding the fact that he may from time to time, in his capacity as Shellfish Constable, sell confiscated clams and give the proceeds to the Town. His second cousin is in the shellfish business. The Selectmen expressed no concerns over the disclosure.

A motion was made, seconded, and unanimously voted to ratify the Chairman's action concerning rejection of a rent payment for a property at Conomo Point from a tenant that did not sign a bridge lease.

A motion was made, seconded, and unanimously voted to acknowledge the *withdrawal of Eleanor M. Smith* from the lease for 111 Conomo Point Road, Map 19, Lot 92.

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

Auction Permit:

- Blackwood March Antiques, Michael March, for use on Thursday, March 15, 2012, between the hours of 4:00 and 11:00 p.m. within the confines of Woodman's Function Hall at 125 Main Street.
- L.A. Landry Antiques, Robert E. Landry, for use on Tuesday, April 3, 2012, between the hours of 12:00 noon and 9:00 p.m. within the confines of Woodman's Function Hall at 125 Main Street.

One-Day Wine and Malt License:

- Essex Historical Society & Shipbuilding Museum, Tia Schlaikjer, for use on Wednesday, March 28, 2012, between the hours of 6:00 and 10:00 p.m. within the confines of the Waterline Center at the Essex Shipbuilding Museum at 66 Main Street.

A motion was made, seconded, and unanimously voted to approve and sign the following requests for clamming permits:

Non-Resident Recreational Clamming Permit:

- Steve Abbott, Peabody, MA sponsored by Richard A. Pierro
- Corey Baker, Beverly, MA sponsored by Justina Hebert
- Clifford A. Bathalon, Hudson, NH sponsored by Warren Grant III
- David Bogdan, Georgetown, MA sponsored by Richard A. Pierro
- Scott D'Ambrosio, Middleton, MA sponsored by Cliff & Julie Baker
- George Dionne, Brentwood, NH sponsored by Leo Provost
- Martin Forde, Middleton, MA sponsored by Cliff & Julie Baker
- Frank Hartman, Greenland, NH sponsored by William Perkins
- Ed Kawczynski, Salem, MA sponsored by Richard A. Pierro
- Wayne Kinney, Kingston, NH sponsored by William Perkins
- Matthew G. Lane, Gloucester, MA sponsored by Edward G. Lane
- Robin Linchan, Newbury, MA sponsored by William Perkins
- Shepherd D. Means, Gloucester, MA sponsored by Richard L. Means
- Robert Nelson, Beverly, MA sponsored by Eian Woodman
- Robert Normand, Beverly, MA sponsored by David Burnham
- Daniel Provost, South Hampton, NH sponsored by Leo Provost
- John Standley, Jr., Beverly, MA sponsored by Leo Provost
- Mark E. Sullivan, Rockport, MA sponsored by Richard Means
- C. Kenneth Symonds, Princeton, MA sponsored by Valerie Symonds
- Michael Symonds, Gloucester, MA sponsored by Valerie Symonds
- Frederick P. Westman, So. Hamilton, MA sponsored by Robert V. Brophy

Senior Commercial Clamming Permit:

- James E. Henderson
- Russell Jordan
- Dan Marshall

Standard Commercial Clamming Permit:

- Scott G. Hamlen
- Ronald Hemeon
- Michael Jacobs
- Mark Jordan
- Dale Lowry
- John R. MacDonald
- Phillip MacDougall
- Steven MacDougall
- Rocco Manzi
- Peter Marshall
- Bruce Mello
- Herbert S. Nunes
- Kevin Oyer
- Glenn Pike

Student Commercial Clamming Permit:

- Craig C. Carter
- Kevin A. Carter
- Nicholas Congdon
- Kameron J. Leveille
- Cooper Riehl
- Kevin Tofuri
- Tomaz R. Tofuri

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, March 26, 2012, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street.

Mr. Zubricki resumed the presentation of his Town Administrator's report as follows:

Live Test of Melrose Datacenter: Mr. Zubricki reported that he has been testing the new Melrose datacenter. His files have been copied to the new location, and while there is a time delay of a couple of seconds to open a file, there appeared to be no delay using the file once it was opened. However, opening a file from the Water Plant or the Fire Station (rather than the Town Hall) took considerably longer. Mr. Zubricki is exploring with the Comcast technician and the Melrose technicians several options to overcome this operational deficiency and improve storage and retrieval times. One of the options would be to upgrade the I-net connections between the Town Hall and the Police Department and the Water Filtration Plant. The Town has \$20,000 available for the upgrade that was given by Comcast when the cable contract was

signed. The Selectmen were in favor of Mr. Zubricki continuing to explore options to upgrade the I-net.

Chief of Police Goals, Calendar Year 2012: The Selectmen discussed the goals for the Chief of Police for Calendar Year 2012 and were in agreement that they would like to see the Chief complete at least 50% of the remaining tasks associated with Essex Police Department certification by year end. They would also like to see him implement a public outreach program that would consist of at least four programs per year. The subject and venue of the programs would be determined by the Chief and he would not necessarily be required to develop or run each program, only manage the process. The programs would showcase the Police Department and make the public more aware of the department's many contributions to Town life. The Selectmen wondered when the temporary trailer would be ready for occupation by the Chief, Sergeant, and Clerk and suggested that one of the outreach programs should be an open house of the new trailer and detectives' office. Another program should involve the children at the Essex Elementary School. The Selectmen agreed that they would like the Chief to suggest two additional programs. The Selectmen divided the Chief's goals into two categories: 1) ongoing day-to-day maintenance of tasks, and 2) one-time goals or projects. The Selectmen said that they would like the Chief to provide deadlines for (a) moving into the new trailer, (b) completion of the detectives' office and interview room, and (c) the installation of laptops in all applicable police vehicles. The Selectmen also suggested that since the Chief is also the Harbormaster, they would like him to create a goal that involves the Harbormaster Department such as training new personnel or enrichment of existing personnel. They would also like the Chief to create a goal involving establishing a presence at Chebacco Lake using the new Boston whaler. Mr. Zubricki will summarize the above for Selectman O'Donnell so she can discuss with Chief Silva and report back to the Board.

There was a suggestion to investigate, with the help of Chief Silva, the concept of regionalization of the Police Department and to compile a list of reasons why it would/would not work for this Town.

Keith Symmes joined the Selectmen to renew his request for an easement over Town property on Centennial Grove Road. Mr. Symmes gave the Selectmen a draft of his proposed ***Access and Utility Easement***. He discussed where the easement would be and why it is needed. The Selectmen were sympathetic to Mr. Symmes' request, but said that they would like to hear comment from the Planning Board, Town Counsel, and the Conservation Commission regarding whether an easement or a restrictive covenant should be granted. The Planning Board may require that Mr. Symmes proceed with a subdivision plan. If this occurs, the Selectmen will comment along with the other boards and commissions and will be able to synthesize the appropriate plan of action based on the various comments. The Selectmen thanked Mr. Symmes for keeping them informed about his plan and he left the meeting.

Northern Conomo Point Subdivision Plan: Mr. Zubricki said that a joint meeting has been scheduled between the Planning Board, the Conomo Point Planning Committee, and the

Selectmen on Wednesday, March 21st, at 8:45 p.m. to discuss the draft of the northern Conomo Point zoning district bylaw.

Southern Conomo Point Subdivision Required Improvements: Mr. Zubricki said that he had asked the Fire Chief to look at options for constructing a turn-around for fire equipment at the end of Cogswell Road at Conomo Point. The turn-around will be required as part of the proposed subdivision plan. Chief Doucette had chosen **Concept #4** as an acceptable solution.

Southern Conomo Point Appraisal Process: Mr. Zubricki reported that no one from Conomo Point had contacted the Town's Appraisal Consultant to make arrangements for the Consultant to view the interiors of their leased properties at the Point.

Successor Solid Waste Contract: Mr. Zubricki said that he and Paul Goodwin had had a very good meeting with the Covanta representative regarding a new contract for disposal of solid waste. The renewal contract will probably become effective on January 1, 2013, and will need to first be approved at Town Meeting since it will be for more than 3 years. The increased cost of the contract will be funded in part by an increase in the fee charged for transfer station stickers. Under the new contract, the transfer station will be open three days per week instead of four. However, if it becomes apparent that three days is not enough, there will be a provision in the contract to increase the number of days to four at an increase in cost to the Town.

Construction of Additional Changing Facility, Centennial Grove: Mr. Zubricki said that the YMCA is willing to provide the labor to build a second changing facility at Centennial Grove for the summer camp attendees if the Town will pay for the cost of materials. It was decided that the new building will be identical to the one which is currently used for changing and will be painted the same color. The YMCA has also asked permission to paint a concrete slab with game markings. A motion was made, seconded, and unanimously voted to approve the YMCA's request to pay for the materials to build a second changing area. And, a motion was made, seconded, and unanimously voted to permit the YMCA to paint game markings on the cement slab overlooking the beach at Centennial Grove.

Route 133 Reconstruction Project Grand Opening: Plans for the celebration of the completion of the Route 133 Reconstruction Project are moving forward. There is a luncheon for various dignitaries planned for 1:00 p.m. at Periwinkles with a ribbon-cutting ceremony planned for 3:30 p.m. The Merchants Group has been delegated the responsibility of organizing the event and planning the details.

Sponsorship of Downtown Streetscape Features: It was agreed that discussion on this topic would be postponed until the next Board of Selectmen's meeting on March 26.

Facility Naming Policy: The Board reviewed a **draft naming policy** that was prepared by Town Counsel. The Selectmen agreed that the policy should also include a condition that a naming request would need to demonstrate that at least fifty Town residents were in favor of the request

before the Selectmen would consider it. Mr. Zubricki said that he would forward that comment to Town Counsel.

Proceeds from the Sale of Land: The Selectmen discussed various methods by which the proceeds and interest from a sale of land at Conomo Point could be protected. It was acknowledged that none of the principal may be used for general operating costs pursuant to the General Laws. However, the use of interest is unrestricted. Special Legislation could be sought to change the default management of the proceeds, but the Selectmen opted not to pursue this at the present time.

Request for Conomo Point Rent Reduction: Mr. Zubricki said that a request for a rent reduction pursuant to terms contained in the bridge lease has been received from one of the year-round Conomo Point tenants. After discussion, a motion was made, seconded, and unanimously voted to waive the 30-day notice provision for the request. The Selectmen asked Mr. Zubricki to ask the tenant to sign the request again with a new statement referencing the pains and penalties of perjury, and also authorized him to meet with the tenant to review the tenant's situation to make sure that the tenant meets all of the criteria necessary for the reduction.

A motion was made, seconded, and unanimously voted to approve a 2% cost of living increase for non-union, non-contract employees. The Selectmen, acting in their capacity as the Personnel Board, reviewed the final draft of the FY2013 Wage and Salary Scale and a motion was made, seconded, and unanimously voted to recommend the ***FY2013 Wage and Salary Scale*** to the Annual Town Meeting.

Finance Committee Chair Jeff Soulard and member Sherri Davis, and Town Accountant Roxanne Tieri joined the Selectmen.

Proceeds from the Sale of Land at Conomo Point: Those present discussed various options for safeguarding any proceeds that might be realized from a sale of land at Conomo Point. The proceeds may not be used to fund operating expenses, but may fund capital expenditures or one-time projects. The Town may seek special legislation to specify how the sale proceeds may be used. Everyone agreed that the idea should be discussed in a public forum to receive feedback from residents.

Status of FY13 Budget: Jeff Soulard said that the Finance Committee continues to work on the budget for FY13. Presently, the proposed budget is approximately \$180,000 over budget with a basic plan to reduce that figure to about \$80,000. The Finance Committee will continue to look at the school, the Department of Public Works, and the Police Department budgets. The Finance Committee may require all departments to reduce their proposed budgets by a certain percentage in order to balance the budget. In FY12, all departments were asked to reduce their total budget by 3% as a result of the requested override being voted down by the Town residents.

Recommendations for Capital Items: It was agreed that the purchases of a new Police cruiser and tasers and body armor would be deferred until the Special Town Meeting in the fall. Other

items, such as the backhoe for the Department of Public Works and the new outboard motor for the Harbormaster's boat, will be funded from other sources of income (not taxes) and will be included in the warrant.

Review of Town Meeting Warrant: Mr. Zubricki reviewed the proposed articles for the **Annual Town Meeting Warrant**. Some of the articles will be moved to the fall Special Town Meeting. Other articles, such as joining the Northeast Massachusetts Mosquito Control and Wetlands Management District, were removed from the warrant due to lack of funding. All present agreed that a capital exclusion ballot question and article for a new fire truck would be added to the warrant.

Potential purchase of Lahey Building (Debt Exclusion vs. Budgeting Debt Service from Revenue): Those present discussed the advantages of moving the Town Hall offices to the Lahey building and its effect on the Library. Selectman O'Donnell said that the issue will be addressed at the next Town Building Committee meeting on Tuesday. All present agreed that articles for the Lahey purchase and the renovation of some health and safety-related aspects of Town Hall would appear on the warrant, along with companion debt exclusion ballot questions.

There being no further financial items for discussion, the Town Accountant and the Finance Committee members left the meeting.

Mr. Zubricki mentioned that someone had asked for a discount of the rental rate for Centennial Grove. The person would like to be married at the Grove and would only need to use it for an hour or two. The Selectmen agreed to decline the request.

At 10:02 p.m., citing the need to discuss issues regarding 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 these matters in Open Session would be detrimental to the Town's negotiating strategy. He invited the Town Administrator to attend the Executive Session and said that the Board would only be returning to Open Session to adjourn the meeting. The motion was moved, seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:16 p.m. There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Covenant for the Southern Conomo Point Subdivision
MEMA Documents
Certificate of Appointment for Town Clerk
Letter of Thanks to Richard Trembowicz
Withdrawal of Eleanor M. Smith
Access and Utility Easement
Concept #4

Draft Naming Policy
FY2013 Wage and Salary Scale
Annual Town Meeting Warrant

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell