

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

**April 9, 2012**

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

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.

Vanessa Johnson from the Essex County Greenbelt came before the Selectmen to request their approval for the Wilson Conservation Restriction. The restriction will apply to four acres of land owned by Louise Wilson on Choate Street. Choate Street carries a scenic road designation. The Wilson land borders another parcel on John Wise Avenue that also has a conservation restriction. After Vanessa Johnson's presentation, the Chairman recused himself from the voting. A motion was made, seconded, and unanimously voted to approve the request for a conservation restriction on land owned by Louise Wilson and the Selectmen signed the documents. Their signing was witnessed by Vanessa Johnson in her capacity as a notary public. Ms. Johnson thanked the Selectmen and left the meeting. The Selectmen voted to send a note of thanks to Louise Wilson.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 24<sup>th</sup>, 2012 through April 6<sup>th</sup>, 2012 regarding the following:

Conomo Point Planning Committee Meeting: Mr. Zubricki reminded the Selectmen that the Conomo Point Planning Committee will host a public informational meeting on Thursday, April 12<sup>th</sup>, starting at 7:30 p.m. in the cafetorium at the Essex Elementary School, regarding the Conomo Point articles on the Annual Town Meeting Warrant and the planning progress for northern Conomo Point. The CPPC will be assisted by the Board of Selectmen, members of the Finance Committee, and representatives for the Town's planning consultant, Horsley Witten. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to use the Town's Code Red subscription service to alert residents to the forum.

Joint Meeting Among Planning Board, Selectmen, CP Planning: Mr. Zubricki reminded the Selectmen that they and the Conomo Point Planning Committee will be attending the Planning Board public hearing on Wednesday, April 18<sup>th</sup>, to continue the discussion of the draft of the northern Conomo Point zoning district bylaw at 8:00 p.m. Mr. Zubricki reviewed *the list* he had compiled of the concerns that had been voiced at the last Planning Board meeting. After some discussion, the Selectmen decided to take the concerns under advisement for the time being.

Town resident Karen Gertsch came before the Selectmen to suggest that the Town meeting date and time be changed to a time that would be more favorable to the needs of the Town's senior citizens. She handed out *a summary* of her discussions with Town Clerks in neighboring towns. She said that a large percentage of the Town's population is over 60 years of age and that moving the Town meeting to Saturday morning would make it easier for seniors to attend.

Hamilton, Rockport, and Wenham all hold their meetings on Saturday and the Town Clerks said that they believe that the Saturday meeting date is a contributing factor to better attendance. The Selectmen said that they would take the matter under advisement and may discuss it again at the quarterly meeting of department heads and committee chairpersons segment of their next meeting on April 23<sup>rd</sup>. Karen thanked the Selectmen and left the meeting.

At 7:45 p.m., Attorney David Wood, Robert Le Royer, Attorney Dick Gilmore, and Jeanne Lynch came before the Selectmen to request a transfer of the LeRoyer bridge lease for 122 Conomo Point Road, Map 24, Lot 44. The Selectmen acknowledged previous receipt of documents from Jean C. Le Royer requesting the transfer. Selectman Susan Gould-Coviello moved to approve a written request for the assignment of the leasehold for the property at 122 Conomo Point Road (Map 24, Lot 44) from the Jean C. LeRoyer Trust, Jean C. Le Royer, Trustee, to Edward and Jeanne Lynch pursuant to Article VIII, Section 1 of the Bridge Lease for said property with the caveat that said Bridge Lease expires by its term on December 31, 2012, and that nothing in this vote shall be construed as an extension of said Bridge Lease or an alteration of any of its terms; and further, that nothing in this approval is 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 Jean C. Le Royer Trust. Also, Selectman Gould-Coviello said that in taking this vote, the Selectmen are relying on the representation of Jean C. Le Royer, Trustee, that she is the sole authorized party necessary with respect to the Jean C. Le Royer Trust to request and affect the assignment of the Bridge Lease and that the new leaseholders, as assigned, shall defend, hold harmless, and indemnify the Conomo Point Commissioners, the Essex Board of Selectmen, and the Town of Essex from any person or party challenging the validity of the assignment. The motion was moved, seconded, and unanimously voted. Jeanne Lynch provided the Selectmen with her contact information. The Selectmen congratulated Mrs. Lynch. Everyone thanked the Selectmen and the Le Royer lease transfer group left the meeting.

Quarterly Committee Chair/Department Head Coordination Meeting: Mr. Zubricki reminded the Selectmen that their next meeting will include a segment that allows the Town committee chairpersons and department heads to exchange information regarding their departments and committees, in addition to discussing the major Town Meeting articles.

Melrose Datacenter Update: Mr. Zubricki reported that he had spoken to a Comcast representative in an effort to seek options for improving the speed of data processing between Town buildings. Comcast is unable to commit to any other technology for contractual and legal reasons. Mr. Zubricki has also been discussing the situation with the Melrose technicians and they have suggested some work-around ideas that can be tried out. Mr. Zubricki said that he would keep the Selectmen informed and is presently awaiting the City's upgrade of the connection between Essex and Melrose.

At 8:00 p.m., Shellfish Constable William Knovak joined the Selectmen to discuss several items relating to shellfishing. Mr. Knovak said that he would like to request that the Selectmen vote to close the winter clam flats at midnight, April 30, 2012. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to close all of the winter clam flats at

midnight, April 30<sup>th</sup>, 2012. Notices of the closure will be posted at the Essex Elementary School, the Post Office, the Town Clerk's Office, the Selectmen's Office, and at the Library. The Gloucester Daily Times will also be notified and a notice will be put on the Town's website.

The Shellfish Constable said that many of the fishermen are advocating that the half of the clam flat called The Spit that is considered a winter clam flat, be kept open for the entire year, not just in the winter. The stakes that define the boundary are a safety hazard to boaters and are constantly disappearing or being moved.

The Constable reported that most of the clam flats have been depleted and clammers are now harvesting razor clams when the tide permits. The State regulations require that razor clams be at least 5 inches long before they are allowed to be harvested. Many towns have increased that stipulation to 6 inches in an attempt to slow the depletion of razor clams.

Parking of Boats/Trailers at Clammers' Beach: Those present discussed the complaint received by the Police recently regarding boat trailers and boats left at clammers' beach overnight. It was agreed by everyone that this was not allowed and that the Police should continue to ticket the violators.

Mr. Knovak suggested that the Town could start charging the Gloucester clammers for the free parking stickers that are given to them that allow them to park at Conomo Point. He said that the money could be used to pay for nets and seed clams for a volunteer reseeding project that he would like to initiate. He also said that other neighboring towns charge more for their shellfishing permits and suggested that Essex raise the fee for commercial clammers and allocate the increase towards the purchase nets and seed clams for the reseeding project. The creation of a revolving fund for the reseeding project would need to be voted at a Town Meeting.

Discussion followed concerning the residency requirements and the problems of trying to prove or disprove residency. Mr. Zubricki explained the procedure that needs to be followed if someone wishes to bring a complaint before the Selectmen.

Mr. Knovak said that all the hunting/fishing regulations, except the Town's shellfishing regulations, stipulate that a hunter/fisher is to have his/her license on his/her person at all times. He asked that the Selectmen vote to change the Town's regulations to include this requirement for shellfishing permits. The Selectmen were in favor of the change and asked Mr. Zubricki to develop the change to the Shellfishing regulations and the change will be officially voted at the next Selectmen's meeting.

The Selectmen asked Mr. Knovak to schedule and post a meeting of the Shellfish Advisory Commission to seek the Advisory Commission's recommendations regarding keeping the Spit open year-round, increasing the legal harvesting limit of razor clams from 5" to 6", and raising the licensing fees to pay for reseeding supplies. Members of the Shellfish Advisory Commission include Mr. Knovak, Jim Haskell, Brad Atkinson, Keith Woodman, and Leonard Woodman. Mr. Knovak agreed to do so and report back to the Selectmen. He left the meeting.

Chief of Police Calendar Year 2012 Goals: Selectman O'Donnell reported that she had met with Chief Silva to review his proposed goals and accomplishments. She said that each of the goals falls into one of three categories: general maintenance, goals to move forward, and visionary goals. It was agreed that Mr. Zubricki would contact Chief Silva and ask him to revise his goals for the remainder of the calendar year based on these categories and additional items they had discussed. Selectman O'Donnell also suggested that Chief Silva be part of an ad hoc committee to investigate and compile definitive answers to questions concerning the creation of a regional police department. The answers would include facts supporting the idea and facts demonstrating why it would not be a good idea. She said that the Chief has some plans for public outreach programs that he is planning and that the department already does a program at the elementary school each year.

One-Year Extension of City Hall Systems Software Contract: Mr. Zubricki said that the new contract for City Hall Systems is due to expire on May 16<sup>th</sup>, 2012 and recommended that the Selectmen exercise the one year renewal option. The original contract had a short duration, since it was new to the Town's operations. He recommended that the Selectmen consider requesting a multi-year contract next year as the system has worked very well. A motion was made, seconded, and unanimously voted to exercise the extension of the City Hall Systems contract for one year.

Appraisals for Potential Sale of Southern Conomo Point Properties: Mr. Zubricki reported that the consultant, Mark Tyburski, will provide the appraisals for potential sale of southern Conomo Point properties to the Selectmen by April 17<sup>th</sup>. He said that the appraisals will reflect sale prices based on no deed restrictions. The consultant will provide a formula that can be used to adjust the sale price if a property is sold with a deed restriction.

Proposal to Reduce Electricity Costs Via Solar Panel Installation: Mr. Zubricki said that he had been contacted by a sales representative about installing solar panels on Town buildings to reduce electricity costs. The Selectmen said that they would like to consider the idea for discussion at a future date, but could not commit at this time due to the uncertainty of Town Building planning.

Sponsorship of Downtown Streetscape Features: Mr. Zubricki said that the Selectmen have not yet decided on a method of choosing who will sponsor a streetscape, nor on a uniform design for the signage. Selectman O'Donnell said that she would like to discuss the matter first with a member of the Merchant's Group and receive their input before making a final decision.

Enterprise Fund Indirect Cost Allocation Policy: Mr. Zubricki said that the Town's auditors have suggested that the Town officially adopt a policy for allocating indirect costs for the Town's enterprise funds. Mr. Zubricki has drafted a ***policy for both the Sewer Enterprise Fund and the Water Enterprise Fund*** that has been approved by the Town Accountant. After review, a motion was made, seconded, and unanimously voted to approve the policy. The Selectmen signed the policy and it will now be sent to the Board of Public Works for their consideration and approval.

Town Building Committee Meeting: Selectman O'Donnell and Mr. Zubricki reported on the recent meeting of the Town Building Committee. They said that the Committee agreed to support the Town Office move to the Lahey building only if all of the required improvements can be made. The Finance Committee has agreed to support the move to Lahey as long as the total expenditure does not exceed \$1,000,000. Mr. Zubricki said that he has talked to George Harvey about the possibility of having the North Shore Regional Vocational School perform some of the building alterations. Mr. Harvey was very enthusiastic and said that he would bring by an application. If the school approves the application, the work could probably be scheduled for this fall into early 2013, if the move is voted by Town residents. Mr. Zubricki said that if the work is performed by the North Shore Vocational School, the project would meet the criteria set by the Town Building Committee and the Finance Committee.

The Town Building Committee has scheduled a public forum for Tuesday, April 24<sup>th</sup> at the Senior Center to talk to residents about Town building needs and the Committee's recommended course of action.

The Selectmen discussed the Glass Dimensions building on Western Avenue which is seeking a tenant. The entire building is vacant and contains about 26,000 square feet. The Town Building Committee is considering the Glass Dimensions building as an alternative site for a public safety building for fire and police. The building would need minor alterations, but is only 1.6 miles from the center of Town and is located on a main road with plenty of space for parking.

Annual Town Meeting Draft Motions: Mr. Zubricki distributed the proposed motions for the Annual Town Meeting for review and later comment by the Selectmen. It was noted that the order of the articles may be changed.

Mr. Zubricki said that he will bring the enterprise fund budgets to the next Selectmen's meeting for the Selectmen's approval.

Revised Facility Naming Policy: The Selectmen agreed to postpone discussion of this topic until late May.

Special Legislation Relative to Chapter 30B for Conomo Point: Mr. Zubricki said that they had met with Senator Bruce Tarr, Representative Ferrante, the Senate Chair, Chairman Jones, and Bill Liberti that afternoon to discuss the status of the request for special legislation regarding Conomo Point. Mr. Zubricki said that it was at this meeting approximately three hours ago, that both he and the Chairman had learned about the need to schedule a Special Town Meeting to reaffirm the Town's desire to have the State enact special legislation for Conomo Point. Mr. Zubricki had since drafted a **warrant for that Special Town Meeting** which was reviewed by the Selectman. Following a discussion, a motion was made, seconded, and unanimously voted to hold a Special Town Meeting on Wednesday, April 25<sup>th</sup>, 2012, in the Essex Elementary School cafeteria starting at 7:30 p.m. A motion was made, seconded, and unanimously voted to open the warrant for the April 25<sup>th</sup> Special Town Meeting. A motion was made, seconded, and

unanimously voted to include one article on the Special Town Meeting Warrant. A motion was made, seconded, and unanimously voted to close the Special Town Meeting Warrant. A motion was made, seconded, and unanimously voted to approve and sign the warrant (a copy of which is attached to these minutes). The Selectmen will be meeting before the Conomo Point informational forum on Thursday, will re-post that agenda to make reference to the Special Town Meeting, and will vote to ratify the votes for the Special Town Meeting on April 25<sup>th</sup> at that time. Selectman Gould-Coviello agreed to inform the Town Moderator about the reasons for the Special Town Meeting.

Mr. Zubricki reported that Kopelman and Paige will be returning the mylar of the subdivision plan for southern Conomo Point so that the Town Clerk can sign it before it is filed at the Registry of Deeds.

In other business, a motion was made and seconded to approve the weekly warrant in the amount of \$69,855.27, 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. Selectman Gould-Coviello abstained from voting on the warrant, and Chairman Jones and Selectman O'Donnell voted to approve the warrant.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the March 26<sup>th</sup>, 2012, Selectmen's Open Meeting and the March 26<sup>th</sup>, 2012, Selectmen's Executive Session.

Selectman Gould-Coviello suggested that discussion regarding the formation of a cultural district be postponed until after the Annual Town Meeting and the other two Selectmen agreed.

A motion was made, seconded, and unanimously voted to ratify the Town Administrator's approval of a line item transfer of \$500.00 from Shellfish Boat Repairs to Shellfish Truck/Fuel/Mileage.

A motion was made, seconded, and unanimously voted to approve a request for a parade permit for Saturday, May 19<sup>th</sup>, 2012, between the hours of 9:00 a.m. and 1:00 p.m., starting at the Town Hall, sponsored by the Senior Global Issues Class at Manchester-Essex Regional High School to benefit a school in Haiti.

A motion was made, seconded, and unanimously voted to approve a request from the Essex PTO to pass over Essex roads during their 5<sup>th</sup> Annual Happy as a Clam 5K Run/Walk on Friday, May 4, 2012 from 5:00 to 7:30 p.m.

A motion was made, seconded, and unanimously voted to accept the *resignation of Gil Guerin* as an alternate member of the Zoning Board of Appeals.

A motion was made, seconded, and unanimously voted to approve the *recommendation by Ed Perkins to appoint Keith Carter* as an alternate member of the Zoning Board of Appeals.

A motion was made, seconded, and unanimously voted to accept the *resignation of Dawn Burnham* from the Board of Registrars.

After review, a motion was made, seconded and unanimously voted to approve the Chairman's signature on a *letter to the Essex Democratic Town Committee* and a *letter to the Republican State Committee* advising them of a possible vacancy in the Board of Registrars and asking for a list of candidates to fill the vacancy.

The Selectmen reviewed a Disclosure of Appearance of Conflict of Interest submitted by the Town Clerk and agreed that it did not merit concern.

A motion was made, seconded, and unanimously voted to approve a request from the Commissioners for the Cemetery Department to transfer \$27,500 from its various accounts to its FY13 budget.

The Selectmen discussed the status of a request for a Standard Commercial Clamming Permit from Keith Woodman and agreed that all the documentation was now in order. A motion was made, seconded, and unanimously voted to approve his application.

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

Gasoline Storage and Sale Permit:

- Peter Panagoplos, Chanty Inc., d/b/a Richdale, underground storage of 24,000 gallons gasoline at 156 Main Street.
- Stanley Collinson, Wheelworks, Inc., d/b/a Gaybrook Garage, underground storage of 16,000 gallons gasoline at 152 Western Avenue.

Non-Resident Recreational Clamming Permit and Waiver of Filing Deadline:

- Bradford Allen of Georgetown, MA, sponsored by Russell Jordan
- Bruce Allen of Peabody, MA, sponsored by Russell Jordan
- Kenneth F. Glass of Manchester, MA, sponsored by Michael Soucy

One-Day Wine and Malt License:

- Teri Eramo, Eventide Gallery, for Star Island Fundraiser for use on Saturday, April 14, 2012, between the hours of 3:00 and 9:00 p.m. within the confines of the Eventide Gallery at 63 Main Street.

The Selectmen discussed the request for a One-Day Entertainment License from The Farm for a benefit to help the Boston Rescue Mission. A motion was made, seconded, and unanimously voted to approve the request from Rebecca Linqata, Catering Manager, The Farm Bar & Grille, for use on Wednesday, April 25, 2012, between the hours of 9:00 p.m. and 12:00 a.m. within the confines of The Farm at 233 Western Avenue. The Selectmen asked Mr. Zubricki to convey their

serious concerns regarding the possibility of excessive noise and to remind the owner of the Farm of the restrictions on occupancy before releasing the permit.

The Selectmen reviewed a request to replenish the sand at the beach at Centennial Grove and asked Mr. Zubricki to inform the applicant that there is no money left in the budget this year to pay for the cost of the sand due to a decrease in rental proceeds and the performance of other costly projects.

Mr. Zubricki said that a building permit application for 5 Beach Circle had been received from the contractor hired by the tenant of the property. The Building Inspector cannot grant a permit for any leased properties at Conomo Point until each permit is approved by the Selectmen (Conomo Point Commissioners). Mr. Zubricki said that the permit is to remove a part of the structure at 5 Beach Circle that is on land owned by a private party. The problem is that there is no definitive plan of where the true property boundary lies, so the amount of the structure that has to be removed is in question. It is also unclear how much of the structure the private party would like to see removed. The Selectmen were in agreement that they will require a plan of the land by a registered surveyor showing the boundary lines, as well as, all rents and taxes to be paid on 5 Beach Circle before signing off on the building permit. They will also require a letter from Mr. True, the tenant at 5 Beach Circle, explaining how he plans to comply with the items set forth in the side agreement that was negotiated as part of his bridge lease for 5 Beach Circle. Mr. Zubricki said that he would confirm the suggested requirements with Town Counsel before informing Mr. True of the Selectmen's decision.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, April 23, 2012, at 7:00 p.m. at the Senior Center on Pickering Street.

There will be an Annual Town Meeting on Monday, May 7<sup>th</sup>, starting at 7:30 p.m. in the gymnasium at the Essex Elementary School.

At 10:20 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 these matters in Open Session would be detrimental to the Town's negotiating position and invited Mr. Zubricki to attend the Session. He said that the Board would be returning to Open Session only to adjourn the meeting. The motion was moved and seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:35 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:

*The List of Concerns*

*A Summary of Other Towns' Annual Town Meeting Dates*



*Policy for both the Sewer Enterprise Fund and the Water Enterprise Fund*  
*Warrant for that Special Town Meeting*  
*Resignation of Gil Guerin*  
*Recommendation by Ed Perkins to appoint Keith Carter*  
*Resignation of Dawn Burnham*  
*Letter to the Essex Democratic Town Committee*  
*Letter to the Republican State Committee*

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

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