

Selectmen's Minutes
Senior Center

April 23, 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.

The Chairman 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 from the public was present to offer any comment.

Mr. Zubricki began his presentation of his Town Administrator's Report for the period April 7th through April 20th, 2012 regarding the following:

Town Building Committee Meeting and Potential Assistance from North Shore Regional Vocational School District: Mr. Zubricki reported that the Town Building Committee had met recently to discuss whether or not to recommend the purchase of the Lahey Building for Town Offices. The Finance Committee has said that they will only recommend the purchase if it and the desired renovations cost no more than \$1,000,000. Mr. Zubricki said that he has discussed the possibility of the North Shore Agricultural and Technical School supplying the labor for the needed renovations as part of their school curriculum and has filed an application with the school. If North Shore Tech agrees to the proposal, Mr. Zubricki said that the cost of acquiring and renovating the building would fall within the Finance Committee's requirements. Mr. Zubricki said that the school was not sure when they will make their decision on the Town's application, but it is hoped that it will be before the Annual Town Meeting on May 7th. Those present reviewed a draft **handout** prepared by Mr. Zubricki comparing the tax cost per year to the average taxpayer over the next five years of purchasing and maintaining the Lahey Building along with Modular Units for the Library versus keeping both the Town Hall Offices and the Library in the Town Hall Building. The Selectmen approved the handout for the Annual Town Meeting subject to the Building Committee's final changes. Mr. Zubricki said that if the Lahey purchase is not approved at the ATM, there is another article on the warrant seeking money to address much needed maintenance and repairs to the Town Hall to correct public safety and health issues.

Chief of Police Calendar Year 2012 Goals: Mr. Zubricki said that he had reviewed, at the Selectmen's request, with the Police Chief, the new format for submitting the Chief's goals and objectives. Selectman O'Donnell has also met with the Chief to discuss his goals. The Chief has now submitted a **new document** using the requested format which the Selectmen approved with the caveat that a final draft should be submitted with an appendix that tracks the various department certification tasks.

Enterprise Fund Receipts Reserved for Debt Service: Mr. Zubricki said that the Department of Revenue has issued a new directive regarding the treatment of betterment money in an enterprise fund. Mr. Zubricki said that he will work with the Town Accountant, the Department of Public Works, and the Town Auditors to formulate a policy that will allow the Town to track the money received and make sure that an adequate amount of it is reserved to pay the debt service on the associated loans.

Special Legislation, Conomo Point: Mr. Zubricki reported that he expects that the subdivision plan for southern Conomo Point would be recorded at the Registry of Deeds by tomorrow. Those present agreed that it is extremely important that the Planning Board, the Finance Committee, the Conomo Point Planning Committee, and the Board of Selectmen come out strongly in support of the Conomo Point articles.

Conomo Point Informational Forum and the Northern Conomo Point Zoning District Bylaw Public Hearing: The Selectmen discussed the recently held informational forum and the Planning Board public hearing regarding Conomo Point. The Selectmen anticipate that some of the same issues will be raised at the Annual Town Meeting and that it will be important to make sure that plenty of backup information is presented to support the Town's position.

Proposed Revision to Shellfish Regulations: Mr. Zubricki reviewed the change he had drafted to the Shellfish Regulations regarding the Selectmen's decision to amend the regulations to require that shellfish harvesters have their shellfishing permit on their person at all times while they are harvesting. A motion was made, seconded, and unanimously voted to approve the *shellfish regulations* as amended. The regulations will go into effect on May 1, 2012.

Local Acquisition for Natural Diversity (LAND) Grant: Mr. Zubricki announced that there is a new grant available to help pay for updating open space plans. The Town's open space plan does need to be updated as it is several years old. However, the new grant is contingent upon a town's Conservation Commission applying for another type of grant. Whether the town's Conservation Commission receives the grant or not makes no difference. Mr. Zubricki said that he is working to coordinate the efforts of the Town's Conservation Commission and the Town's Open Space Committee for the grant applications.

In other business, a motion was made, seconded, and unanimously voted to approve the expenditure of \$150.00 and \$120.00 from the Luther T. Burnham fund to David W. Graf for routine maintenance and repair of the Town Hall Clock.

A motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$66,392.88.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the April 9th, 2012, Selectmen's Open Meeting, for the April 9th, 2012, Selectmen's Executive Session, and for the April 12th, 2012, Selectmen's Open Meeting.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the April 17th, 2012 warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously voted to approve a reserve fund transfer request in the amount of \$5,866 for sick leave/vacation buy back for a recently retired employee.

A motion was made, seconded, and unanimously voted to approve a reserve fund transfer request in the amount of \$182.66 for the Veterans' Regional Assessment.

A motion was made, seconded, and unanimously voted to approve the proposed *Sewer Enterprise and the proposed Water Enterprise Budgets for FY2013*.

The Selectmen reviewed a *thank you letter to Louise Wilson*. A motion was made, seconded, and unanimously voted to sign the letter.

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

Gasoline Sale and Storage Permit Renewal:

- Ernest T. Nieberle, Jr., Nieberle's Service Station Inc. for the keeping, underground storage, and sale of 14,000 gallons gasoline

Gravel Pit License Renewal:

- Curlew Cove Realty Trust at 53 – 57 and Rear John Wise Avenue.

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

- Charles Dolliver III, S. Hamilton, MA sponsored by Nicholas Lynch
- Michael Dolliver, S. Hamilton, MA sponsored by Mark R. Lane

The Selectmen were reminded that they will meet at 7:00 p.m. in the Teachers' Lounge at the Essex Elementary School on Wednesday, April 25, 2012.

There will be a Special Town Meeting held on Wednesday, April 25th, 2012, in the cafetorium starting at 7:30 p.m.

The next regular Board of Selectmen's meeting will take place on Monday, May 7, 2012, at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School, followed by the Annual Town Meeting at 7:30 p.m. in the gymnasium.

A motion was made, seconded, and unanimously voted to approve a *request to use Centennial Grove for an annual picnic* by the First Congregational Church of Essex on Sunday, September 9th, 2012, between the hours of 11:30 a.m. and 4:00 p.m., and also, to waive the rental fee.

The Selectmen discussed a request to rent the Grove Cottage for a family picnic by a Town employee. The Selectmen said that they would consider renting the cottage for the usual resident fee of \$300 plus any one-day license fees that may apply. The same conditions for one-day licenses for the Grove would also apply to the cottage.

The Selectmen considered an invitation to attend the ground breaking ceremony for the Essex North Shore Agricultural and Technical School, and Selectman Gould-Coviello said that she may be able to attend.

Mr. Zubricki said that there had been an inquiry about licensure of Town property for commercial use. The Selectmen said that they would like to take the matter under advisement for discussion at a future date and asked Mr. Zubricki to ask Town Counsel to comment on the idea.

At 8:00 p.m., Council on Aging Chair Keith Symmes, Department of Public Works Chair Scott DeWitt, School Committee member and Shellfish Advisory Commission member Jim Haskell, School Committee member Alva Ingaharro, Shellfish Constable William Knovak, Conomo Point Planning Committee Chair Mark Lynch, Police Chief Peter Silva, Historical Commission Chair Richard Stevens, Town Accountant Roxanne Tieri, and Town Clerk Christina Wright joined the Selectmen for the Department Heads Quarterly Meeting.

Karen Gertsch, a resident of Haskell Court, also joined the meeting to ask those present to consider changing the date of the Annual Town Meeting to a Saturday. She said that there are over 600 seniors in Town and that it would be easier for them to attend a day-time meeting. She had surveyed five neighboring towns, three of which have their meetings on Saturday. After some discussion, it was suggested that perhaps survey cards could be given out and collected at the coming Annual Town Meeting to ask if there was any interest in changing the meeting date. Karen Gertsch thanked everyone and left the meeting.

Special and Annual Town Meeting Draft Motions: Chairman Jones reminded everyone that there is a Special Town Meeting scheduled for this Wednesday. The only article on the STM warrant is a vote to reaffirm the Town's request to the State Legislature to vote special legislation to exempt the Town from Chapter 30 (b) regarding the sale and/or long term lease of land at Conomo Point. This legislation is necessary as it will enable the Town to meet the Department of Environmental Protection's mandate regarding wastewater at Conomo Point.

Mr. Zubricki proceeded to review the more significant articles that will be addressed at the Annual Town Meeting in May. Some of the articles reviewed included the article to purchase the Lahey Building, the Conomo Point articles, the Department of Public Works articles, and the school budget article. At the conclusion of Mr. Zubricki's review, the Chairman thanked

everyone for coming and all except Conomo Point Planning Committee Chair Lynch, Shellfish Constable Knovak and Shellfish Advisory Commission member Haskell left the meeting.

Mr. Knovak reported that the Shellfish Advisory Commission had met previously this evening and that three of the five members of the Commission had been present. The Commission had discussed the clam flat known as "The Spit". Half of The Spit is designated as a winter flat and is only available for shellfish harvesting a few months of the year. The three members had voted unanimously to recommend that the Selectmen consider removing the designation of winter flat on "The Spit", making the entire Spit available for year-round harvesting. The Selectmen said that they would take it under advisement and discuss it at their next meeting. Mr. Knovak and Mr. Haskell thanked the Selectmen and left the meeting.

The Selectmen said that they would review Mr. Zubricki's draft of the *proposed motions* for the Annual Town Meeting for possible discussion at a later date.

Mr. Zubricki reported that all of the necessary paperwork regarding the transfer of a lease for 3 Beach Circle, Map 19, Lot 101, has been received. (Both of the parties named on the lease had recently died.) Selectman Gould-Coviello moved to countersign the Bridge Lease for 3 Beach Circle (Map 19, Lot 101). She said that in taking this vote, the Selectmen are relying on the separate representations of Brian J. Lunt and Luise M. Menges, that they are the sole authorized parties necessary to execute the Bridge Lease and that they 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, including, but not limited to the Estates of Roger G. Menges and Marilyn M. Lunt, challenging the validity of their status. Further, the Board is designating, at the request of Brian J. Lunt, the official mailing address for the leasehold to be: Brian J. Lunt and Luise Menges, c/o Rick Lunt, 1035 Hinesburg Road, South Burlington, Vermont 05403. The motion was moved, seconded, and unanimously voted.

At 9:10 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point, litigation concerning the Gloucester Sewer Rate Billing Dispute, and litigation concerning the William Allen property on Southern Avenue, the Chairman entertained a motion to move to Executive Session. He said that discussing these matters in Open Session would be detrimental to the Town's negotiating strategy with regard to real estate matters and detrimental to the Town's legal strategy regarding the Gloucester litigation and the Allen litigation. The Chairman invited Town Administrator Zubricki and Conomo Point Planning Committee Chair Lynch to attend the Executive 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 10:10 p.m. Mark Lynch had previously left the meeting during the Executive Session.

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:

Handout Regarding the Lahey Building

Chief's Goals - New Document

Shellfish Regulations May 1, 2012

Sewer Enterprise and Water Enterprise Budgets for FY2013

Thank You Letter to Louise Wilson

Request to use Centennial Grove for an Annual Picnic

Proposed Motions for the Annual Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell