

Selectmen's Minutes
Senior Center

July 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

Also Present: Tax Collector/Treasurer Virginia Boutchie, Fire Chief Dan Doucette, DPW Superintendent Paul Goodwin, Shellfish Constable William Knovak, Essex Division of the Cape Ann Chamber of Commerce Representative Sue Lufkin, Long Term Planning Committee Chair Andrew St. John, Building Inspector Bill Sanborn, Police Chief Peter Silva, Historical Commission Chair Richard Stevens, and Town Accountant Roxanne Tieri.

The Chairman called the meeting to order at 7:00 p.m. in the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

Kirk and Joanne Smith and Ione Ekdahl came before the Selectmen to ask that they consider an assignment of the lease for the property at 9 Town Farm Road (Map 19, Lots 43 & 44) from R. Ione Ekdahl, Sandra Ekdahl-Mirabile, Peter D. Ekdahl and Stacey I. White to Kirk W. Smith, Joanne T. Smith, and Jolinda M. Smith. Selectman Gould-Coviello moved to approve a written request for the assignment of the leasehold for the property at 9 Town Farm Road (Map 19, Lots 43 & 44) from R. Ione Ekdahl, Peter Ekdahl, Sandra Mirabile, and Stacey White to Kirk W. Smith, Joanne T. Smith, and Jolinda M. Smith 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 R. Ione Ekdahl, Peter Ekdahl, Sandra Mirabile, and Stacey White. The motion was moved, seconded, and unanimously voted. A copy of the approved minutes reflecting the assignment of this lease will be sent to both parties. The Selectmen were thanked and they congratulated the Smiths. The Smiths and Ms. Ekdahl left the meeting.

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

Request for Qualifications, Town Hall Repairs: Mr. Zubricki reported that a total of five companies had met the RFQ specifications. These proposals have been reviewed by the Town Building Committee and they have chosen the best three proposals. The Committee has scheduled interviews with each of the three companies on Monday, July 30th, at the Senior Center. After the interviews, the Committee will rank the companies and forward their recommendation to the Selectmen for consideration.

On a related matter, the Town Tax Collector/Treasurer will be purchasing fire-proof file cabinets and the floor in the Town Hall will need to be reinforced to support the weight of the cabinets. It was agreed that Mr. Zubricki will ask a contractor to give an estimate on the work needed, which will be specified by Selectman O'Donnell, who is a registered structural engineer.

Downtown Streetscape Feature Sponsorship/Maintenance: The Selectmen discussed maintenance of the new planting strips along the causeway that were part of the Route 133 Reconstruction Project. It was agreed that if the strips were not maintained by the adjacent property owners, then maintenance would be offered to others who would be allowed to place small signs on the strips advertising their contribution. Selectman Gould-Coviello will talk to the owners of the Fortune Palace, the Fin and Feather, and Essex Wine and Spirits about maintaining their strips. These strips are not currently being maintained. Selectman O'Donnell is working with the Merchants Group to design uniform signs for the strips and the pocket parks. Sponsorship of the areas will first be offered to those who have maintained them in the past.

Renovation of Library Handicapped Accessible Ramp: Mr. Zubricki said that the Librarian has informed the Selectmen's Office that the ramp to the Library is in need of repair and estimates for the repairs are over \$8,000. There is only about \$6,000 in the Luther Burnham Fund. The Selectmen agreed that the ramp repairs could be included in the scope of work presently being bid for other repairs to the Town Hall.

Change of Purpose, John Wise Avenue Public Safety Site: Mr. Zubricki said that it is not necessary to subdivide the cemetery property at Spring Street to provide for the new public safety building. However, Town Meeting does need to vote for a change of purpose for the segment of the property that will be used for the new building. The segment would go from cemetery use under the care and supervision of the Department of Public Works to general purpose use under the care and supervision of the Board of Selectmen. Mr. Zubricki has discussed using part of the cemetery property for a public safety building with the DPW and showed them a plot plan. The DPW has discussed using the site for the building in the past and will review the matter with the Selectmen in September.

The Selectmen discussed a letter recently received from a Water Street resident regarding the Town's need for a new public safety building. The resident had a number of questions and it was agreed by Selectman O'Donnell, the Police Chief, and the Fire Chief that they would meet with the resident to answer his questions.

Review and Amendment of Sewer Bylaws and Regulations: Mr. Zubricki said that there are some issues that need to be discussed by both the Selectmen and the Department of Public Works regarding possible allotment of increased sewer flows. Mr. Zubricki agreed to schedule an appointment with the DPW at one of the Selectmen's September meetings to discuss the sewer bylaws and regulations and the change of purpose for the John Wise Avenue site.

Chairman Jones said that he would be meeting with Avi Urbas from the Manchester-Essex Middle High School tomorrow to discuss certification relative to school building construction project funding. A motion was made, seconded, and unanimously voted to approve the Chairman's signature of the certification documents outside of a Selectmen's meeting.

Mr. Zubricki reviewed recent changes to the Open Meeting Law regarding "remote participation". The Selectmen were not in favor of adopting the provisions allowing for remote participation at this time.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$816,396.49.

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

Tax Collector/Treasurer Virginia Boutchie came before the Selectmen to remind them that it is time again to address Re-funding of the Pond Street Water Loan in the amount of \$137,000.00 at 0.55% per year. A motion was made, seconded, and unanimously voted to sign the documents.

A motion was made, seconded, and unanimously voted to appoint Peter R. Davekos to the position of Assistant Harbormaster.

A motion was made, seconded, and unanimously voted to promote Dan Fialho to the position of Deputy Harbormaster.

A motion was made, seconded, and unanimously voted to approve a 33B Transfer of \$218.00 from Registrars Stipend to Registrars Supplies.

A motion was made, seconded, and unanimously voted to approve a 33B Transfer of \$317.00 from Town Clerk Temporary Help to Town Clerk Parking Tickets.

The Selectmen reviewed a request to waive the application filing deadline and approve the application for a Non-Resident Recreational Clamming Permit for Jeff Fraser, Sr. who is sponsored by Jeff Fraser, Jr. A motion was made, seconded, and unanimously voted to waive the deadline and approve the application.

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

One-Day Auction Permit:

- Michael March, Blackwood March Antiques, for use on Wednesday, August 15th, 2012, between the hours of 4:00 p.m. and 10:00 p.m. within the confines of 125 Main Street.

One-Day Wine and Malt License:

- Woodman's Inc., Joan Houghton, for use on Friday, August 10, 2012, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.

A motion was made, seconded, and unanimously voted to accept the resignation of Brendan O'Donoghue from the Town Building Committee. The Selectmen asked that a thank-you letter to Mr. O'Donoghue be prepared for their signature.

The Selectmen considered the possibility to nominate a candidate to receive the Myra L. Herrick Outstanding Older American Award and a candidate to receive the Rosemary F. Kerry Community Service Award. Since there were no candidates suggested, the Selectmen decided to forward the request for nominations to the Council on Aging.

The Selectmen discussed the rules for parking permits at Conomo Point and whether or not permits should be issued to people who are not residents, but who do own property in Town. The Selectmen agreed to keep the present rules for the time being.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, August 6th, 2012, at 7:00 p.m. in the Essex Elementary School on Story Street.

At 7:42 p.m., the Chairman entertained a motion to move to Executive Session to discuss the lease, sale, and value of real property at Conomo Point; and pending litigation regarding the case of the Town of Essex vs. Melvin Barron; the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; the case of Judson Pratt, et. al. vs. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; the case of Appellants vs. the Town of Essex Board of Assessors, ATB Docket No. X305092; and, the case of the Town of Essex vs. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096. He said that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies. He invited Town Administrator Brendhan Zubricki to attend the session and said that the Board would be returning to Open Session. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:04 p.m.

The Chairman announced to those present for the Department Head Quarterly Update that the purchase and sale agreements for leased properties on southern Conomo Point are expected to be sent to tenants this week. The purchase prices for the properties are for the land-only valuation made by the appraiser hired by the Selectmen. A motion was made, seconded, and unanimously voted to send purchase and sale agreements out for the following properties:

- Year-Round by Right (Group 1)
 - John & Patricia Amirault (Map 19, Lot 26)
 - Donna & Gary Beck (Map 19, Lot 118)
 - Cottage Park Realty Inc. (Map 19, Lot 20)
 - Stephen E. & Elizabeth J. Gammons (Map 19, Lot 15)
 - Daniel Mayer (Map 19, Lot 16)
 - Kathleen P. Simpson (Map 19, Lot 33)

- Sarah W. Wainwright & Kristen Wainwright (Map 19, Lot 17)
- Year-Round to be Extinguished (Group 2)
 - Jean A. Appellofft (Map 19, Lot 49)
 - Brenneman Family Irrevocable Trust, Richard & James Brenneman (Map 19, Lot 51)
 - Robert, Ida, Daniel P., and Darlene Doane, Deborah Sutherland (Map 19, Lot 38)
 - Janet M. & Alfred L. Landry & Susan L. Mears & Jane E. Powers (Map 19, Lot 48)
 - Leah Maher (Map 19, Lot 41)
 - Daniel Mayer (Map 19, Lot 40)
 - Karlton P. & Elizabeth M. Pingree (Map 19, Lot 50)
 - Richard C., Richard D. Jr., & Paul M. Tofuri, & Christine E. Sutton (Map 19, Lot 35)
- Year-Round to be Extinguished with Easement (Group 3)
 - Glenn S. Mores & Heather D. Mores (Map 19, Lot 11)
- Already Seasonal Cottage (Group 4)
 - Joanne Averay (Map 19, Lot 63)
 - Louis V. & Paige C. Bertocci (Map 19, Lot 45)
 - Stephen L. & Alison R. Bryer (Map 19, Lot 36)
 - Jonathan D. & Cynthia F. Calder (Map 19, Lot 34)
 - Laura L. Collins (Map 19, Lot 59)
 - Laurinda, Eric, Brian, & Erica Durie (Map 19, Lot 117)
 - R. Ione & P.D. Ekdahl, S. Ekdahl-Mirabile, & S.I. White (Map 19, Lot 44)
 - Joan Brown Herrmann (Map 19, Lot 46)
 - Sara K. & Torrey R. Johnson (Map 19, Lot 12)
 - Paul T. Kelley (Map 19, Lot 47)
 - William Liberti (Map 19, Lot 60)
 - William Liberti (Map 19, Lot 62)
 - Bernice K. Lichtenstein (Map 19, Lot 52)
 - Christopher Osburn (Map 19, Lot 14)
 - Estate of Hedwig M. Sorli, Marie McRae, Executrix (Map 19, Lot 53)
 - Sharon & Michael Tardie (Map 19, Lot 61)
 - Marybeth Tirrell (Map 19, Lot 54)
 - Alexander & Cynthia Y. Carco Van Hamersveld & Jonyelle B. Ellis (Map 19, Lot 116)
- Already Seasonal Cottage with Easement (Group 5)
 - Mary Lewis, Margaret Sydlowski, Michael Foley (Map 19, Lot 28)
- Already Seasonal Cottage with Town Right of First Refusal (Group 6)
 - Carl & Mildred Darrow, Page N. Darrow (Map 19, Lot 58)
 - Patricia Fallon, Mary Jane Given, & Sarah Mahan (Map 19, Lot 57)

➤ Daniel Mayer (Map 19, Lot 56)

A motion was made, seconded, and unanimously voted to authorize a purchase and sales agreement for Mr. Touher for the property at 31 Cogswell Road (Map 19, Lot 27) contingent upon Mr. Touher working with his counsel to file a stipulation of dismissal with prejudice, of his involvement in the Pratt et. al. court case against the Town.

The Chairman announced that the Selectmen plan to host an informational forum regarding the purchase and sale agreements in August. He also announced that the Department of Environmental Protection has agreed that owners of properties on southern Conomo Point will have to comply with Title 5 standards as do all other property owners in Massachusetts. They will not be required to create and join a private wastewater management entity. The Board expects that a contract will be awarded and that work will begin after Labor Day on the necessary improvements to roads that are a condition of the subdivision approval for southern Conomo Point.

The Chairman asked everyone to introduce themselves and then asked Shellfish Constable William Knovak to lead the Department Head and Committee Chair update session. Mr. Knovak reported that the shellfish constable's boat and truck are running OK. He said he has two deputy constables who share the job. Everything is going well on the clam flats and there have been only a few rain closures this year. He expects that after the summer is over, work will begin again on the aquaculture areas.

Building Inspector Bill Sanborn reported that there has been a steady request for building permits, rather than the usual flurry of activity in the spring and fall. He said that the Assistant Building Inspector now has office hours on Monday mornings and that that has been well received. The Assistant has also been helping with some inspections.

Fire Chief Dan Doucette announced that Tim Lane has retired as Deputy Fire Chief and that Keith Carter has been promoted to that position. The Fire Department continues to look for a replacement for the ladder truck and they may need to make some modifications to the front of the Fire Station.

Tax Collector/Treasurer Virginia Boutchie said that she made some changes to the wording of the reminder letters this year, and as a result they have been able to collect 60% of past due taxes. She said she had recently attended an Essex County Retirement Board meeting where it was voted to raise the base retirement income which she had voted against.

Historic Commission Chairman Richard Stevens said that the Commission is continuing to work on the town-wide survey of historic buildings.

Andrew St. John, the new chairman of the Long Term Planning Committee, said that committee is in the process of re-identifying community defining characteristics important to Essex, the possible risks to those characteristics, and suggestions for safeguarding those characteristics. The

committee's findings will be published in a report and shared with the Selectmen and the rest of the community.

Sue Lufkin reported that the Cape Ann Chamber of Commerce continues to work with the Essex Division of the CACC and the Merchants Group to promote local businesses. She said that the waterfront festival in Gloucester draws 20,000 people and they are working to encourage some of those people to come to Essex. There is a "wet paint day" being planned where 200 artists are expected to arrive in Essex for a day of painting. At the end of the day, the paintings will be sold to the highest bidders. There will also be a reception at the Cox Estate where the auctions will take place. Mr. Zubricki promised to add a link to the Town's website to advertise the event.

Police Chief Peter Silva reported that the new regional emergency center building is expected to be completed this October and that it will probably begin operations this coming January or February. He is hoping that Essex will be one of the first communities handled by the center. In the meantime, to ensure that he will have ample staffing until the transfer, he is hiring new people. As Harbormaster, Chief Silva said that the River has been really busy and that he may have to add patrols during the week, since he has received a lot of complaints about violations in no-wake zones, etc. Shellfish Constable Knovak said that he has assisted many boats in trouble during the week.

Town Accountant Roxanne Tieri said that she was able to close out fiscal year 2012 early this year. Everything else is on schedule.

Department of Public Works Superintendent Paul Goodwin said that the Department has successfully installed new billing software. Recently, they have had issues with the pump behind the Police Station, which they are working on. They will be buying a new backhoe and three possibilities are being reviewed. This week, they will be using Chapter 90 money to pave portions of Southern Avenue and Belcher Street. He also said that they have spent a great deal of time searching for the reason for decreased water flow into the plant. They had investigated a number of possibilities to date with no significant results. However, a clogged static mixer was replaced this very evening and the usual inflow was restored. Superintendent Goodwin agreed that the Board of the DPW will meet with the Selectmen in September to discuss the change of purpose for the proposed site of the public safety building on John Wise Avenue and possible changes to the sewer bylaws and regulations.

Selectman Gould-Coviello announced that the Conomo Point Planning Committee will be meeting on Thursday to focus on the direction that should be taken for resolution of the northern Conomo Point properties.

Selectman O'Donnell, as Chair of the Town Building Committee, reported that the Committee has reviewed the quotation packages submitted for repairs to the Town Hall and that they will be interviewing the top three candidates next Monday. Since Town meeting twice voted down articles to move the Town Hall Offices and the Library to a more economical space, the

Committee's focus has now turned to determining how best to proceed towards achieving adequate space for the Police and Fire Department.

Selectmen O'Donnell said that a local group is in the process of creating a walking trail and there are plans to install benches along the causeway. Mr. Zubricki said that Salem State is working with other entities to complete the feasibility study for a boardwalk along the causeway.

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:

None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell