

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

January 7, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Counsel Gregg Corbo, Town Clerk Christina Wright, Attorney John Guerin, and Gloucester Daily Times Reporter James Niedzinski.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment. John Guerin said that he would like to make a public comment. He said that he would like to confirm that the lots that were being sold in the southern portion of Conomo Point are being sold at the land only value as appraised by the Town's consulting appraiser, Mark Tyburski. If that is true, he said that he would like to ask why the houses are being given away for free? He also said that the Town recently sold a lot for \$232,000 and that a private individual recently sold a lot in the same neighborhood for \$800,000. Attorney Guerin said that he was concerned that the Town's appraiser had placed values on the Town's properties that were drastically below the current market rate for similar properties. This permits the purchasers of the properties to buy the properties for a tiny percentage of their actual worth. The Selectmen supported the appraisals performed by Mr. Tyburski and stated that there are a number of reasons why the Tyburski valuations for the Town lots are less than valuations for privately-owned lots, including clear title to the structures on the properties, waterfront access, scenic views, and the cost of future litigation.

Mr. Guerin said that he would also like an update on the status of the historic baggage shed that is on his property. He said that all the permits are in place for its tear-down. Mr. Zubricki said that the Department of Public Works is not interested in accommodating the building at Memorial Park, but has offered to allow it to be stored near the DPW barn until it can be moved to its final site. The final site must be confirmed before the building is placed in the DPW yard. The Selectmen may be in favor of placing the building at Centennial Grove. If the building were saved, funding, estimated at somewhere between \$10,000 and \$20,000, would have to be found for its removal from the Guerin site, for the preparation and placement on a new site, and for its renovation. The building is currently in very bad repair, showing a lot of rot. Mr. Zubricki said that the Historical Commission has voted that the building is not historically significant and has given approval for its demolition. The Board agreed to carry this topic forward as a potential Community Preservation Fund project for consideration by Town Meeting in May. Mr. Guerin thanked the Selectmen and left the meeting.

A motion was made, seconded, and unanimously voted to approve an Installment Agreement for Mr. Alfred Landry, a tenant at 96 Conomo Point Road, Map 19, Lot 48. Town Clerk Christina Wright witnessed the signing by the Selectmen in her capacity as a Notary Public. The Selectmen thanked her and she left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$199,324.07.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 17th, 2012, Open Meeting and the December 17th, 2012, Executive Session.

A motion was made, seconded, and unanimously voted to accept the *resignation of Sue Taylor* from the Playing Fields Committee and from the Centennial Grove Committee.

After a short discussion to ascertain who would be attending the Massachusetts Municipal Association Annual meeting this January, a motion was made, seconded, and unanimously voted to authorize Selectman Lisa J. O'Donnell as the Town's Voting Delegate during the meeting and for assisting in the selection of the Directors for the Massachusetts Interlocal Insurance Association. The Chairman signed the *authorization of the voting delegate for the MMA and for MIIA*.

A motion was made, seconded, and unanimously voted to approve a *request by the Conservation Commission* to appoint Samantha Stevens to the Conservation Commission.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, January 15th, 2013, at 7:00 p.m. in the Senior Center on Pickering Street.

At 7:13 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; collective bargaining with AFSCME; a potential easement over Town land for the benefit of Demeter, Map 3, Lot 19, Southern Avenue; and pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; the Chairman entertained a motion to move to Executive Session. He said that the Board would be returning to Open Session and invited Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo to attend the Executive Session. The Chairman stated that discussing these matters in Open Session would be detrimental to the Town's negotiating, litigating, and bargaining strategies. The motion was moved and seconded. Following a unanimous Roll Call Vote, all others present left the room, and the Board moved to Executive Session.

The Board returned to Open Session at 8:20 p.m. Town Counsel had left the meeting earlier during the Executive Session.

The Selectmen reviewed a request from Ed and Jeanne Lynch to install a pellet stove at 122 Conomo Point Road, Map 24, Lot 44, and a motion was made, seconded, and unanimously voted to approve the request.

Selectman Gould-Coviello said that she would like to initiate a discussion with Manchester Essex Regional Middle High School regarding communication between Essex and Manchester during an emergency and the procedures that should be followed to keep everyone informed. It

was agreed that the subject would be introduced during one of the coming joint school budget small group meetings.

Mr. Zubricki said that he has been contacted by the Manchester-Essex Rotary Club. The Rotary has inquired about possible service projects for the Town that they could sponsor. The Selectmen suggested the donation of two new benches along the causeway. Mr. Zubricki will bring that request to the Club.

Gloucester Daily Times Reporter, James Niedzinski, rejoined the Selectmen's meeting and informed the Selectmen that he would like to record the meeting. The Chairman accepted his request and announced to those present that the meeting was being recorded.

Selectman Gould-Coviello volunteered to write the Selectmen's report for this year's Annual Town Report.

Mr. Zubricki began presentation of his Town Administrator's Report for the period December 15th, 2012 through January 4th, 2013, regarding the following:

Historic Baggage Shed: The Selectmen continued their discussion regarding the preservation of the baggage shed that Mr. Guerin would like to remove from his property. The Selectmen suggested that the Gloucester Daily Times write a story asking for suggestions from readers regarding the preservation of the historic shed.

Proposal for Pocket Dredging Design and Permitting: Mr. Zubricki reminded the Selectmen that it would be necessary to perform pocket dredging if the Town wanted to have floats for boat tie-up attached to the proposed boardwalk. Vine Associates has estimated cost of the additional engineering work and permitting for the dredging to be approximately \$35,000. This cost could be added to the original boardwalk project construction funding grant application to the Seaport Advisory Council. Those present were in agreement that the small additional cost would greatly enhance the proposed project and a motion was made, seconded, and unanimously voted to include the dredging in a proposed application to the Seaport Advisory Council for future construction of the project at the appropriate time.

Preliminary Construction Cost Estimates for Boardwalk Project: Mr. Zubricki reviewed the preliminary *construction cost estimates for the Boardwalk Project* submitted by Vine Associates.

Assessment of Asbestos Containing Material: Mr. Zubricki said that he is expecting to receive the final report on asbestos at the Fire Station this week. The preliminary report shows that there is asbestos in the building. The company believes that it will be more cost effective to manage the asbestos in place than to remove it from the building. The cost estimate for managing it in place would be under \$2,500 which the Selectmen agreed could be paid from Town Property Maintenance or the Reserve Fund.

Final Draft of Selectmen's Budget Package: Mr. Zubricki reviewed the changes that he had made to the ***Selectmen's Budget Package and 5-10 Year Capital Plan*** that were suggested by the Selectmen at their last meeting. Mr. Zubricki said that he had received a request from The Open Door, which is a kind of food pantry for anyone in need, to be added to the Town's list of charities, since they do provide food to some families in Essex. The Selectmen were in favor of the request and a motion was made, seconded, and unanimously voted to request the addition of \$500 to the Town's annual budget for Social Services that will be allocated for Open Door.

Selectman Gould-Coviello reported that she had met with both the Town Clerk and the Tax Collector/Treasurer for their annual performance reviews. She reported that both are doing an excellent job. The Board will consider both a merit raise and a cost of living raise at a future meeting for both positions plus the Selectmen's Assistant position.

Chairman Jones wondered whether some amount of money should be included in the Capital Plan to pay for improvements to the roads at southern Conomo Point, since some of these roads will not be eligible for Chapter 90 funds. Mr. Zubricki agreed to discuss the matter with the Department of Public Works and develop an estimate for the project.

Subsequently, a motion was made, seconded, and unanimously voted to approve the current draft of the Selectmen's budget package (with the addition of the \$500 for Open Door) and the 5-10 Year Capital Plan for submission to the Finance Committee, with the salary portions of the package to be added at a later date.

Preliminary Draft of Annual Town Meeting Potential Topics: Mr. Zubricki presented an updated list of ***potential topics for the Annual Town Meeting*** which will be reviewed at the next Selectmen's meeting.

Selectman O'Donnell proceeded to read the following statement regarding properties at Conomo Point: The special Installment Plan was offered to three elderly residents as something that the Selectmen felt was in the best interests of the Town, based on the Selectmen's understanding of the unique circumstances facing these three individuals. The discovery of new information concerning another property owned by one of those residents does not cause the Selectmen to change their opinion. Therefore, I move that the Selectmen go forward with the sale to Mr. Tofuri as the Selectmen originally agreed to do. The motion was seconded, and unanimously voted. Two of the Selectmen signed the Installment Agreement for Mr. Tofuri. The third Selectmen's signature will be added and witnessed and notarized by the Town Clerk tomorrow.

The Selectmen then proceeded to sign the Bridge Lease Extension Agreements that were previously approved at an earlier Selectmen's meeting.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:12 p.m.

Documents discussed during this meeting include the following:

Resignation of Sue Taylor

Authorization of the voting delegate for the MMA and for MIIA

Request for an Appointment to the Conservation Commission

Construction cost estimates for the Boardwalk Project

Selectmen's Budget Package and 5-10 Year Capital Plan

Potential Topics for the Annual Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell