

Selectmen's Minutes
Senior Center - Upstairs

January 15, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, and Town Administrator Brendhan Zubricki.

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

Selectman Gould-Coviello said that she would like to make a motion to approve a written ***request for the assignment*** of the both the leasehold and the Purchase & Sale Agreement for the property at 8 Sumac Drive (Map 19, Lot 17) from Kristen Wainwright and Richard Harriman to Pierre Erhard pursuant to Article VIII, Section 1 of the Bridge Lease and Paragraph 21 of the Purchase & Sale Agreement for said property with the caveat that said Bridge Lease expires by its term on January 31, 2013 or any subsequent extension granted by the Conomo Point Commissioners, that said Purchase & Sale Agreement expires by its term on January 31, 2013 or any subsequent extension granted by the Conomo Point Commissioners, and that nothing in this vote shall be construed as an extension of said Bridge Lease or Purchase & Sale Agreement or an alteration of any of the terms contained therein; 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 Kristen Wainwright and Richard Harriman. The motion was moved, seconded, and unanimously voted. The Selectmen's signature was witnessed by Town Treasurer/Tax Collector Virginia Boutchie in her capacity as a notary public. The Selectmen thanked Ms. Boutchie and she left the meeting.

The Chairman said that the Board would listen to comments from an ad hoc Conomo Point Group consisting of Paul Collins, Bob Murphy, David Burbridge, Jeff Soulard, David Lane, Bill Liberti, and Ray Randall. Mr. Randall introduced the group of seven residents interested in making suggestions regarding the ongoing homeownership and second-year Bridge Lease rate disputes at Conomo Point. Six of the members were present and Mr. Bob Murphy was absent. The group hopes that their private involvement may assist with a faster and less expensive resolution to the two present legal cases. The group hopes to foster communication among all stakeholders to support a comprehensive dialog and will report back to the Selectmen in an unofficial, ad-hoc manner from time to time in the future. The Board members asked the group to help educate the public regarding matters at Conomo Point and thanked them for their time. The group left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 5th through January 11th, 2013, regarding the following items:

Conomo Point Planning Committee Pre-Forum Meeting: Mr. Zubricki reviewed the various preparations that have been made for the second northern Conomo Point design public forum to be held on January 17, 2013 and explained that Brown Sardina's draft presentation was posted to the Town's website in advance, as promised. At the forum, the Chairman plans to make a statement about the Board's near-term and long-term goals and Mr. Zubricki will offer an update on the southern sales and will review the Conomo Point calendar.

Status of Town Hall/Library Improvements: Mr. Zubricki reviewed a revised version of the *various potential work items* for the subject project and recommended that the Board authorize Meyer & Meyer to complete a full design and cost estimate for each of the items that have already been committed to plus all of the items marked with a "P" (possible) on the revised list. A motion was made, seconded, and unanimously voted to approve Mr. Zubricki's recommendation to authorize the completion of the design and cost estimate.

Mr. Zubricki reviewed various potential design scenarios for the *new Town Hall entry foyer* and distributed to the Board our designer's recommended option. The Board agreed that this recommendation (moving the Treasurer/Collector's door to her other interior wall in order to create a new airlock in the area of her present door) was the best solution. The Board asked Mr. Zubricki to have the designer specify this design with and without a change to the front stairs (adding curved granite front stairs versus keeping the existing stairs), in order to compare the cost of the two options.

Essex Regional Emergency Communications Center Budget Hearing: Mr. Zubricki explained to the Board that he had participated in a recent Finance Advisory Board meeting at which the FAB approved the FY14 operating budget for the new center and that the per-capita cost of \$16.26 that had been proposed about four years ago was adhered to. He said that the new center will begin cutting towns over no earlier than April 15, 2013.

Draft List of Annual Town Meeting Topics: The Board reviewed an updated *draft list of potential Annual Town Meeting topics* and stated that more detailed discussion would be held at the next meeting. The Board asked Mr. Zubricki to add a local meals tax item and a Community Preservation Act item (for outfitting a refurbished or new basement vault for historic records).

At 7:30 p.m., Police Chief Peter Silva and Sergeant Francis arrived to review the Chief's *accomplishments for calendar year 2012*. The Sergeant presented the status of the various items related to Department certification, one of the Chief's goals, and then left the meeting. The Chief is confident that certification will be complete when he returns to the Board next January to review his 2013 accomplishments. The Chief also covered all of his other 2012 goals and how each goal had been accomplished. Subsequently, the Chief presented a *new set of goals for calendar year 2013*.

At 8:30 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; collective bargaining Issues with AFSCME and the EPBA; 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 invited Chief Silva to attend the portion of the Executive Session concerning EPBA discussion, and he invited the Town Administrator to attend the entire session. The Chairman stated that discussing these matters in Open Session would be detrimental to the Town's negotiating,

litigating, and bargaining strategies. He also stated that the Board would be returning to Open Session later in the evening to finish regular business. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 9:05 p.m. Chief Silva had left the meeting previously during the Executive Session.

In other business, a motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 7th, 2013, Open Meeting and the January 7th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve a request from Kelly MacDonald to allow participants in her 5th Annual Ride to Remember to pass over Essex Roads on Sunday, June 23, 2013.

Mr. Zubricki stated that the Town's asbestos inspection contractor had provided three asbestos abatement firms that could assist with limited abatement of asbestos that is required at the Essex Fire and Police Headquarters. The Board agreed that Mr. Zubricki should request three quotes and engage the lowest offerer to complete the work as soon as possible. The inspection contractor will then come back to complete a post-abatement clearance.

The Board asked the Selectmen's Assistant to prepare for the next meeting two letters of appreciation and thanks to acknowledge the retirement of two, longstanding employees of the Essex Post Office.

Selectman Coviello reported that the Manchester Essex Rotary Club is not necessarily interested in contributing benches along the causeway but, instead, may become involved with the improvement of the Town Landing.

The Board reviewed a written *appeal of a vicious dog and dog banishment order* and agreed, pending confirmation that the appeal was timely and discussion with Town Counsel, that a hearing on the matter should be set up for January 28, 2013.

A motion was made, seconded, and unanimously voted to accept a \$100 cash gift to the Police Department from the Marchettis of 20 Ralston Drive in response to a written *request for acceptance from the Chief of Police*.

The Board discussed the excellent work and accomplishments of the Town Clerk, the Treasurer/Collector, and the Selectmen's Assistant over the past year. A motion was made, seconded, and unanimously voted to grant each a 3% merit pay raise in fiscal year 2014 to be added to any cost of living increase that is granted, all figured from last year's base salary.

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

Non-Resident Recreational Clamming Permit:

- Alan Montello of West Newbury sponsored by David Hough
- Charles Neville of Wakefield sponsored by Stephen Hartley
- Kenneth Smith of Groveland sponsored by David Hough

Senior Commercial Clamming Permit:

- Stephen Hartley

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Request for the Assignment

List of Various Potential Work Items for Town Hall

Plan for New Town Hall Entry Foyer

Draft List of Potential Annual Town Meeting Topics

Police Chief's Accomplishments for Calendar Year 2012

Police Chief's New Set of Goals for Calendar Year 2013

Appeal of a Vicious Dog and Dog Banishment Order

Request for Acceptance from the Chief of Police

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Lisa J. O'Donnell