

Selectmen's Minutes
Senior Center - Upstairs

January 28, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, 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 upstairs meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one else was present to offer any comment.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period January 12th through January 25th, 2013, regarding the following items:

Second Northern Conomo Point Public Forum: Mr. Zubricki asked if the Selectmen had any comments regarding the last Conomo Point Forum. Both Selectmen agreed that Brown Sardina had made an excellent presentation. The Selectmen were reminded that there is a final public forum regarding designs for northern Conomo Point scheduled for Thursday, February 7th, 2013 at the Essex Elementary School starting at 7:00 p.m.

Engineering Change Order for Downtown Boardwalk Lighting: Mr. Zubricki reviewed a *proposal from Vine Associates* to include lighting in the proposed boardwalk design. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to include electrical consulting services in the present design contract and pocket dredging in the boardwalk construction proposal application seeking funding of the project that will be submitted to Seaport.

Continued Review of Draft Annual Town Meeting Potential Topics: Mr. Zubricki reviewed the latest draft of *suggested items for the Annual Town Meeting*. The Selectmen determined which items they would like included in the draft warrant that Mr. Zubricki will prepare. Mr. Zubricki agreed that he will work with the Town Accountant and Town Counsel to determine the procedures governing implementation and administration of a proposed meals tax.

At 7:30 p.m., Laura and Paul Wright came before the Selectmen to discuss their application for a Class II License at 22 Western Avenue. They said that it is not their intention to have any of the equipment that they will sell on their property at 22 Western Avenue. Generally, they buy equipment at auctions and the equipment stays at the auction site until it is delivered to their buyer. They said that the Class II License will allow them to participate at auctions that require the license for bidding. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve the request by Wright Industries Inc. for a Class II License with the restriction that only two pieces of equipment would be present on their property at 22 Western Avenue at any one time. A further motion was made, seconded, and unanimously voted to sign the restricted license outside of a meeting as soon as the document has been produced. Mr. and Mrs. Wright thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$672,369.75.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 15th, 2013, Open Meeting and also for the January 15th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve a request to *proclaim April 7th through April 13th, 2013 Holocaust Awareness Week*. The Chairman signed the proclamation.

Mr. Zubricki reviewed the status of the following southern Conomo Point properties that are in the process of being sold to tenants of those properties:

- 14 Robbins Island Road, Map 19, Lot 63, Joanne Averay: Mrs. Averay has recently lost her husband and she will not be able to secure funding from a bank until her tax situation is clarified by her accountant soon. A motion was made, seconded, and unanimously voted to extend her bridge lease and her purchase and sale agreement closing deadline until February 28, 2013, contingent upon receiving a rent check for the month of February 2013.
- 98 Conomo Point Road, Map 19, Lot 56, Daniel Mayer, 6 Sumac Drive, Map 19, Lot 16, Daniel Mayer, and 12 Town Farm Road, Map 19, Lot 40, Daniel Mayer: Mr. Mayer is actively pursuing financing for these three properties, but it will not be completed for another two to three weeks. A motion was made, seconded, and unanimously voted to extend his bridge leases and the purchase and sale agreement closing deadlines for these properties until February 28, 2013, contingent upon receiving rent for the month of February 2013.
- 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell: Ms. Tirrell is being required by the bank that is providing financing for her purchase of this property to construct a new septic system. The construction has been held up by the cold weather and the bank will not complete the financing until the septic system is completed. A motion was made, seconded, and unanimously voted to extend Ms. Tirrell's bridge lease and her purchase and sale agreement closing deadline until February 28, 2013, contingent upon receiving a rent check for the month of February 2013.
- 89 Conomo Point Road, Map 19, Lot 116, Cynthia Carco Van Hamersveld: The Hamersvelds are in the process of selling another property that they own in order to finance purchase of the Conomo Point property. A motion was made, seconded, and unanimously voted to extend the bridge lease for this property and the purchase and sale agreement closing deadline until February 28, 2013, contingent upon receiving a check for the February rent.

Mr. Zubricki explained that the tenants of the following properties are actively engaged in marketing their property interests for these properties. Of the three, Mr. Zubricki expects that the property at 19 Cogswell Road is closest to reaching an agreement with a third party.

- 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann
- 11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein

- 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli

Subsequently, a motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement signing deadlines for these three properties through February 28, 2013, contingent on receiving a check from each for the February rent.

Mr. Zubricki discussed the status of the negotiations for the property at 13 Town Farm Road (Map 19, Lots 41 and 42). To date, Ms. Maher and her attorney, Orestes Brown, have refused to agree to the Town's terms and conditions regarding the sale of this property. Mr. Zubricki reviewed a Notice of Non-renewal of the Bridge Lease and cancellation of the Purchase and Sale Agreement for this property that had been drafted by Town Counsel. A motion was made, seconded, and unanimously voted to approve and send the letter.

A motion was made, seconded, and unanimously voted to approve a *request from the Board of Health* to use \$1,200 from the Special Events Fund to pay for some of the costs of sponsoring this year's Youth Triathlon scheduled for August 2013. The Board asked Mr. Zubricki to explore with the Finance Committee the prospect of creating a line-item for Special Events.

A motion was made, seconded, and unanimously voted to reappoint Michael Davis for a second three-year term to the Board of Appeals.

A motion was made, seconded, and unanimously voted to reappoint Rolf Madsen for another two-year term as an alternate to the Board of Appeals.

A motion was made, seconded, and unanimously voted to approve a *recommendation from Fire Chief Dan Doucette* to appoint both Anthony Pizzo and Ryan Reed to the position of Probationary Firefighter. The Selectmen signed their appointment cards.

The Selectmen reviewed a request from Clinton Smith to sublet the cottage at 23 Middle Road (Map 24, Lot 28) and a motion was made, seconded, and unanimously voted to approve his request, all pursuant to the terms of his Bridge Lease for the property.

The next regular Board of Selectmen's meeting will take place on Monday, February 11th, 2013, at 7:00 p.m. in the Library on Martin Street.

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

Non-Resident Recreational Clamming Permit:

- Jeff DeAngelo of Roslindale sponsored by Wayne Leveille
- Kenneth F. Glass of Manchester sponsored by Mike Soucy
- C. Kenneth Symonds of Princeton sponsored by Valerie Symonds
- Michael Symonds of Gloucester sponsored by Valerie Symonds

Renewal of Common Victualler's License:

- DVR Corporation, d/b/a Cape Ann Pizza and Subs, James Roumeliotis, Manager, at 65 Eastern Avenue

Mr. Zubricki reported that Town Clerk Christina Wright was part of a group that met with Representative Ferrante and Senator Tarr to discuss initiating legislation to clarify and strengthen the guidelines for residency requirements as they relate to voting rights. The meeting has resulted in an act being drafted to study this purpose and the Town Clerk has requested permission from the Selectmen to have the draft reviewed by Town Counsel. A motion was made, seconded, and unanimously voted to approve the Town Clerk's request for review by Town Counsel.

At 7:36 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; pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; and, pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096; 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 and litigating strategies. He said that the Board would be returning to Open Session and invited the Town Administrator to attend the session. 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 8:00 p.m.

The Selectmen were joined by Treasurer/Tax Collector Virginia Boutchie, Fire Chief Dan Doucette, Department of Public Works Superintendent Paul Goodwin, Shellfish Constable William Knovak, Department of Public Works Chair Paul Rullo, Building Inspector Bill Sanborn, Police Chief Peter G. Silva, Finance Committee Chair Jeff Soulard, Long Term Planning Committee Chair Andrew St. John, Town Accountant Roxanne Tieri, and Town Clerk Christina Wright for the Quarterly Department Head Meeting.

Chairman Jones asked Shellfish Constable Knovak to begin the discussion. Mr. Knovak reported that the shellfish boat is in good condition. However, the truck needs a new panel which he will be having replaced. The truck will also need a new inspection sticker in April. Mr. Knovak said that he would like the Selectmen to consider amending the shellfish regulations to include a stipulation banning the commercial harvesting of oysters and other shellfish, leaving soft-shell clams as the only commercial species. He said that he was in favor of allowing people to harvest 30 or 40 a week for their own consumption, but that the oyster beds and other shellfish resources were not that extensive and their numbers are being depleted. Mr. Knovak also reported that since the reseeding nets have been removed from America's bank, approximately 4,000 pounds of shellfish have been harvested, proving that the reseeding project has been a huge success. He said that he would like to recommend again that clammers who help with the reseeding project receive a discount in the fee for their commercial license. He would also like to recommend that

the Town begin charging the Gloucester clammers for the currently free stickers that allow the clammers to park at Conomo Point. Constable Knovak also said that towns on Cape Cod prohibit the harvesting of shellfish if the weather temperature drops below a certain degree. Harvesting shellfish when the weather is very cold results in their premature death. He asked the Selectmen to consider adopting a similar regulation for Essex. He also said that he would like to thank DPW Superintendent Paul Goodwin for all his help with the seeding nets, etc.

Finance Committee Chair Jeff Soulard reported that he has been working on the FY2014 budget. He said that the school has managed to reduce their budget enormously by using some of their reserves and eliminating other items. He said that the Department of Public Works has also managed to reduce their budget. However, there is still a lot of work to be done to get the budget to balance.

Treasure/Collector Virginia Boutchie said that they are very busy this time of year, but that everything is going well and is on track.

Fire Chief Dan Doucette said that everyone is pleased that they have found a very nice second-hand ladder truck to replace the Town's current one. The new acquisition should last for at least 15 years. He reported that the Department is trying a new service that allows residents to purchase burning permits on line using credit cards. It appears to be working out very well. He also reported that the alterations to one of the Fire Station doors have been completed, as have the repairs to the roof.

Building Inspector Bill Sanborn said that his department has had a steady stream of traffic. He also said that having the Assistant Building Inspector available on Monday mornings from 7:30 to 8:30 a.m. has been very well received. More and more people are taking advantage of the increased accessibility.

Town Clerk Christina Wright reported that she recently met with Senator Tarr and Representative Ferrante regarding initiating legislation to clarify the State's residential requirements for voting rights. The Town Clerk distributed a list of the ***2013 Nomination Papers that are available*** for Local Municipal Office Holdings along with a calendar of deadlines.

Town Accountant Roxanne Tieri reported that everyone submitted their FY14 budgets on time and that everything in her department is on schedule.

Long Term Planning Committee Chair Andrew St. John reported that his committee is working on a three-part project. The first part involves the identification of the Town's community defining resources. Part two is the identification of possible threats to the resources identified in part one, and part three is devising or identifying mitigating actions to eliminate the threats identified in part two. Mr. St. John expects that the project should be completed in another six months and the Committee will make a report to the Selectmen at that time.

Police Chief Peter Silva said that the new trailer is working out extremely well. An open house was held recently to allow residents an opportunity to inspect the new facility which was donated to the Town by a very generous resident. The Chief said that his recommendation that Officer Tom Shamshack be awarded the Triple A Award for his work involving drunk driving and drug patrols had been approved. Chief Silva reported that the new building for the regional emergency center is finished and that the Town is scheduled to move their operations to the new building as early as April of this year. He is hoping that the move will actually occur no later than July. The Police Department has been working to hire more part-time officers to ease the burden of the work load on the full-time officers.

Paul Rullo, Chairman of the Department of Public Works, reported that the department has been experiencing problems with the sewer pumps clogging. They are in the process of exploring ways to avoid/prevent these problems. He also reported that the roof on the Water Department Building is in need of repair. They have also recently replaced some key water department equipment.

Paul Goodwin, the DPW Superintendent, said that he will be interviewing a company who has offered to provide a service that will allow residents to purchase dump stickers on-line with credit cards. He also reported that the Town has recently renewed its contract with Covanta for disposal of solid waste. The new contract costs the Town more than the old one, but is still a savings based on an analysis that was done on alternative options.

Town Building Committee Chair Lisa O'Donnell reported that the consulting firm Meyer and Meyer, has almost completed their cost estimate and design for certain repairs to the Town Hall, based on the Selectmen's priority list. If the estimate is lower than the amount of money that was appropriated, other items on the list will be added.

Selectman O'Donnell also serves on the Conomo Point Committee and reported that Brown Sardina, the consultant hired by the Town to advise about design options for northern Conomo Point, has completed two public informational forums, with a third and final forum planned for February 7th. She said that Brown Sardina's presentations have been very good. Mr. Zubricki reported that the sales of southern Conomo Point properties are proceeding. To date, about 25 properties have been closed on, with another ten expected to close within the next couple of months. Total sales proceeds from the southern properties are expected to total about \$8,000,000. To date, the proceeds received have been invested in one-year certificates of deposit until such time as the Town determines how the proceeds may be spent or kept in reserve.

Mr. Zubricki reported that the feasibility study for the proposed boardwalk along a portion of the Essex River on the causeway is almost complete. The boardwalk plan will include pocket dredging, electrical design, and ramps and floats. Once the plan is completed and approved, Mr. Zubricki will begin work on a grant application to fund the project from Seaport.

That concluded the Department Head Quarterly update. The Selectmen thanked those present and everyone left the meeting except Paul Goodwin and Peter Silva who were asked to stay by the Selectmen.

At 8:47 p.m., citing the need to discuss pending litigation concerning the case of Richard Rettberg, et al. v. Board of Assessors of the Town of Essex ATB Docket No. F317827; and, collective bargaining Issues with AFSCME and the EPBA; 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, litigating, and bargaining strategies. He said that the Board would be returning to Open Session only to adjourn the meeting and invited the Town Administrator, Police Chief Peter Silva, and Department of Public Works Superintendent Paul Goodwin to attend the session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

Following a unanimous Roll Call Vote, the Selectmen returned to Open Session at 9:25 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:

Proposal from Vine Associates

Suggested items for the Annual Town Meeting

Proclaim April 7th through April 13th, 2013 Holocaust Awareness Week

Request from the Board of Health

Recommendation from Fire Chief Dan Doucette

2013 Nomination Papers Available

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell