

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

June 3, 2013

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: Thayer Adams, Harold Addison, Beth Cairns, Nat Crosby, Steve Cuthbertson, John Guerin and son, Jonathan Guerin, Richard Lowe, Ralph Pino, Diane Polley, Kelly Roach, Aude Sisk, Martha Thompson, Mr. & Mrs. Ernest Tremblay, Kristine True, and Kurt Wilhelm.

The Chairman called the meeting to order at 7:00 p.m. and announced that the Board would hear Public Comment. Martha Thompson congratulated Selectman O'Donnell on being elected to another term as Selectman and everyone joined in offering felicitations.

Members of the Housing Authority: Harold Addison, Beth Cairns, and Diane Polley, along with Martha Thompson, came before the Selectmen to consider jointly the appointment of Martha Thompson to the vacant seat on the Essex Housing Authority. The Selectmen reviewed *Martha Thompson's letter of interest* for the position. A motion was made and seconded, to appoint Martha Thompson to the Housing Authority position. Upon her completion of the remainder of the 5-year term in 2014, this 5-year position will be placed on the ballot for the May Annual Town Election. Martha Thompson was elected to fill the vacant seat by a unanimous Roll Call Vote which included all three Selectmen and the three Housing Authority members present. Martha Thompson was congratulated and the Housing Authority members and Martha left the meeting.

Jonathan Guerin and his father, John Guerin, came before the Selectmen to request a waiver of the filing deadline and approval of a student commercial clamming permit. The Guerin family has recently moved to a house on Spring Street and is not yet on the official Town street census. Jonathan would like to earn money clamming during the summer to help pay for his college tuition this fall. After some discussion, a motion was made, seconded, and unanimously voted to waive the deadline and approve the application pending completion and return of a street census form.

At 7:15 p.m., Chairman Jones entertained a motion to open the hearing regarding an alteration of premises, a transfer of license, and a change of manager for the restaurant located at 234 John Wise Avenue. The motion was moved, seconded, and unanimously voted. The Board was joined by Mr. & Mrs. Ernest Tremblay, the new owners of the restaurant; their daughter and proposed new manager for the restaurant, Kelly Roach; and their attorney, Ralph Pino. Mr. Tremblay's original application to the Alcoholic Beverage Control Commission that was submitted on March 25th, was returned recently with no action because it did not include the required documents for an alteration of premises. Mr. Tremblay has now supplied those documents, as well as others requested by the ABCC. The Selectmen discussed the recent renovations to the property which include a handicap access elevator and bathroom. Following the discussion, a motion was made, seconded, and unanimously voted to close the hearing. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve and forward the amended application to the ABCC. The Tremblay family and their lawyer left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$103,696.32.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 20th, 2013, Open Meeting and the May 20th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve a *recommendation from Police Chief Silva* to accept a donation of \$25.00 from Nancy Beattie and a donation of \$25.00 from the Essex Housing Authority Tenant's Association in memory of Janice Farnham to benefit the Police Department.

A motion was made, seconded, and unanimously voted to approve a request from the Coach Pitch Division of the Little League to have a picnic at Centennial Grove on Saturday, June 22, 2013, between the hours of 3:00 and 6:00 p.m. and to waive the fee.

A motion was made, seconded, and unanimously voted to approve a request from the Essex Shipbuilding Athletic Association to use Centennial Grove on Friday, June 28, 2013, between the hours of 4:00 and 7:00 p.m. and to waive the fee.

A motion was made, seconded, and unanimously voted to approve a transfer of \$3,500.00 from Cemetery Labor to Cemetery Maintenance for the purpose of gravestone restoration and cemetery survey.

A motion was made, seconded, and unanimously voted to approve a request from the Board of Commissioners for the Cemetery Department to transfer \$15,250 towards the fiscal 2014 budget.

A motion was made, seconded, and unanimously voted to approve and sign the warrant for the State Election to be held at the Memorial Fire Station on Tuesday, June 25, 2013.

The Selectmen reviewed *correspondence from Police Chief Peter Silva* regarding the renewal of the contract to use the Manchester regional lock-up.

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

One-Day Wine and Malt License:

- Cape Ann Chamber of Commerce, Tim Burton, for use on Essex River Day, Saturday, June 22, 2013, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park.

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Tim Burton, for use on Essex River Day, Saturday, June 22, 2013, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Thursday, June 20th, 2013, at 7:00 p.m. at T.O.H.P. Burnham Library on Martin Street.

The Selectmen reviewed and signed a letter of congratulations to Eric Magers who was named National Teacher of the Year by the Alliance for Climate Education.

The Selectmen reviewed an *email from Derek Brown* regarding phragmites. The Selectmen agreed to forward his concerns to the Conservation Commission for guidance in this matter.

Mr. Zubricki said that he told Planning Board Chair Kim Drake that he would solicit a list of possible candidates to fill a 5-year Planning Board vacancy from the Selectmen, to be added to any candidates the Planning Board may wish to consider. The Selectmen wanted to ensure that the list includes Scott Woodward and Mr. Gerhardt. The Selectmen asked Mr. Zubricki to invite the Planning Board to the next Selectmen's meeting on June 20th, to discuss and possibly vote on a single candidate to fill the position, after the Planning Board narrows down the field on its own.

Mr. Zubricki reported that the Board of Health and the Historic Commission have signed off on the demolition permit for 5 Beach Circle, Map 19, Lot 100. All asbestos has now been removed from this property by a professional removal company. Any utility services have been disconnected and/or removed and the site is ready to have the structures demolished. The Town's Department of Public Works has agreed to assist in the removal and would like to hire the equipment and operator necessary to assist with the operation. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign the demolition permit application for structures at 5 Beach Circle. The permit will now go to the Conservation Commission and then to the Building Inspector for final approval.

At 7:30 p.m., Kurt Wilhelm and Richard Lowe from the Essex Shipbuilding Museum, and Nat Crosby from the Historic Commission, came before the Selectmen to discuss the proposed relocation of an 1840's shoe shop from a site in Beverly to a piece of land between the Essex Shipbuilding Museum at 28 Main Street and the White Elephant. The shop in question was originally one of many located in Essex. Over the years, this shop is portable and has been moved to various towns, back to Essex, and then moved again to various towns before arriving at its present location in Beverly. The owner of the shop has offered to pay for moving the shop back to Essex. The shop would be a new exhibit at the Essex Shipbuilding Museum, displaying some of the shoemaking artifacts that have been given to the Museum over the years. It may also house live demonstrations of the shoemaking process or other crafts from time to time. Nat Crosby from the Historic Commission said that the Historic Commission has discussed the proposal and that they are in favor of moving the shop to the 28 Main Street location. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve the addition of the shoe shop as an alteration of premises to the Town's lease of the land and building at 28 Main Street to the Essex Historical Society and Shipbuilding Museum. A second motion was made, seconded, and unanimously voted to approve the building permit for a temporary foundation (when it becomes available) for the relocation of the shop to the site at 28

Main Street. Mr. Wilhelm, Mr. Crosby, and Mr. Lowe thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 18th, 2013 through May 31st, 2013, regarding the following items:

Design and Construction Oversight Costs, Town Hall/Library Project: Mr. Zubricki reported that he has reviewed with the Town's consultant the revised design cost estimates for the proposed improvements to Town Hall and the total amount will be about \$106,000. He said that the Town Hall has been sampled for asbestos and he is waiting for the report. Mr. Zubricki provided *three diagrams* for the Selectmen's review detailing the suggested modification to the bathroom and computer room in the Town Hall Library which will facilitate handicapped accessibility. After a short discussion, the Selectmen were in agreement and a motion was made, seconded, and unanimously voted to choose Option #2 with a modification to make the bathroom a little narrower on one side and a little wider on another side, thereby increasing the size of the computer room, the modification being contingent upon meeting the goal of ADA accessibility and usability. Another motion was also made, seconded, and unanimously voted to approve and sign the change order for the Town Hall improvements when it becomes available.

Andrew St. John, Chairman of the Long Term Planning Committee, joined the Selectmen to discuss LTPC membership and coordination of various programs. Mr. Zubricki announced that the Town has been awarded a \$10,000 grant from Massachusetts Downtown Initiative for the renovation of the Town Landing to make it the focal point of the new Essex Cultural District. Those present acknowledged that there are currently several programs being sponsored by many different entities that seek to identify, conserve, and protect the resources of the North Shore area. It was agreed that the Long Term Planning Committee, or a subcommittee of the LTPC, because of the Committee's past studies and work, would be the natural choice to oversee and coordinate two of these projects: The National Wildlife Federation Climate Change project and the MAPC growth and conservation mapping project. Selectman O'Donnell said that Eric Magers, a teacher at the MERMHS who has created and mentored the Green Team there, would like to participate on the NWF project Task Force with his Green Team. Mr. Zubricki said that he would ask Mr. George Gay of NWF to contact Andrew St. John about the NWF project and would ask Tanya Paglia of MAPC to contact Mr. St. John about the MAPC project.

The Selectmen discussed the present membership of the Long Term Planning Committee with Mr. St. John. The entire membership of the committee is up for reappointment in June. Members are appointed for a 3-year term. The Committee consists of 12 voting members and 2 ex-officio members and currently meets about once a month. Attendance has been uneven. The original committee consisted of 15 voting members, plus 2 alternate members, and 5 ex-officio members (Conservation Commission representative, Planning Board representative, Finance Committee representative, Department of Public Works representative, and the Chief of Police). Due to the scope of the many projects and initiatives that need to be coordinated, it may be necessary for the oversight committee or subcommittee of the LTPC to meet more often, at least in the beginning. Chairman Jones said that Tanya Paglia may be interested in becoming a member of the LTPC.

Andrew St. John said that he would poll the existing membership and report back to the Selectmen on those members who would like to seek reappointment. Mr. Zubricki said he would contact Kim Drake about a Planning Board representative.

Mr. Zubricki said that it may be necessary to obtain 3 quotations for the Town Landing project, since the amount involved is \$10,000. It was suggested that Carolyn Britt, Jim Heroux, and Nick Cracknell be included in those invited to bid on the project because of their knowledge of the Town from past projects. As with other grants received by the Town, the Town will likely be required to sign a contract with the State.

The Selectmen thanked Mr. St. John for his comments and he left the meeting.

Mr. Zubricki resumed the presentation of his report.

Construction of Safe Vestibule at Fire/Police Headquarters: Mr. Zubricki reported that the cost of video and audio equipment to be installed in the Safe Vestibule at the Fire Station will be paid for by the Regional Emergency Center using an FY2014 grant. He said that it may be possible to purchase the equipment now and the Center will be reimbursed for it after the new fiscal year begins. Mr. Zubricki also said that he is working to obtain a new, high-speed cable drop for the vestibule and that, initially, the new drop could be funded from the Cable Technology Fund.

Application for Preliminary Subdivision Plan, Central Conomo Point: Mr. Zubricki said that he and Selectman Gould Coviello had attended a meeting with representatives from Horsley Witten to discuss the creation of a preliminary subdivision plan for the newly authorized Central District at Conomo Point. One of the topics discussed was a provision to provide public water access at Robbins Island. The property at 5 Beach Circle is also part of the Central District and Mr. Zubricki said there have been various suggestions for use of the property after demolition of the buildings. A motion was made, seconded, and unanimously voted to authorize the Chairman to sign the preliminary subdivision plan application outside of a Selectmen's meeting when the application becomes available.

Continued Review of Draft National Wildlife Federation MOU: Mr. Zubricki provided a new *draft of the proposed Memorandum of Understanding* between the Town and the National Wildlife Federation for the Selectmen's review. This item had already been discussed earlier, with Mr. St. John.

Downtown Boardwalk Project Zoning Question: Mr. Zubricki said that an interested Town resident has suggested that the implementation of this project will be prohibited by the Town Zoning Bylaws. Mr. Zubricki has consulted with Town Counsel and the Building Inspector regarding this suggestion and the consensus is that the project will not be in violation of the Town Bylaws. A large part of the project is contingent upon receiving easements from 2 property owners. Mr. Zubricki reported that one of the property owners is very much in favor of the idea. It is uncertain whether or not the second property owner will be willing to grant an easement.

Selectmen Gould-Coviello said that she would ask the Merchants' Group to find out by the next Selectmen's meeting whether or not the second property owner is inclined to grant the easement.

The Selectmen said that they had formulated some questions to ask prospective members for the proposed new Public Safety Study Committee. Some of the questions include the following:

- Why are you interested in being a member of this committee?
- What qualifications do you have that would assist the committee in achieving its goals and objectives?
- Do you have any relatives, associates, or friends who work or have special knowledge of public safety?
- How do you feel about the quality/quantity of public safety services, etc. currently provided by the Town?

The Board of Public Works (Paul Rullo, Scott DeWitt, and Brian Feener) and Superintendent Paul Goodwin came before the Selectmen, along with Conomo Point tenant and acting president of the Conomo Point Association, Thayer Adams, to discuss landscape maintenance at Conomo Point. Thayer started the discussion by thanking Mr. Goodwin for the great repairs that were recently made to the pier and some of the walls at the Point. Those present discussed different areas of Conomo Point that most need attention, available DPW manpower, and the Town budget. Subsequently, Superintendent Goodwin offered to have his men mow the tall grass along the public, water side of the Point along the Essex River, as long as the tenants/summer residents would agree to maintain that area through the summer. Thayer Adams accepted his offer and said she would try to make sure the Conomo Point residents maintained the area after the first mowing by the DPW. The Board of Public Works and Paul left the meeting.

In other business, a motion was made, seconded, and unanimously voted to table discussion and action concerning the following matter: Sign updated deeds for 98 Conomo Point Road, Map 19, Lot 56; 12 Town Farm Road, Map 19, Lot 40; and, 6 Sumac Drive, Map 19, Lot 16.

Mr. Zubricki said that under the category of "Items that could not be reasonably anticipated by the Open Meeting Law posting deadline", he would like to discuss a matter that had recently been brought to his attention through a notice he received from Senator Bruce Tarr's Office regarding a hearing to be held on June 4th about enacting special legislation to allow Hamilton to lien properties in Wenham and Essex for non-payment of Hamilton water bills. Mr. Zubricki said that the Legislative Committee will not keep the hearing open tomorrow, but will go forward with it and will not make a decision until such time as officials in the towns of Essex and Wenham can come up to speed and submit written testimony. Mr. Zubricki agreed to coordinate this issue with Town Counsel, the Town Treasurer, Chairman Jones, and himself and to formulate the Town's position on this matter.

Selectman Gould-Coviello announced that the Manchester Essex Regional High School graduation will take place this coming Friday, June 7, 2013.

At 9:11 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 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 position and said that the Board would not be returning to Open Session to conduct any business, but only to adjourn the meeting. He invited Mr. Zubricki to attend the Executive Session. Those still present (Thayer Adams, Steve Cuthbertson, Aude Sisk, and Kristine True) left the meeting. 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 9:30 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:

Martha Thompson's Letter of Interest
Recommendation from Police Chief Silva
Correspondence from Police Chief Peter Silva
eMail from Derek Brown
Three Diagrams for the Town Hall Library Bathroom and Computer Room
Draft of the Proposed Memorandum of Understanding

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell