

Selectmen's Minutes
Senior Center

July 29, 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: Susan Abis, Steve Cuthbertson, Paul Pennoyer, Nina Walker, and Gloucester Daily Times Reporter James Niedzinski.

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.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period July 13th, 2013 through July 26th, 2013, regarding the following items:

Planning Board Review of Central Conomo Point Preliminary Subdivision Plan: Mr. Zubricki reported that he had presented the preliminary subdivision plan for central Conomo Point to the Planning Board at their meeting on July 17. He said that the Planning Board had had some questions regarding two of the lots. The Planning Board is expected to vote on the plan at their August 7th meeting, at which time they will issue their comments concerning their approval or disapproval of the plan. If the Planning Board approves the preliminary plan, the Definitive Plan process will begin this fall (after approval of the zoning bylaw by the Office of the Attorney General), guided by the Planning Board's comments. Town Meeting could be asked as early as May 2014 to vote approval to sell lots in the Central District.

Formation of Public Safety Committee: The Board reviewed the current status of the search for qualified members to serve on the Public Safety Committee. Mr. Zubricki had been successful in asking the Gloucester Daily Times to publish an article regarding the search for members to serve on the new committee. A Boston Globe article also ran in the past. To date, the Board has received an indication of interest from three qualified at-large applicants. After some discussion, it was agreed that the Committee will initially consist of these three persons, plus a representative from the Finance Committee, a representative from the Long Term Planning Committee, Mr. Stuart Pratt of the Town Building Committee, and another member at-large chosen from the general public. The Selectmen will make the appointments and sign the appointment cards at their next meeting on August 5, 2013, for the names that are known at that time. Appointments for the LTPC member and the other at-large member will come later.

Town Hall/Library Improvement Project Design Update: Mr. Zubricki said that he had reviewed the draft of the *proposed plans for the Town Hall project* and had discussed them with the project designer on July 15th. Following a few minor changes, the revised draft has been completed, along with the cost estimate, and is ready for approval by the Selectmen. The Selectmen were in favor of the revised plan and a motion was made, seconded, and unanimously voted to approve the plan. It will now be sent out to bid during the month of August.

Essex River Federal Channel Encroachment Study Proposal: Mr. Zubricki said that GZA GeoEnvironmental, Inc., has submitted a ***proposal for an encroachment study of the Essex River*** channel. In order to qualify for federal funding for an Essex River dredging project, all encroachments in the river channel have to be identified and removed (or the channel itself needs to be reconfigured). The study is the first step in the removal process. The Selectmen were in favor of the proposal. Funding for the study could be voted at a Special Town Meeting in the fall. It was agreed that the Town's marina owners should be asked to share the cost of the study.

Merrimac River Beach Alliance Meeting (MRBA): Selectman O'Donnell reported that she had attended regular meetings of the MRBA on July 19 and July 26. The Alliance is composed of a number of towns seeking to band together to persuade the federal government of the need for dredging in this area. There are currently no federal funds available, and typically when available, these funds are used for work on commercial thoroughfare channels. It is hoped that the federal government can be convinced of the high importance of our waterways to the local economy.

Public Restroom Availability: Now that the restrooms in the Fire Station are no longer available for public use, Mr. Zubricki asked the Selectmen if they would like to adjust the schedule for keeping the Memorial Park restrooms open. The Park restrooms are usually closed during the winter months due to shoveling and freezing concerns, and the Selectmen would like to keep that closure arrangement in place. The Selectmen agreed to ask the Chief if the Police trailer restrooms could be made available to the public during the winter months.

Finalization of Scope for MDI Grant: Mr. Zubricki reported that he has worked with the consultants, state people, and local business owners to develop a scope of services for the Massachusetts Downtown Initiative grant for a redesign of the site and improvements to the Town Landing. After review by the Selectmen, a motion was made, seconded, and unanimously voted to approve the final package for the ***scope of services as developed by ICON architecture, inc.*** The Selectmen signed the three copies.

Mr. Zubricki said that Police Chief Peter Silva has asked for the Selectmen's approval to auction off the old police cruiser that was replaced by a new vehicle last week. The Chief said that the Town will probably receive more money if it is auctioned, than if it is used as a trade-in. A motion was made, seconded, and unanimously voted to approve the auction of the vehicle.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$132,846.95, and further, to exempt from Section 20 of Chapter 268A of the General laws the contract with Richard Corriere contained within the warrant pursuant to subsection (d) of said Section.

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

A motion was made, seconded, and unanimously voted to approve the following request for a One-Day Auctioneer's Permit:

- Blackwood March Antiques, Michael March, for use on Wednesday, August 14, 2013, between the hours of 4:00 and 10:00 p.m., within the confines of 125 Main Street.

A motion was made, seconded, and unanimously voted to appoint Skip Crocker for a term of 3 years to the Long Term Planning Committee as an ex-officio member. He will be the Planning Board's representative on the LTPC.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, August 5th, 2013, at 7:00 p.m. in the Library on Martin Street.

Mr. Zubricki read an email from Town resident Russell Kuhl regarding use of Centennial Grove by non-residents. After some discussion, the Selectmen agreed that the Centennial Grove Committee should be revived and perhaps refreshed, since it has not met for over a year. Mr. Zubricki agreed to contact the chair and forward Mr. Kuhl's email to her for consideration by the Committee. The Committee will also be asked to review use of the cottage.

Conomo Point Matters:

The Selectmen considered a request from Susan Abis to change the mailing address and trustee for the lease at 15 Middle Road, Map 24, Lot 32. Ms. Abis had previously provided the required documents to the Selectmen for review. Subsequently, a motion was made, seconded, and unanimously voted to change the mailing address for the Town leased property at 15 Middle Road, Map 24, Lot 32, to Susan C. Abis, Trustee of the Bettye P. Cuthbertson Trust, 13 Waterview Drive, Amherst, NH 03031.

A motion was made, seconded, and unanimously voted to sign and send demand for payment letters outside of a meeting, when figures are finalized, to the following tenants at Conomo Point who either owe back rent, back taxes, or both:

- Mauceri, 103 Conomo Point Road, Map 19, Lot 098
- Mayer, 101 Conomo Point Road, Map 19, Lot 102
- Spintig, 8 Conomo Lane, Map 19, Lot 84
- Pratt, 40 Robbins Island Road, Map 19, Lot 70

Mr. Zubricki said that the rent payment had been received today for the property at 187 Conomo Point Road, Map 19, Lot 85.

Mr. Zubricki said that the tenant at 20 Cogswell Road is still in the process of completing her new septic system which is a requirement for her bank financing to purchase the property from the Town. She is now nearing the end of the local and State permitting processes. A motion was

made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell.

Mr. Zubricki also reported that tenants of three other properties at Conomo Point continue to seek persons interested in purchasing their lease rights. Subsequently, a motion was made, seconded, and unanimously voted to approve an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties:

- 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees.)
- 11 Cogswell Road, Map 19, Lot 52, Bernice K. Lichtenstein (Continuing to market the transfer of lease and purchase rights in anticipation of additional interest from prospective transferees.)
- 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli (A prospective transferee recently placed his pursuit of the property on hold, and the leaseholder is continuing to market the transfer of lease and purchase rights.)

Susan Abis, Steve Cuthbertson, Nina Walker, and James Niedzinski left the meeting.

At 8:00 p.m., the Selectmen were joined by Treasurer/Tax Collector Virginia Boutchie, Fire Chief Dan Doucette, DPW Superintendent Paul Goodwin, School Committee member Alva Ingaharro, Shellfish Constable Billy Knovak, Animal Control Officer Amy Reilly, Board of Public Works Chair Paul Rullo, Police Chief Peter G. Silva, Finance Committee Chair Jeff Soulard, Council on Aging Chairman Keith Symmes, and Town Accountant Roxanne Tieri, for the Quarterly Department Head/Chairperson Meeting.

Police Chief Peter Silva and the Selectmen discussed his recent correspondence regarding pedestrian safety on Route 133 at the corner of Main Street and Martin Street by the Catholic Church. Those present thought that the State would not be amenable to installing a pedestrian light. Everyone agreed that it is a dangerous corner and it was suggested that the three parking spaces on the Catholic Church side of the road be eliminated. Treasurer/Collector Virginia Boutchie volunteered to arrange for a notice to be printed in the church program stating that the spaces are going to be eliminated due to safety concerns.

The Selectmen asked Chief Silva if he would mind allowing public use of the Police trailer restrooms during the winter months. The Chief said that would be OK.

Shellfish Constable Knovak reported that the clam flats are currently closed until Wednesday due to excess rain. He stated that the shellfish truck has recently been repaired and passed inspection. It should be operational for another year. Animal Control Officer Amy Reilly said she would like a set of keys for the truck in case she has to transport an animal somewhere. Constable Knovak agreed to provide keys to her. Constable Knovak said that due to the Emergency Center being closed down at the Fire Station and moved to the Regional Center in

Middleton, he has been working with others to make new arrangements for collecting information regarding rainfall and providing telephone updates about possible closure of the flats. The automatic answering service has stopped working, but a work order has been initiated and it is expected that the service will be fixed by tomorrow.

Town Accountant Roxanne Tieri reported that she is busy closing FY2013. All is going well and she expects to be finished by the end of August.

Fire Chief Dan Doucette said that they have received their "new" used ladder truck and that the old has been traded and will be picked up soon. The Department has acquired a small boat. Chief Doucette said that they will be replacing two more doors on the front of the Fire Station. Now that the ECO has left the building, they are working to keep the building secure. He said that they plan to work out a new procedure that will allow the Fire Station meeting hall to be used for meetings, but still keep the building secure.

Treasurer/Tax Collector Virginia Boutchie reported that the Town's accountants asked this year if the Town has a debt service policy and she was able to respond affirmatively. She said that she will be advised of the Town's bond rating in the near future.

School Committee member Alva Ingaharro announced that the Regional School District now has two new principals. She also reported that the District will soon begin reviewing the state and operational needs of the elementary schools to determine if any improvements may be implemented.

Police Chief/Harbormaster Pete Silva said that they have been busy placing moorings and have been able to provide moorings to some of the people on the waiting list. The Chief was in agreement that the River is in need of dredging since it is impossible for his men to navigate the River during some times of the day, depending on the tide. One of the boats is in need of repair and they will be able to repair it using used parts at a substantial cost savings. The department has also been able to patrol the Lake on a limited basis.

Chief Silva reported that the transition from the local Emergency Center to the Regional Center is continuing. There have been a few snags in the conversion process and they will be able to provide feedback on the process to the towns that have not yet moved to the Regional Center.

Chief Silva said that the new cruiser has arrived. It is an all-wheel drive vehicle and will be able to navigate through snow and ice better than the Crown Victoria vehicles that are currently operated by the department. Chief Silva reported that Patrolman Justin Zwicker may be leaving the department to join the Beverly Police and that he will be greatly missed.

Finance Committee Chair Jeff Soulard agreed with Town Accountant Tieri that the closing of FY2013 is proceeding according to schedule. He said that the goal of the Finance Committee for this fiscal year will be to try to get more people involved and informed regarding Town government.

Animal Control Officer Amy Reilly said that it has been fairly quiet lately. The Town is still waiting for the Attorney General to approve the changes to the Town's animal control bylaws that were voted in the last election.

Council on Aging Chair Keith Symmes reported that the Senior Center now has WiFi. He said that the Town will be having a major anniversary in 2019 and now is the time to start planning for it. He suggested planning a special event for each month of the anniversary year and handed out a *list of suggestions*.

Board of Public Works Chair Paul Rullo said that his department is investigating the lien process as there is currently over \$100,000 in outstanding water/sewer bills. He reported that they have been having trouble with the sewer pumps clogging and will be replacing one of the pumps with a highly recommended model called the muffin monster. He said that they are also expecting to receive in the near future, reimbursement from FEMA for damage that occurred during past storms.

The Chairman and Mr. Zubricki announced that the Town is the recipient of a \$10,000 grant from Massachusetts Downtown Initiative to spend on a feasibility study to redesign the Town Landing area. They also updated those present on status of the Public Safety Committee that is being formed and asked for candidate suggestions.

Animal Control Officer Amy Reilly said that someday, she would like to have a small room available to house stray animals until they can be restored to their owners. Presently, she has an arrangement with Ipswich for boarding animals.

Mr. Zubricki also reported that the plans for improvements to the Town Hall have been finalized and will be available for bidding during the month of August.

The Chairman thanked everyone for their comments and everyone except the Selectmen, Mr. Zubricki, and the Selectmen's Assistant left the meeting.

At 9:10 p.m., citing the need to discuss the lease, sale, and value of real property at Conomo Point, including discussion of deeds and bridge lease/purchase and sale extensions 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); pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; 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 stated that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies and invited Mr. Zubricki to attend the session. He said that the Board would be returning to Open Session only to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board and Mr. Zubricki moved to Executive Session.

The Board returned to Open Session at 9:31 p.m.

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:

Proposed plans for the Town Hall project
Proposal for an encroachment study of the Essex River
Scope of services as developed by ICON architecture, inc.
List of suggestions

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell