

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

December 2, 2013

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Selectmen's Assistant Pamela J. Witham.

Chairman Jones called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street and announced that the Board would hear Public Comment. No one offered any comment.

David Santomena, the Director of Land Conservation at Greenbelt, Essex County's Land Trust, joined the Selectmen to discuss a Conservation Restriction request for a property behind Choate Street. (The majority of this property is in Ipswich and is accessed from Ipswich.) The Selectmen reviewed a *map of the property and the requested restriction*. The restriction for the part of the property that is in Essex will be held by the Manchester Essex Conservation Trust. Following the Selectmen's review, a motion was made, seconded, and unanimously voted to approve the restriction. The Selectmen's signature was witnessed by Mr. Santomena in his capacity as a notary public. Mr. Santomena said that he would send the Selectmen a copy of the completed paperwork. He thanked the Selectmen and left the meeting.

At 7:08 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; pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; and a Restrictive Covenant and/or Easement concerning 23-25-27 Centennial Grove Road; 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 said the Board would be returning to Open Session. He invited the attendance of the Town Administrator and Town Counsel at the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session.

The Board returned to Open Session at 8:31 p.m. Town Counsel Gregg Corbo left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 16, 2013 through November 29, 2013, regarding the following:

Next Steps for Town Landing Improvement Design Process: Mr. Zubricki reported that the Long Term Planning Committee has requested a written record of the Town Landing presentation input that was received back in October. The LTPC is also interested in obtaining an estimate for the cost to develop the design plans for the area. After some discussion, the Selectmen were in agreement that Mr. Zubricki should provide the LTPC with his notes from the

presentation and inform the LTPC that the Selectmen would like to add the Town Landing design project to the Boardwalk project and include it in the Seaport Grant application.

Central Conomo Point Definitive Subdivision Update: The Board reviewed recent correspondence from the Planning Board. Mr. Zubricki said that he should be ready to make a recommendation on this matter to the Selectmen at their next meeting on December 9, 2014.

Contract for Engineering Services, Federal Channel Encroachment: Mr. Zubricki reported that a ***contract has been received from GZA Geoenvironmental, Inc.*** in the amount of \$26,990 to produce an analysis and evaluation of the current encroachments in the Essex River channel, and to provide a proposed encroachment modification plan. A motion was made, seconded, and unanimously voted to approve the contract and the Selectmen signed the document.

Request for Proposals for Summer Camp Services: Mr. Zubricki reported that he has modified the old RFP to reflect the decision at the last Town Meeting to allow a longer-term contract for summer camp services at Centennial Grove and he reviewed the new cost ceilings that a contractor would be limited to. He would like to have an approved document ready for release in January. A motion was made, seconded, and unanimously voted to approve the draft RFP.

Town Hall/Library Health and Safety Improvement Project Construction Contract: Mr. Zubricki said that the chosen contractor has not yet completed preparation of the contract since the contractor is waiting for bonds to be issued. It is anticipated that the contract will be ready for approval and signature by the next meeting on December 9, 2013.

Manchester Essex Regional School District Budget Planning Meeting: Mr. Zubricki reported that both he and Selectman Gould-Coviello had attended the last school budget meeting and reviewed highlights of the meeting. The public hearing for the Tentative Budget is scheduled for next Wednesday, December 11. The planning group will meet again on December 17.

Continued Review of FY15 Capital Budget Request: Mr. Zubricki reviewed his latest draft of the proposed 5-10 Year Capital/Personnel Plan. The Plan includes improvements to the Town Hall and the Selectmen were interested in getting an update on the cost of repairs needed to the outside of the building. Mr. Zubricki agreed to contact the firm that did the original study a few years ago to ask about a cost proposal for performing an update.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$128,950.86.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 18, 2013, Open Meeting and the November 18, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve a ***request from Police Chief Peter G. Silva to accept a donation*** in the amount of \$500.00 to the Police Gift Fund from Quinn Brothers.

The Selectmen agreed to consider the signature of an energy efficiency lighting retrofit contract and continued power purchase agreement with Constellation Energy at their next meeting on December 9, 2014.

Based on the recommendation of Shellfish Constable William Knovak, a motion was made, seconded, and unanimously voted to open of the winter clam flats on January 2, 2014.

Selectman Lisa O'Donnell said that she would be attending the annual Massachusetts Interlocal Insurance Association (MIIA) meeting in January and a motion was made, seconded, and unanimously voted to designate her as the voting delegate for that meeting. Selectman Gould-Coviello and Mr. Zubricki will also attend the meeting.

The Selectmen reviewed a letter of response to Mary Beth Tirrell regarding her request to convert property at 20 Cogswell Road (Map 19, Lot 54) to year-round status. A motion was made, seconded, and unanimously voted to approve and sign the letter citing the reasons for denying her request at this time.

The Selectmen reviewed a letter to Leah Maher relative to her alteration of the terms for a third-year Bridge Lease at 120 Conomo Point Road (Map 24, Lot 45). A motion was made, seconded, and unanimously voted to approve and sign the letter stating that the Bridge Lease will only be offered under the terms as originally stated and providing her with a new copy to countersign.

A motion was made, seconded, and unanimously voted to sign a letter to Brian Lunt regarding his decision not to sign the third-year Bridge Lease agreement for 3 Beach Circle (Map 19, Lot 101).

Acting in their capacity as Licensing Board for the Town, a motion was made, seconded, and unanimously voted to approve the following requests for license renewals for 2014:

Renewal of Antiques License for 2014:

- Andrew Spindler Roesle, Andrew Spindler Antiques at 163 Main Street

Renewal of Class II License for 2014:

- Steven Pascucci, Cape Ann Auto Body, Inc., "No more than 1 motor vehicle may be displayed for sale on the premises outside the building at any one time. License to be used at 19 Grove Street only."
- John Heath, Essex Falls Auto Body, "No motor vehicles may be displayed for sale on the premises at 1 Moses Lane."
- Stephen Monell, Foreign Auto Enterprises, "Only two vehicles may be displayed at any one time at 171 Eastern Avenue".

Renewal of Common Victualler License for 2014:

- Stephen Gersh, Essex Conference Center & Retreat at 1 Conomo Point Road
- Roy Serpa, MAIA LLC, d/b/a Dunkin Donuts at 125 Main Street

Renewal of Innholder's Licenses for 2014:

- Stephen Gersh, Essex Conference Center & Retreat at 1 Conomo Point Road

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, December 9, 2013, at 7:00 p.m. in the Library on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:03 p.m.

Documents used during this meeting include the following:

Map of the Property and the requested Restriction

Contract has been received from GZA Geoenvironmental, Inc.

Request from Police Chief Peter G. Silva to accept a donation

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell