

Selectmen's Minutes
Senior Center

January 21, 2014

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: Dean Rossi, Ed Lane, Matt Jacobs, and Gloucester Daily Times Reporter James Niedzinski.

Chairman Jones called the meeting to order at 7:00 p.m. in the second floor meeting room of 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 January 3, 2014 through January 17, 2014, regarding the following:

Review of Existing and Proposed Shellfish Regulations: Mr. Zubricki reported that Town Counsel was still reviewing the Town's Shellfish Regulations and that he was not ready to make any recommendations regarding changes to the regulations at this time. Mr. Rossi expressed concerns regarding the meetings of the Shellfish Advisory Commission. Until just recently, (January 6, 2014) the Advisory Commission did not have enough members to officially hold a meeting. Like all Town bodies, all meetings must be duly posted with agendas to comply with the Open Meeting Law. Mr. Zubricki will underscore this requirement with the Shellfish Constable, since meetings will resume soon.

Dean Rossi, Ed Lane, and Matt Jacobs left the meeting.

Town Administrator Goals for Calendar Year 2014: The Selectmen approved Mr. Zubricki's goals for CY14.

Ranking of Summer Camp Services Proposals and Contract Award: Mr. Zubricki reported that only one response had been received to the Town's request for proposals to provide a children's summer camp at Centennial Grove. The Selectmen reviewed the *proposal from the YMCA of the North Shore* and found the proposal to be "Highly Advantageous" regarding each of three evaluation criteria categories, translating to an overall rating of highly advantageous. The Selectmen then looked at the corresponding cost proposal and found that it met all standards. A motion was made, seconded, and unanimously voted to approve and sign a contract with the YMCA when it becomes available at a later date to provide summer youth camp services at Centennial Grove. The contract will be for up to ten years, as authorized by a recent Town Meeting vote, and the Selectmen will have a right of review every three years.

Continued Review of RFP for Promotion of the Town: Mr. Zubricki said that he is continuing to refine the document. He believes that the insurance requirements in the draft are prohibitively high based on the scope of work involved. The draft document was based upon a template from another project, which had more elements of risk. He said that the requirements may be amended

to include a clause stating that the insurance standards may be negotiated with the successful bidder and/or an indemnification agreement may be agreed to when the contract is awarded.

Amendment of Central Conomo Point Subdivision Plan: Mr. Zubricki said that the Planning Board will be discussing the Selectmen's request to amend the central Conomo Point subdivision proposal to only include the Beach Circle properties at their next meeting on February 5th, 2014. Horsley Witten has completed a new plan for the amended subdivision. Mr. Zubricki said that he hopes that the Planning Board will agree to reopen the public hearing regarding the subdivision rather than deciding to start the subdivision process again from the beginning. The Selectmen said that they would like to be present at the Planning Board meeting when the plan is discussed and it was agreed that the Planning Board would be contacted for a time so that the Selectmen could be posted for attendance at the discussion.

Request for Quotations, Appraisal of Central Conomo Point Properties: The Selectmen were in agreement that Mr. Zubricki should proceed with arrangements to contract for appraisals of the Beach Circle properties that are in the proposed subdivision. They agreed that the 5 Beach Circle property should be appraised as a seasonal property and that the appraiser should not review the property at 9 Beach Circle until further notice (although it will be included in the scope of work).

Capital Budget Planning Review Discussions, Essex, Manchester, MERSD: Mr. Zubricki reported that he had met with Finance Committee Chair Jeff Soulard on January 15th to discuss the Town's capital plan and strategy in preparation for their meeting with MERSD representatives and the Manchester Town Administrator on January 16. There will be another meeting on February 4th with additional officials from both towns to continue discussion of the FY15 needs for the school and towns.

Draft List of Town Meeting Topics: Mr. Zubricki reviewed the draft list of *possible future town meeting topics*. He said that the DPW Superintendent has suggested that the Selectmen consider asking town meeting to change the bylaw that allows parking on the eastern side of Pickering Street during a snow advisory. Pickering Street is the only street in Town that is excepted from the street parking ban during a snow event. The Selectmen were in agreement that they would like to seek town meeting approval to drop this exception from the bylaws. The Superintendent would also like to request that the Selectmen seek to put aside about \$100,000 for improvement to the surface of a portion of Conomo Point Road and some other roads at the Point. The funding would cover removal of some of the larger rocks, cutting back of some brush, and resurfacing. A motion was made, seconded, and unanimously voted to ask the Finance Committee to support funding of this expense out of Conomo Point revenues at the Annual Town Meeting. The Board agreed that this work would replace the \$100,000 in northern Conomo Point improvement funding for this cycle.

Mr. Zubricki agreed to contact the Community Preservation Committee Chair to find out if her committee is interested in recommending that funding of the Community Preservation Fund be raised from ½% to 1%.

The Selectmen discussed changing the designation of the town meeting held in the fall from "Special Town Meeting" to "Fall Town Meeting" to denote the continuing annual need to process certain substantive town business needs in the fall as well as in the spring. The legal designation is prescribed by law as a Special Town Meeting, but the Town can promote it as a Fall Town Meeting.

Mr. Zubricki said that he had received a request from the Library Trustees for permission to replace library windows at the Town Hall. The Selectmen were not in favor of replacing only a few windows at this time and are hoping to address all the windows in the Town Hall as well as its exterior condition in the next two to three years. The Selectmen would also like the Historical Commission to weigh in on the idea, since the Town Hall is a historic building listed on the National Register and has a local and a State preservation restriction.

Agreement for Services, Historic Records Preservation: Mr. Zubricki reported that the Town Clerk has been successful in obtaining a grant from the Town's insurance carrier in the amount of \$10,000 for historic records preservation. The grant, combined with previous appropriations, will fund a proposed contract with Anna Siedzik to continue her work on the Town's documents. A motion was made, seconded, and unanimously voted to approve and sign the contract with Anna Siedzik to continue her work on preservation of the Town's historic records.

Coastal Resiliency Grant Application Letter of Support: A motion was made, seconded, and unanimously voted to provide another letter of support to Alyssa Novak of UNH regarding another eel grass restoration project grant application.

The Quarterly Department Heads/Committee Chairs Discussion and Update scheduled for this evening was cancelled earlier in the day due to winter storm conditions, as well as the planned discussion with Police Chief Silva regarding his CY2013 accomplishments and his CY2014 goals.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$118,655.20.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's January 6, 2014, Open Meeting and the January 6, 2014, Executive Session.

The Selectmen considered a *request from the Department of Public Works* for an additional \$30,000 for snow removal as authorized under MGL Chapter 44, Section 31D. The Selectmen asked Mr. Zubricki to contact the Finance Committee for their opinion regarding whether this budget item should be funded from free cash at the Annual Town Meeting in May or be added to the Town's tax recap sheet for the next fiscal year.

A motion was made, seconded, and unanimously voted to approve a request from Kelly Roach, manager, to close the Castle Kreek Cookhouse at 234 John Wise Avenue until April 4th, 2014 for cleaning and repairs.

Mr. Zubricki reported that Town Counsel had finally reached agreement on a contract with Constellation Energy to perform an energy efficiency lighting retrofit of Town buildings. A motion was made, seconded, and unanimously voted to approve and authorize Chairman Jeff Jones and Town Administrator Brendhan Zubricki to sign the contract for the energy efficiency lighting retrofit, and also, the continued power purchase agreement. Constellation Energy will perform the retrofit in the near future and the Town will not be required to pay for the upgrades until billing commences under the new contract in 2016.

The Selectmen reviewed a *letter from the Fire Department Board of Engineers* informing the Selectmen that the Fire Department is seeking to create a full-time Fire Chief's position and salary for fiscal year 2015. The Finance Committee has agreed to budget \$35,000 for this item in FY2014. After some discussion, it was agreed that more information and discussion with the Finance Committee was needed before the Selectmen would be able to issue an opinion on this matter.

The Selectmen discussed a *request to the Personnel Board from the Library Trustees* to increase the Librarian's FY15 salary by 5%. The Selectmen asked Mr. Zubricki to inform the Trustees that they favored a combination of a cost of living allowance and merit pay that did not accrue to the base wage, similar to the system used with other employees.

Gloucester Times Reporter James Niedzinski left the meeting.

Mr. Zubricki reported that the Animal Control Officer had approached him regarding her annual stipend of approximately \$3600 and informed him that the Animal Control Officer in Wenham is paid approximately \$14,000. Wenham is similar in size to Essex and also has no leash law. The Selectmen were in agreement that salaries for both the Animal Control Officer and the Animal Health Inspector should be reviewed and asked Mr. Zubricki to also obtain data from the Town of Rowley.

Regarding Conomo Point matters, a motion was made, seconded, and unanimously voted to approve and sign letters of response to the following Conomo Point tenants who returned third-year Bridge Lease extension agreements with letters of protest:

- 19 Middle Road, Map 24, Lot 30, MacGrath
- 25 Middle Road, Map 24, Lot 27, Rowe

Mr. Zubricki reported that the attorney for the former tenant of 9 Beach Circle, Map 19, Lot 96, has informed him that the former tenant has decided that she would like to move the structure off of the property since she does not want to renew the bridge lease for a third year. The Selectmen reviewed a response letter to Ms. Adams' attorney drafted by Town Counsel asking that Ms. Adams contract with a professional to determine whether or not the building is permanently affixed to the land within the next 45 days. It is possible that the Town will also hire a professional to confirm the finding, before forming an opinion as to whether or not they will agree to her removal of the building. The letter also requests that Ms. Adams' cease to advertise

the property as being for sale, since her lease has expired. A motion was made, seconded, and unanimously voted to approve Town Counsel's draft letter and authorize him to send it to the former tenant.

The Selectmen reviewed a written notification from Judith Riggs that she has sublet the premises at 42 Robbins Island Road, Map 19, Lots 71 and 75. A motion was made, seconded, and unanimously voted to approve the sublet.

Mr. Zubricki reported that it had come to his attention that someone was parking vehicles and storing items at 5 Beach Circle. He discovered that a neighbor was performing some repairs to his leased property at the Point and his contractor was using the 5 Beach Circle property. Subsequently, the neighbor has submitted a *request to the Selectmen to use the property* at 5 Beach Circle to temporarily store construction equipment, materials, and debris for a project at 7 Beach Circle. In the meantime, Mr. Zubricki has become aware of a complaint received by the Conservation Commission regarding unauthorized repairs being made to the seawall at 7 Beach Circle. A motion was made, seconded, and unanimously voted to approve the request to temporarily store construction equipment, materials, and debris for a project at 7 Beach Circle through March 9, 2014, provided that all activities at both 5 Beach Circle and 7 Beach Circle have been properly permitted.

It was agreed that further discussion regarding the recent issuance of a Cease & Desist Order to prevent Realtor Ida Doane from marketing the 31 Cogswell Road property was not necessary to repeat at 9 Beach Circle. The letter to Ms. Adams' attorney that was previously voted at this meeting will also address Mrs. Doane's marketing of the 9 Beach Circle property.

A motion was made, seconded, and unanimously voted to ratify the Board's January 6, 2014, Executive Session decision to authorize the Town Administrator to direct Horsley Witten to amend the Central Conomo Point subdivision plan and for the Board to notify the Planning Board about the contemplated revision.

A motion was made, seconded, and unanimously voted to ratify the Board's January 6, 2014, Executive Session decision to send eviction letters to:

- 1 Robbins Island Road (Map 19, Lot 79) (Fryou and Loup)
- 103 Conomo Point Road (Map 19, Lot 98) (Mauceri)
- 19 Cogswell Road (Map 19, Lot 53) (Sorli)

A motion was made, seconded, and unanimously voted to approve Conomo Point Bridge Lease and Purchase and Sale Extensions for the following two properties:

- An offer to extend the bridge lease and purchase and sale agreement for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell, at the third-year Bridge Lease rate for the month of February, pending the filing by Ms. Tirrell's contractor of an "As Built" plan for the 20 Cogswell Road septic system by February 15, 2014.

- Review and sign an offer to extend the bridge lease and purchase and sale agreement signing deadline for 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann, at the third-year Bridge Lease rate.

It was agreed by those present that there were no issues presently that needed to be discussed in Executive Session.

Acting in their capacity as Licensing Board for the Town, a motion was made, seconded, and unanimously voted to approve Non-Resident Recreational Clamming Permits for:

- C. Kenneth Symonds, Princeton, MA sponsored by Valerie Symonds, Eastern Avenue
- Michael Symonds, Gloucester, MA sponsored by Valerie Symonds, Eastern Avenue

The Selectmen were reminded of a joint meeting of the Essex and Manchester Boards of Selectmen, Finance Committees, and Manchester Essex School Committee, and also, of the Final FY15 School District Operating Budget Public Hearing at the Essex Elementary School, starting at 7:00 p.m. on Tuesday, February 4, 2014.

The Selectmen will attend a Planning Board meeting to discuss a revised Central Conomo Point subdivision plan on Wednesday, February 5, 2014.

The next regular Board of Selectmen's meeting will take place on Monday, February 10, 2014, at 7:00 p.m. in the TOHP Burnham 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 8:25 p.m.

Documents discussed during this meeting include the following:

Proposal from the YMCA of the North Shore
Possible town meeting topics
Request from the Department of Public Works
Letter from the Fire Department Board of Engineers
Request to the Personnel Board from the Library Trustees
Request to the Selectmen to use 5 Beach Circle

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell