

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

February 24, 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: Sarah Bartley, Kelly Corrao, Jim Haskell, Matt Jacobs, Bob Jerin, Richard Kallman, Ed Lane, and Michael Pascucci.

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

Sarah Bartley, a project manager from the Beverly North Shore United Way, introduced herself to the Selectmen. She said that she would like to tell the Selectmen about their new Volunteer HUB program. They have created a website (<http://volunteer.nsuw.org/>) to help people find volunteer opportunities in their communities on the north shore. Ms. Bartley illustrated how the website worked using her laptop computer. It is possible to search the site in many different ways, including by community, by company, and/or by type of volunteer work. The Selectmen thanked Ms. Bartley for coming to their meeting and promised to add a link on the Town's website to her volunteer website. She left the meeting.

Kelly Corrao came before the Selectmen and said that he would like to be appointed to the Shellfish Advisory Commission. After a short discussion, a motion was made, seconded, and unanimously voted to appoint Mr. Corrao to the Shellfish Advisory Commission for a term of three years. Jim Haskell, a member of the Shellfish Advisory Commission, also came before the Selectmen to recommend that Michael Pascucci be appointed to the Commission. Subsequently, a motion was made, seconded, and unanimously voted to appoint Mr. Pascucci to the Commission. Mr. Corrao, Mr. Pascucci, Mr. Haskell, Mr. Lane, and Mr. Jacobs left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 8th through February 21st, 2014, regarding the following:

State Conference Call Relative to Provisional Medical Marijuana Facilities: Mr. Zubricki reported that he had participated with other towns in a conference call regarding these new facilities that was sponsored by the Massachusetts Department of Public Health. The purpose of the call was to answer questions and concerns and to acquaint the various communities with the medical marijuana permitting process and regulation.

Attorney Richard Kallman came before the Selectmen. He said that he is representing Garden Remedies, one of the companies that was recently awarded a provisional license to grow and dispense marijuana for medical purposes. Their dispensary will be located in Newton and their

growing facility will be here in Essex, off Western Avenue. They anticipate that the facility will begin operations this summer. Attorney Kallman said that he and the Garden Remedies Security Officer will be meeting with Police Chief Silva in the near future to discuss concerns. He also plans to meet with the Board of Health. Those present discussed the possibility of a hosting agreement between the Town and Garden Remedies. Part of the agreement would include an annual stipend paid by Garden Remedies to the Town. The Selectmen thanked Attorney Kallman for introducing himself and he left the meeting.

The Selectmen were in agreement that they would like an estimate from Chief Silva regarding how this new facility may increase the burden of work for his department. The Selectmen asked Mr. Zubricki to contact the Chief and request that he make a recommendation regarding the public safety issues associated with for the new facility that could be added to his goals for the coming year.

Draft Fiscal Year 2015 Wage & Salary Scale: Mr. Zubricki reviewed the updated wage and salary scale for FY2015. The Board will likely vote to recommend a final version of the document to Town Meeting at their meeting on March 24.

FEMA Flood Map Revision Process Informational Meeting: Selectman O'Donnell reported on her attendance at an informational meeting sponsored by Congressman John Tierney in Ipswich. Congressman Tierney said that he and his associates are trying to delay the implementation of the new flood zone maps and rates until some inaccuracies can be corrected. It has been suggested that at least some of the new maps used the wrong process to calculate the zones and that the zone boundaries are vaguely indicated on the maps. These maps could possibly increase some property owners' annual insurance premiums by thousands of dollars. It is necessary for each town to vote to accept the new maps to enable the property owners to get insurance. If the maps are not accepted by a town, the owners will be unable to purchase insurance which is required by most mortgage companies. The Selectmen asked Mr. Zubricki to find out how they could best support Congressman Tierney's efforts.

Further Review of Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed the updated draft of warrant articles and the Selectmen discussed the removal and/or addition of some articles. It was agreed that the meeting should be held in the Elementary School gymnasium and that Essex Radio would be asked to provide the sound. Provisions will also be made to rent additional seating.

Renewal Process for Comcast Cable Contract: Mr. Zubricki reported that the Town's cable contract will expire in 2017. Previously, although each Cape Ann community signed their own contract, a regional cable advisory committee had helped to negotiate basic terms with Comcast. Mr. Zubricki said that the other three communities are interested in using the same process this time (pending formal discussion by the Rockport Selectmen) and the same lawyer at Kopelman and Paige who assisted in the process before is still available to help with this renewal. Nancy Dudley was the Town's representative on the last committee, but she has indicated that she is not

interested in continuing. Mr. Zubricki said that the Town's representative to the local cable TV station, Barry O'Brien, has expressed interest in serving on the new committee.

Dam and Seawall Repair and Removal Fund Grant Program: Mr. Zubricki said that Superintendent Goodwin had attended a meeting in Salem regarding a new grant program that would provide 25% grant funding for dam and seawall repair or removal. The program requires that the other 75% be funded by loans. After some discussion, it was agreed that it would be premature to apply for this grant, since the future configuration of the waterfront at Conomo Point is still in the planning stages.

Selectman O'Donnell and Town Administrator Zubricki reported that they had participated in a conference call with representatives from the National Wildlife Federation and Horsley Witten. The two entities are seeking to team up to apply for a Massachusetts Coastal Zone Management (CZM) grant to fund a planning study for both traditional and non-traditional coastal infrastructure management and construction. A motion was made, seconded, and unanimously voted to approve and sign the grant application should it become available. The submission deadline is this Friday, but we are unsure whether the required local match can be met.

Fire Chief Dan Doucette joined the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$648,421.30.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 10th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a revision to include criminal records in the Town's Discriminatory Harassment Policy.

A motion was made, seconded, and unanimously voted to approve a ***request by the Department of Public Works for an additional \$25,000*** for snow and ice removal.

A motion was made, seconded, and unanimously voted to concur with Chief Silva's ***recommendation to appoint each of the following persons to the position of Special Police Officer:*** Katrina Ewing, David J. Vangelist, and David J. Landry for a partial term of one year. The Police appointments for Special Officers and Part-Time Officers are for one year and expire on June 30 of each year and are then renewed another year.

The Selectmen reviewed the new engagement contracts with the auditing firm of CliftonLarsonAllen LLP (formerly Sullivan, Rogers & Company LLC) for fiscal year 2013 and 2014 audits. A motion was made, seconded, and unanimously voted to sign the contracts.

Department of Public Works members Paul Rullo (Chair), Scott DeWitt, and Brian Feener, and DPW Superintendent Paul Goodwin joined the Selectmen to discuss road improvements at

Conomo Point. Superintendent Goodwin said that the roads at Conomo Point are really in need of repair and he would like to make repairs to some of the roads in the southern section and some of the roads in the central section. The Superintendent has some Chapter 90 money that could partially fund the repairs which are expected to cost around \$100,000. He asked the Selectmen if they would be willing to contribute funds from either the Conomo Point Sale Proceeds or from the Conomo Point Rent Receipts to fund the remainder of the project. The Selectmen were in favor of the project and said they would discuss the matter with the Finance Committee.

Selectman O'Donnell and Superintendent Goodwin reported on the Friends of Memorial Park meeting that they had recently attended. The Friends are seeking to either repair or replace the veterans' memorial in front of Town Hall and move it to a better location in Memorial Park. Memorial Park is managed by the DPW. Selectman O'Donnell suggested that a planner be hired to work with the DPW and others to create a master plan for the Park which would take into consideration and include all the activities that take place in the Park. It would be possible, with Town Meeting approval, to use Community Preservation Funds to pay for the planner.

Mr. Zubricki said that there is still interest, pending a report from the Public Safety Study Committee, in locating a new police and fire facility on part of the Town-owned cemetery land that is accessible from John Wise Avenue. The Selectmen asked the Board of Public Works to consider whether they would be in favor of relinquishing this property and changing its use designation.

Paul Rullo, Scott DeWitt, Brian Feener, and Paul Goodwin left the meeting.

Finance Committee Chair Jeff Soulard and members Richard Ross and Ken Riehl, Town Accountant Roxanne Tieri, and the Public Safety Study Committee Chair Bob Jerin joined the Selectmen to discuss the FY2015 budget, including the Fire Department's proposal for a full-time Fire Chief.

Mr. Jerin began the discussion with a progress review from the PSSC. He said that the newly formed committee had gotten off to a slow start, but were now moving forward. Their first project has been to create a public survey that will be used to evaluate community sentiment in regards to the Town's public safety needs. The survey will be available on the Town's website. The Committee members have also spent time visiting the Town's current safety facilities and talking with each Chief about the needs of the Fire Department and the Police Department. The Committee is currently canvassing other communities regarding their safety facilities and work force. They have also visited the newly built Rockport facility. Mr. Jerin is expecting that his committee will have a recommendation in the near future.

Finance Committee Chair Jeff Soulard spoke about how the changing population in Town is affecting the Town's volunteer Fire Department. More and more residents are working outside of Town and are not around to respond to emergencies. He said that the Finance Committee has been working towards the day when at least some full-time personnel become necessary for the Department. Fire Chief Dan Doucette also spoke in favor of creating a full-time Chief's position

and Mr. Zubricki outlined the process necessary to move from the current volunteer/part-time position to a full-time Fire Chief. It was agreed by all that the Public Safety Study Committee must complete their report and recommendations on the Town's needs before action could be taken on this matter. For that reason, this matter may have to be addressed at the Fall Town Meeting. Mr. Jerin and Chief Doucette left the meeting.

FinCom Chair Jeff Soulard reviewed the status of the proposed FY15 budget and capital plan. After some discussion, it was agreed that the FinCom would meet again with the Selectmen at their next meeting on March 10 to discuss the finalized budget. Mr. Soulard, Mr. Ross, Mr. Riehl, and Ms. Tieri left the meeting.

A motion was made, seconded, and unanimously voted to set the FY15 merit pay for the Town Administrator and the Chief of Police at 3%.

A motion was made, seconded and unanimously voted to approve the following Conomo Point Extensions:

- Review and sign 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.
- 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.

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

Common Victualler's License:

- Down River Ice Cream, Amy Ahearn, Manager, at 241 John Wise Avenue

Non-Recreational Seasonal Clamming Permit:

- Stephen Danca of Beverly, MA sponsored by Robert V. Brophy of Western Avenue
- Paul Dredge of Arlington, MA sponsored by Barry Richards of Martin Street
- Ed Kawczynski of Salem, MA sponsored by Richard Pierro of Belcher Street
- George Tombarello of Atkinson, NH sponsored by Patricia Richards of Winthrop Street
- John Viola of Hamilton, MA sponsored by Robert V. Brophy of Western Avenue

Commercial Clamming Permit:

- Matthew Jacobs
- Brian Loebelenz
- Dean Rossi

Senior Clamming Permit:

- Norman A. Burnham
- Stephen Hartley
- Dennis Henderson
- George Lane
- Dan Marshall
- Peter F. Wilson

Student Clamming Permit:

- Michael Loebelenz

The Selectmen were reminded that there will be a public hearing hosted by the Planning Board regarding changes to the Central Conomo Point Subdivision Plan starting at 8:00 p.m. on Wednesday, March 5, 2014 at the Fire Station.

The next regular Board of Selectmen's meeting will take place on Monday March 10th, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

At 9:55 p.m., citing the need to discuss pending litigation concerning the case of Glenn Mores, et al. v. Board of Assessors of the Town of Essex, ATB Docket No. F316503 and pending litigation concerning the case of Richard D. Rettberg, et al. v. Board of Assessors of the Town of Essex, ATB Docket No. F317827, and any other matters that are presently pending for the Town of Essex before the Appellate Tax Board; the lease, sale, and value of real property at Conomo Point; 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 the Board would be returning to Open Session only to adjourn the meeting and invited the Town Administrator to join the Session. Chairman Jones said that discussing these matters in Open Session would be detrimental to the Town's negotiating and litigating strategies.

The Chairman also stated that discussion of 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, discussion of complaints or charges made against a public employee pursuant to G.L. c.30A, s.21, paragraph 1 would be tabled at this time. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session.

The Board returned to Open Session at 10:08 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Request by the Department of Public Works for an additional \$25,000

Recommendation to appoint three persons to the position of Special Police Officer

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell