

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

March 10, 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: Attorney Richard Kallman, and James and Hugh Gist.

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.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$123,222.73.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$376.91 from Insurance – Blanket Liability to Procurement – Advertising.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 24th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve and accept a donation to the Police Gift Account in the amount of \$200.00. A motion was made, seconded, and unanimously voted to approve and accept another donation to the Police Gift Account in the amount of \$20.00. And, a motion was made, seconded, and unanimously voted to approve and accept two donations (one to the Police Department and one to the Fire Department), each, in the amount of \$25.00.

A motion was made, seconded, and unanimously voted to approve a request for a refund of a building permit fee for a permit that was never acted upon by the requesting party.

A motion was made, seconded, and unanimously voted to proclaim April 8, 2014 as Equal Pay Day 2014. Chairman Jones signed the proclamation.

A motion was made, seconded, and unanimously voted to approve a request from the Manager for an extension of the closure period at the Riverside Bistro for maintenance and cleaning, from February 28, 2014 to April 4, 2014.

A motion was made, seconded, and unanimously voted to appoint Barry O'Brien as the Town's representative to the Cape Ann Regional Cable TV Advisory Commission.

The Selectmen reviewed a resignation letter from Wallace Bruce, Chairman of the Conservation Commission, effective March 31, 2014. A motion was made, seconded, and unanimously voted to accept his resignation. The Selectmen signed a letter of appreciation to Mr. Bruce recognizing his 15 years of service on the Conservation Commission.

A motion was made, seconded, and unanimously voted to approve a request to waive the filing deadline for a commercial clamming permit application for Scott Hamlen.

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

Common Victualler's License:

- Essex Pizza & Restaurant, Dimitrios Tegos, manager, at 235 Western Avenue

Non-Recreational Seasonal Clamming Permit:

- Bradford D. Allen of Georgetown, MA sponsored by Gertrude S. Bartlett of Lufkin Street
- Cliff Bathalon of Ferry Street, NH sponsored by Warren Grant III of Southern Avenue
- David A. Bogdan of Georgetown, MA sponsored by Richard Pierro of Belcher Street
- Matthew J. Couturier of Sandown, NH sponsored by William A. Perkins of John Wise Avenue
- George Dionne of Brentwood, NH sponsored by Leo Provost of School Street
- Martin Forde of Middleton, MA sponsored by Erin Ricci of Sumac Drive
- Christian P. Frey of Danville, NH sponsored by Warren Grant of Southern Avenue
- James Groetz of Kensington, NH sponsored by Leo Provost of School Street
- Frank A. Hartmann of Exeter, NH sponsored by Warren Grant of Southern Avenue
- Wayne Kinney of Kingston, NH sponsored by Warren Grant of Southern Avenue
- Stephen LeBert of Woburn, MA sponsored by Patricia Richards of Winthrop Street
- Robin Linehan of Newbury, MA sponsored by William A. Perkins of John Wise Avenue
- Robert Normand of Beverly, MA sponsored by Leo Provost of School Street
- Frank Northrup of Brentwood, NH sponsored by Leo Provost of School Street
- William Pascucci of West Palm Beach, FL sponsored by Richard Tofuri, Jr. of Forrest Avenue
- Mary A. Picariello of Boxford, MA sponsored by Ronald Hemeon of Rocky Hill Road
- Philip A. Picariello of Boxford, MA sponsored by Ronald Hemeon of Rocky Hill Road
- Daniel Provost of South Hampton, NH sponsored by Leo Provost of School Street
- Chris Shuka of Hamilton, MA sponsored by Robert Doane of Prospect Street

- William Standle of Newmarket, NH sponsored by Leo Provost of School Street
- John G. Standley, Jr. of Beverly, MA sponsored by Leo Provost of School Street
- Kristi Viola of Hamilton, MA sponsored by Robert V. Brophy of Western Avenue

Commercial Clamming Permit:

- Julian Balili
- Kevin Duff
- John Guerin
- Ronald Hemeon
- Michael Jacobs
- Mark Jordan
- Edward G. Lane
- Judson Lane
- Matthew E. Lane
- Timothy Marshall
- Chris Maxfield
- Bruce Mello
- Glenn Pike
- Erik Walder

Senior Clamming Permit:

- Bedri Balili
- James Genest

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday March 24th, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

Conomo Point Matters:

The Selectmen reviewed a request to sublet 130 Conomo Point Road by Thayer Adams. All were in agreement, and a motion was made, seconded, and unanimously voted to approve Ms. Adams' request.

Selectman Gould-Coviello made a motion that the Board of Selectmen direct the Town Administrator to request that the Board of Assessors change the billing designation for the following Conomo Point properties to c/o Board of Selectmen, Town of Essex, for the remainder of the Fiscal Year 2014 billing cycle:

- 9 Beach Circle, Map 19, Lot 96
- 7 Cogswell Road, Map 19, Lot 50
- 19 Cogswell Road, Map 19, Lot 53
- 31 Cogswell Road, Map 19, Lot 27
- 8 Conomo Lane, Map 19, Lot 84
- 103 Conomo Point Road, Map 19, Lot 98

- 1 Robbins Island Road, Map 19, Lot 79
- 40 Robbins Island Road, Map 19, Lot 70
- 13 Town Farm Road, Map 19, Lots 41 & 42

The motion was seconded, and unanimously voted.

Selectman Gould-Coviello made a motion that the Board of Selectmen direct the Town Administrator to request that the Board of Assessors change the owner of record information and taxable status of the following Conomo Point properties to Board of Selectmen, Town of Essex, municipal use, beginning in Fiscal year 2015:

- 9 Beach Circle, Map 19, Lot 96
- 7 Cogswell Road, Map 19, Lot 50
- 19 Cogswell Road, Map 19, Lot 53
- 31 Cogswell Road, Map 19, Lot 27
- 8 Conomo Lane, Map 19, Lot 84
- 103 Conomo Point Road, Map 19, Lot 98
- 1 Robbins Island Road, Map 19, Lot 79
- 40 Robbins Island Road, Map 19, Lot 70
- 13 Town Farm Road, Map 19, Lots 41 & 42

The motion was moved, seconded, and unanimously voted.

The Selectmen reviewed a list of Conomo Point Leaseholders in arrears with respect to rent. It was noted that rent had been received today for 11 Conomo Lane, Map 24, Lot 1, and also for 19 Middle Road, Map 24, Lot 30. Mr. Sisk had called from Australia to say that his bank had sent payment a month ago for 113 Conomo Point Road, Map 19, Lots 89 & 91 and 29 Middle Road, Map 24, Lot 4. The payments have not yet been received by the Town.

Following some discussion, a motion was made, seconded, and unanimously voted to delay the initiation of eviction proceedings to allow Mr. Sisk and the following tenants to deliver their past due rents:

- 109 Conomo Point Road, Map 19, Lot 93, True
- 17 Middle Road, Map 24, Lot 31, Lemcke & DeVries
- 34A Robbins Island Road, Map 19, Lot 67, Denton

If the past due rents are not received by March 31st, 2014, Town Counsel will initiate eviction proceedings.

Selectman O'Donnell reported on a recent Forum that she had attended regarding the overpopulation and management of green crabs. The group will be meeting again this week to continue the discussion.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 22nd, through March 7th, 2014, regarding the following:

Interaction of Medical Marijuana Provisional Licensee with Town: The attorney for Garden Remedies, Richard Kallman, joined the Selectmen. Attorney Kallman reported that both he and Selectman O'Donnell had recently met with Police Chief Silva to begin discussions regarding the impact that the proposed marijuana growing facility will have on the security needs of the Town. Selectman Gould-Coviello and Town Administrator Zubricki will meet with Attorney Kallman and Garden Remedies' Security Manager tomorrow to continue the discussion and to also talk about a hosting agreement. The Selectmen were in agreement that one of the Chief's goals for this year should be to work with Garden Remedies as they establish their growing facility and security systems. Selectman Gould-Coviello rewrote the Chief's initial draft of this goal and the Board asked Mr. Zubricki to forward it to the Chief, as revised. Attorney Kallman thanked the Selectmen and left the meeting.

Review of Central Conomo Point Subdivision Plan: Mr. Zubricki reported that he had attended the last Planning Board meeting discussion regarding the proposed changes to the central Conomo Point subdivision plan. The Planning Board expects to issue a written decision in early April. Mr. Zubricki has already made arrangements for the Town's consulting appraiser to update the valuations on the lots included in the amended subdivision plan.

Continued Review of FY15 Wage & Salary Scale: Mr. Zubricki briefly reviewed the updated wage and salary scale which will be finalized at the next Selectmen's meeting.

Award of Contract for Promotion of Town Resources: Mr. Zubricki reported that only one ***proposal had been received for the promotion of Town resources***. That proposal had been received from the Essex Merchants Group. Selectman Gould-Coviello recused herself from the following discussion since her husband is the President of the Merchants Group. Chairman Jones and Selectman O'Donnell and Mr. Zubricki proceeded to evaluate the proposal. Based on the four evaluation questions, the proposal received three "highly advantageous" and one "advantageous" rating. Consequently, a motion was made, seconded, and unanimously voted by the Chairman and Selectman O'Donnell to award the contract to the Essex Merchants Group with an overall rating of "highly advantageous". Mr. Zubricki was authorized to negotiate the contract.

Cape Ann Regional Cable Advisory Committee Update: Mr. Zubricki said that he had attended a meeting in Gloucester to discuss creating a regional committee to negotiate the renewal of the cable contract. The Committee will consist of representatives from four communities: Essex, Gloucester, Rockport, and Manchester. The first meeting of the regional committee will likely occur sometime in April.

Town Hall/Library Renovation Project Update: Mr. Zubricki said that the Town Hall renovations have begun. A trench has been dug around the interior perimeter of the basement and already has water in it. Pipes with drainage holes will be placed in the trench along with stone and the water will be released out of the back side of the building, which has been approved by the Conservation Commission. The dehumidifiers will also drain into the pipes. The server room on the stage has been framed in and some of the associated electrical work completed. Mr.

Zubricki anticipates that he will be able to move the computer equipment from his office to the new room in April. After the equipment is moved, Mr. Zubricki's office will be reconstructed with sound-proofing and windowed doors.

Mr. Zubricki reviewed a letter from the Town's consulting architect, Meyer and Meyer, regarding their role overseeing the Town Hall Repairs. The letter stated that for a variety of reasons, including change orders and an extended bidding period, Meyer and Meyer's fee for this project has not covered their costs and that they would like the Town to consider reimbursing them for the additional costs. After some discussion, it was voted that an additional \$9,000 could be paid to Meyer and Meyer for a partial reimbursement. Also, any contingency money left at the completion of the project could potentially be paid to Meyer and Meyer.

Implementation of New FEMA Flood Maps and Rates: While ways to minimize the impact that the new Flood Maps will have on homeowners insurance rates are still being explored, Mr. Zubricki said that it will be important to make sure that the new maps are voted for at Town Meeting. Barring any official extension from FEMA in the meantime, homeowners in flood zones may not be able to get the insurance required to obtain and maintain a mortgage.

Hugh and James Gist left the meeting.

Town Moderator Rolf Madsen and Deputy Moderator Jodi Davis, Finance Committee Chair Jeff Soulard and FinCom members Richard Ross and Ken Riehl, and Town Accountant Roxanne Tieri joined the Selectmen. Mr. Zubricki began a review and discussion of each of the articles on the ***draft warrant for the May 5, 2014 Annual Town Meeting***. Based on the discussion, the articles will be reordered, and some will be postponed to a future town meeting. It is anticipated that the warrant will be finalized, signed, and closed at the next Selectmen's meeting on March 24th.

Following the discussion of the draft warrant, the Moderators, the Finance Committee, and the Town Accountant left the meeting.

At 9:15 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; and, pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; 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 strategy and invited the Town Administrator to attend the Session. He said that the Board would only be returning to Open Session 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 and Mr. Zubricki returned to Open Session at 9:25 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:

Proposal for the Promotion of Town Resources

Draft Warrant for the May 5, 2014 Annual Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell