

Selectmen's Minutes
Senior Center

April 28, 2014

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

Also Present: Animal Control Officer Amy Reilly, John Bediz, Board of Health Chair Dr. David Driscoll, Building Inspector Bill Sanborn, Council on Aging Chair Keith Symmes, Finance Committee Chair Jeff Souland, Daniel, Mayer, Department of Public Works Chair Paul Rullo and Superintendent Paul Goodwin, Shellfish Constable Billie Knovak, Planning Board Vice-Chair Westley Burnham and member Skip Crocker, Police Chief Peter G. Silva, Public Safety Study Committee Chair Bob Jerin, Mark Renzi, School Committee members Jim Haskell and Alva Ingaharro, Tax Collector/Treasurer Virginia Boutchie, Town Accountant Roxanne Tieri, Town Clerk Christina Wright, and seven other interested residents.

The Chairman called the meeting to order at 7:00 p.m. in the upstairs 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 April 12th through April 25th, 2014, regarding the following:

Consideration of Consulting Contract for Fire Department Analysis: Public Safety Study Committee Chairman Robert Jerin reported that the Committee is continuing their study. He said that the Committee is recommending that the Town contract with the ***Essex County Fire Chief's Association (proposal and resume)*** for consulting services in the amount of \$4500, regarding the Town needs for Fire Department operations, staffing, facilities and other resources. Following discussion, a motion was made, seconded, and unanimously voted to authorize Chairman Jerin to sign the contract for consulting services with the Essex County Fire Chief's Association. Mr. Jerin said that the Committee expects to have their final report completed for public release sometime in June 2014.

Appraisals Related to the Potential Sale of Beach Circle Properties: Mr. Zubricki reported that the Town's consultant has completed the new appraisals for eight Conomo Point properties in the Beach Circle area. The report has been placed on the Town's website. The Selectmen asked Mr. Zubricki to inform the Boston Globe and the Gloucester Daily Times that the appraisals are available for review and that a note to this effect go out over the Town's public e-mail system.

Updated Master Lease-Purchase Agreement and Associated Schedule: Mr. Zubricki said that the Town has utilized the leasing services of one company (All American Investment Group) for many years and it is time to update the standard master lease-purchase agreement document that we have been using. A motion was made, seconded, and unanimously voted to approve and sign the updated document, including a schedule for a new dump truck, outside of a Selectmen's meeting after a Town Meeting appropriation has been secured.

Potential Demolition Two Houses Conomo Point and Requests for Determination of Applicability, Demolition and Paving: Mr. Zubricki reported that the court has now awarded the Town complete possession of the property at 138 Conomo Point Road pending removal of personal property inside the building by the Essex County Sheriff's Department in May to a storage facility. The Selectmen have long been in agreement that the building on this property should be removed due to mold and disrepair issues. Also, after a site visit by the Board and members of the Conomo Point Planning Committee, it was agreed that the structure on another property (103 Conomo Point Road) should be demolished. The chimney at 103 Conomo Point Road, which was deemed to be a public safety concern, was recently taken down by the Department of Public Works at the request of the Selectmen. Mr. Zubricki said that before these two buildings can be demolished, there are a number of items to attend to, including an asbestos analysis and asbestos removal (if necessary), as well as working with the Conservation Commission. Neither of these two buildings are affected by the demolition delay bylaw. The Selectmen were in agreement that Mr. Zubricki should begin the process for the eventual demolition of the buildings. Therefore, a motion was made, seconded, and unanimously voted to authorize all costs necessary to assess, permit, and accomplish demolition of the two buildings and to demolish each building (the house and shed at 103 Conomo Point Road, and, contingent upon gaining full control of the property, the cottage at 138 Conomo Point Road). Also, in connection with the Conservation Commission, it will be necessary to file three Requests for Determination of Applicability (one each for the two buildings to be demolished and one for proposed paving of Cogswell Road). Mr. Zubricki is in the process of preparing these documents. Subsequently, a motion was made, seconded, and unanimously voted to authorize signature of the final RDA documents outside of a Selectmen's meeting when they are complete. It was acknowledged that a full Notice of Intent may be required for the work at 138 Conomo Point Road.

Renewal of Use License for Property Comprising Paglia Park: Mr. Zubricki informed the Selectmen that the two-year license between the Town and the Paglia Family will expire in May. A motion was made, seconded, and unanimously voted to forward a renewal license to the Family for signing and to countersign the document when it is returned.

Downtown Boardwalk Funding: Mr. Zubricki reported that, thanks to the efforts of Senator Bruce Tarr and Representative Ann Margaret Ferrante, the State has awarded funding for the Essex Boardwalk Project in the amount of \$1.5 million to be spent on permitting, design, and construction. After discussion, it was agreed that the Merchants should approach the new lessee of the property at 112 Main Street regarding the Town's desire to place a segment of the boardwalk between the restaurant and the river. Thereafter, a representative of the Board and Mr. Zubricki will also speak to the new lessee.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$150,607.58.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's April 14th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to accept the resignation of Bob Brophy from the Board of the Council on Aging. A letter of appreciation will be prepared in recognition of his valued contributions to the Council.

The Selectmen discussed the Metropolitan Area Planning Council's (MAPC) request to increase the annual contribution it receives from Massachusetts municipalities to 50 cents per capita. The annual contribution is automatically increased every year by 2.5%, but MAPC said that this increase has not been sufficient to allow them to grow and keep current. The Selectmen were in favor of the increase and asked Mr. Zubricki to draft a letter of support for the increase in the Metropolitan Area Planning Council's funding level. The letter will also include an endorsement of MAPC's past services to the Town and will suggest that the increased funding will help MAPC to customize its offerings and new resources for its members.

A motion was made, seconded, and unanimously voted to approve and sign the proposal for the renewal of police and fire accident insurance for FY2015. A motion was also made, seconded, and unanimously voted to approve and sign the renewal agreement for property & casualty loss /workers' compensation insurance for FY2015.

Mr. Zubricki reported that a petition had been received on April 23rd, requesting that a Special Town Meeting be called to amend the Town's zoning bylaws regarding the issuance of a special permit for a medical marijuana treatment center/registered marijuana dispensary. The Town Clerk has since certified that the petition contains the required 200 valid signatures. Town Counsel Corbo explained that the Selectmen now have 45 days in which to schedule this Special Town Meeting and the STM warrant must be posted at least 14 days prior to the meeting. Based on the date of the petition's receipt, the STM will be scheduled no later than the first week in June. After some discussion, the Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to transmit a copy of the petition to the Planning Board, along with the Town Clerk's certification, for review. Following receipt by the Planning Board of the petition, the Planning Board will have 65 days in which to hold a public hearing, review the petition, and, if desired, issue a recommendation to Town Meeting regarding their approval/disapproval of the suggested change to the zoning bylaws. The public hearing must be advertised at least two weeks before the hearing is held. On a related matter, it was noted that the Planning Board will also be sponsoring a public hearing to discuss an application that was submitted by Garden Remedies for a special permit to establish a medical marijuana growing facility on Western Avenue. Although not yet scheduled, it is anticipated that the Garden Remedies hearing will be held on June 4th. Some of the residents sponsoring the petition were present during, and participated in, the foregoing discussion. The residents expressed an interest in working with the Selectmen and the Planning Board to understand the process, including timing requirements, necessary to change the zoning bylaws.

Continued Review of Draft Town Meeting Motions: Mr. Zubricki reviewed each of the articles on the Warrant for next Monday's Annual Town Meeting.

Recommendation for Security Study for Proposed Marijuana Facility: Police Chief Peter Silva said that he has been asked to prepare a security study for the proposed marijuana facility on Western Avenue. However, Chief Silva said that he highly recommends that the Town engage a professional, non-biased firm to conduct the study, since the Chief has no actual experience with this type of security. After discussion with those present, a motion was made, seconded, and unanimously voted to ask Garden Remedies to engage a professional consultant, to be paid for by Garden Remedies, to conduct a security safety study of the facility. The Chief will begin to determine which consulting security firm might be the best fit.

DRAFT Position Description for Part-Time Town Planner: Mr. Zubricki said that he has drafted a position description for a part-time Town planner and distributed the draft to department heads for future comment.

After review, a motion was made, seconded, and unanimously voted to approve a Memorandum of Understanding between the Town and RSVP Volunteers of the North Shore for volunteer assistance on behalf of the Essex Council on Aging. RSVP Volunteers is a program sponsored by SeniorCare.

Chairman Jones asked Finance Committee Chair Jeff Soulard to lead the scheduled quarterly department head/committee chair update and he reported that almost all the budgets for FY2015 have been finalized with only an average 1% increase from FY2014. He reminded everyone that it is becoming increasingly difficult to manage the budgets and predicted that an over-ride will probably be necessary in the near future.

School Committee members Alva Ingaharro and Jim Haskell reported that their committee continues to work towards the best solution for updating/repairing the elementary schools. It has not yet been determined whether there should continue to be two schools, one in each town, or whether there should be one school attended by children from both towns.

Police Chief Silva reported that he has been working with the Department of Environmental Protection to receive a donation from the DEP of a used boat to replace the Police Department's non-functioning and non-repairable boat. He also said that the department has been getting the buoys ready and placing them to mark the river channel. Sergeant Francis continues to work towards accreditation of the department. There is currently one officer attending the Police Academy, and, as soon as he returns, the Chief has another officer who will be attending.

It was noted that there was a serious fire on Cogswell Court last Friday night. One firefighter fell off the ladder onto and through a porch roof. He was air-lifted from Beverly to a Boston hospital and another firefighter sustained a leg injury. Everyone present expressed admiration, pride, and appreciation for the Fire Department.

Public Safety Study Committee Chair Robert Jerin reported that the committee has recently completed analysis of their community survey. Mr. Jerin distributed copies of the Committee's

Summary of the Town of Essex Survey. He said that the committee hopes to have a complete report of their findings in mid-June.

Chairman Keith Symmes of the Council on Aging reported that the Council has recently changed the locks on the front and back doors of the Senior Center. The Council will now be keeping a list of all keyholders.

Building Inspector Bill Sanborn reported that activity in his department is sporadic, some weeks there is a lot and other weeks there is none.

Tax Collector/Treasurer Virginia Boutchie said that she is in the process of refinancing a town bond. She has also recently acquired three properties for the Town which may be auctioned off next year.

Animal Control Officer Amy Reilly reported that she has been very busy lately. She and Animal Health Inspector Pam Stone have been working together responding to all reports forwarded to them by the Police.

Town Clerk Christina Wright reported that she continues to prepare for the Annual Town Meeting next week. There will be a rabies clinic in early May. She has also been successful in obtaining grants and money from Community Preservation funds to preserve the Town's historic documents. Her goal is to eventually get all the documents properly conserved and stored. They will also be digitally copied so that they can be accessed by the public online.

Town Accountant Roxanne Tieri reported that all is going well in her department. She said that this year, for the first time, the auditors had no recommendations to make following their audit of last year's records.

Shellfish Constable said that the shellfish truck and boat are running well. He said that he will be able to get by with the truck for another year. He is hoping to get together with the constables from Ipswich and Gloucester to establish the location of town boundaries on the clam flats.

Mr. Zubricki said that efforts continue to exclusively designate the center area of the parking lot behind the Post Office as parking for residents with boat trailers. He asked Chief Silva if he thought the officers would have time to monitor and enforce the new regulations. Chief Silva said that they would. Mr. Zubricki also asked Superintendent Paul Goodwin and Board of Public Works Chair Paul Rullo if they could assist with the procurement of appropriate signage to mark the designated areas, and they agreed.

Superintendent Goodwin remarked that despite the many snow storms this past winter, he was very pleased with the performance of his group to keep the town roads clear and safe. He also thanked the Selectmen and Finance Committee for providing funding for the expense of additional snow and ice removal.

Dr. Driscoll said that the Board of Health has hired a new public nurse. In addition to her other responsibilities, she has been making house calls to administer vaccines. The Board of Health held several flu clinics this year, as well as a shingles clinic. Dr. Driscoll also reported that his Board would probably not be sponsoring/holding the Youth Triathlon this year since the on-line vendor for event registration that the Board of Health would like to use has presented a contract with unacceptable and non-negotiable levels of risk for the Town. The recently held drug-take-back day had very successful.

That concluded the comments from the department heads and committee chairs. Chairman Jones thanked everyone for coming and all left the meeting, with the exception of the Selectmen, the Town Administrator, Town Counsel, and the Selectmen's Assistant.

A motion was made, seconded, and unanimously voted to approve a request for a One-Day Wine and Malt License by Cape Ann Trail Stewards, Kate Dardinski, for use on Friday, May 16, 2014, between the hours of 4:00 and 10:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, May 5th, 2014, at 6:30 p.m. in the Teachers' Lounge of the Essex Elementary School on Story Street, followed by the Annual Town Meeting in the gymnasium at 7:30 p.m.

The Selectmen discussed a recent request from Alfalfa Farm Winery to sell wine and offer wine tasting at the Farmers' Market to be held this year on Saturdays behind Town Hall starting in mid-June and ending in mid-October. This is a new type of special license allowed by the Alcoholic Beverage Control Commission and is similar to a One-Day Wine and Malt License. Issuance of the license only requires local licensing approval and each municipality may charge a standard fee each time they issue this license. After some discussion, it was agreed by the Selectmen that the fee for a Farmers Market License for wine tasting would be set at \$10 per day and would require that the vendor provide a certificate of liability insurance in the minimum amount of \$1,000,000 listing the Town as an additional insured. One license will be issued to each vendor "for the season", which in the case of Alfalfa Farm Winery would include eighteen Saturdays, from June 21 through October 18.

A motion was made, seconded, and unanimously voted to proclaim June 1 through June 7, 2014, "Childhood Cancer Awareness Week".

Concerning Conomo Point Matters, a motion was made, seconded, and unanimously voted to approve the following Conomo Point Bridge Lease Extensions for unsold southern Conomo Point Properties:

- Extension of the bridge lease and purchase and sale agreement through the month of May, 2014, for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell, at the third-year Bridge Lease rate.

- Extension of the bridge lease and purchase and sale agreement signing deadline for the month of May, 2014, for 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann, at the third-year Bridge Lease rate.

Mr. Zubricki reported that the Police and Fire Station and the Water Treatment Plant have been experiencing a slowing down of the cable internet. After conferring with various technicians in the field, Mr. Zubricki said that the slowing down can probably be attributed to the wearing out of the twenty-plus-year-old equipment, which is now obsolete and cannot be replaced. Mr. Zubricki said that Comcast had given the Town \$20,000 to be used for cable i-net upgrade in 2007 which is still available. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to begin replacing the obsolete equipment with present-day technology.

At 10:04 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; 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, discussion to prepare for negotiation with Chief of Police for successor employment contract; 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. The Chairman invited Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo to take part in the Executive Session and he also stated 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, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 10:45 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:

Essex County Fire Chief's Association (proposal and resume attached)
Summary of the Town of Essex Survey

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell