

**Selectmen's Minutes**  
**TOHP Burnham Library**

**May 19, 2014**

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

Also Present: Alison Taylor and Hunter Jay.

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

Alison Taylor and Hunter Jay joined the Selectmen to discuss the issuance of a Farmers Market license to Alfalfa Farms Winery, which would allow them to offer wine tasting and sell wines at the Farmers Market behind Town Hall this summer. Alison Taylor said that the winery may not participate in the market because the cost of the market license plus the market fee plus the cost of an employee to man the booth was too expensive. She asked if the Town would be receptive to waiving the \$10/day fee for the wine tasting/selling license. This is a new license and an informal poll of some towns that have farmers markets showed a range of fees charged ranging from \$50/day to \$0.00. The winery is a for-profit business. After some discussion, the Selectmen were in agreement that they will not waive the fee and suggested that perhaps Ms. Taylor and Mr. Jay should consider reducing the \$25/day fee they charge to participate in the market. It was also agreed that Ms. Taylor and Mr. Jay should meet with the Selectmen again next year at the beginning of the season to discuss their plans for that year's market. Ms. Taylor and Mr. Jay thanked the Selectmen and left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 3<sup>rd</sup>, through May 16<sup>th</sup>, 2014, regarding the following:

Continued Discussion Regarding Part-Time Planner Position Description: Mr. Zubricki reported that he had distributed copies of the proposed job description to several town departments and committees for comment, but had not yet received any comments. Mr. Zubricki has also had discussions with the town of Manchester about the possibility of advertising concurrently for a planner who would provide planning services to both towns under separate arrangements (since Manchester is also going to be hiring their own part-time planner). A motion was made, seconded, and unanimously voted to approve the job description as currently drafted. The Selectmen also were in agreement that the position should be advertised starting in June in the hopes that the successful candidate could begin working at the start of the new fiscal year in July.

Third Party Ambulance Billing Successor Agreement: Mr. Zubricki said that the 1-year contract with Comstar is due for renewal. Comstar continues to provide excellent service and Mr. Zubricki recommended signing the 1-year renewal contract. A motion was made, seconded, and unanimously voted to sign the contract.

Contract for Installation of Stone Property Line Bounds, Beach Circle: Mr. Zubricki reported that the Horsley Witten Group has offered to set the stone bounds for the Beach Circle subdivision at Conomo Point for \$9750. He also reported that Dave Ouellette has left the

company and Ellie Baker is our new contact person. A motion was made, seconded, and unanimously voted to approve and sign the contract with Horsley Witten. Mr. Zubricki said that he intends to deliver the Central Conomo Point Subdivision Covenant that was signed by the Selectmen to the Planning Board for their signatures on Wednesday.

Mr. Zubricki also reported that he has started the demolition preparation process for 103 and 138 Conomo Point Road. An asbestos removal company will be evaluating the situation at both properties soon. Mr. Zubricki is also working with the Conservation Commission and DeRosa Environmental to arrange for the necessary wetlands permitting. All three wire utilities have been contacted and service drops are being removed.

Insurer's Recommendations for Building Improvements: Mr. Zubricki said that this year, the Town's insurer has recommended that the Town either replace the oil tanks at the Town Hall with double-walled tanks or build a containment structure around the existing tanks. The Selectmen were in agreement with Mr. Zubricki's recommendation that the Town simply move to natural gas instead, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to initiate the process to convert the heating system at the Town Hall to natural gas, pending an appropriation at the Fall Town Meeting.

Essex National Heritage Area Signage: Mr. Zubricki said that the Great Marsh Committee has asked permission to place small signs at four locations in town: two at Conomo Point, one at Town Landing, and one at the Apple Street Bridge. The signs can be scanned with a smart phone which will provide access to audio and video recordings offering information about the Great Marsh. Subsequently, a motion was made, seconded, and unanimously voted to approve the request, pending agreement from the Board of Public Works regarding the Apple Street site.

Selectman Gould-Coviello announced that she has been appointed to the position of Essex National Heritage Commissioner.

Mass in Motion Municipal Wellness Grant Program Application: Mr. Zubricki reviewed a letter of support and a participation form from the Town regarding the Mass in Motion Municipal Wellness Grant Program, which is a joint effort among Cape Ann communities. Following Mr. Zubricki's review, a motion was made, seconded, and unanimously voted to sign the letter of support and the participation form.

Shellfish Advisory Commission members Kelly Corrao, Jim Haskell, William Knovak, and Michael Pascucci, along with Richard Tofuri, joined the Selectmen to discuss residency, moorings, winter clam flats, and related matters. Mr. Corrao reported that lobstermen have discovered that the green crabs make good bait for their pots. The crabs have no natural predators in this area and have been decimating the area's shellfish resources. The crabs will be less of a problem now that they are being harvested to use as bait for lobsters.

Mr. Corrao said that they also wanted to draw the Selectmen's attention to the fact that many new moorings have been placed on the clam flats and are affecting the ecology of the clams.

After some discussion, the Selectmen asked Mr. Zubricki to confer with Chief Silva, to arrange for a review of the matter with the Commission.

Those present also discussed the concept of Town residency and how it is defined in the shellfish licensing regulations. The Commission members were in favor of a one-year residency requirement prior to licensure, and the Selectmen requested that Mr. Zubricki review the idea with Town Counsel. Discussion followed regarding the license renewal process and the Commission members said that, each year, they would like to review the applications for possible comment before they are approved by the Selectmen.

In closing, the Commission members said that they would like to meet again with the Selectmen and thanked the Selectmen. Mr. Zubricki will review progress concerning these matters with the Board at the next meeting. They and Mr. Tofuri left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$67,608.52.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's May 5<sup>th</sup>, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to sign authorization for Virginia Boutchie to change her name on Town bank accounts at TD Bank and First Ipswich Bank to her new, married name, Virginia Antell.

A motion was made, seconded, and unanimously voted to sign the Town of Essex Board of Selectmen's Citizenship Award which will be presented by Selectman Gould-Coviello at the school awards ceremony on June 5<sup>th</sup>, 2014.

The Selectmen reviewed an invitation from the Memorial Day Committee to take part in the Memorial Day ceremonies. Chairman Jones and Selectman O'Donnell will be attending the ceremonies.

A motion was made, seconded, and unanimously voted to approve a request from the Essex Cub Scouts to hold their annual sleepover at Centennial Grove on Friday, June 6<sup>th</sup>, 2014, and also, to waive the rental fee.

A motion was made, seconded, and unanimously voted to reappoint Paul Rullo for a 3-year term to the Board of Public Works contingent upon receipt of a letter of recommendation from Town Moderator Rolf Madsen.

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

Non-Resident Recreational Clamming Permit & Waiver of Application Deadline:

- Zachary Sullivan of North Andover, sponsored by Tara Whelan of Choate Street Student Commercial Clamming Permit & Waiver of Application Deadline:

- Matthew Corwin
- Tomaz Tofuri

One-Day Entertainment License:

- Essex County Greenbelt Association, Inc., Shelley Raymond, for use on Friday, June 13, 2014, between the hours of 6:00 and 8:30 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

One-Day Wine and Malt License:

- Apple Street Farm, Frank McClelland, for use on Saturday, May 24, 2014, between the hours of 10:00 a.m. and 4:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Essex County Greenbelt Association, Inc., Shelley Raymond, for use on Friday, June 6, 2014, between the hours of 6:00 and 9:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt Association, Inc., Shelley Raymond, for use on Thursday, June 12, 2014, between the hours of 6:00 and 8:00 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt Association, Inc., Shelley Raymond, for use on Friday, June 13, 2014, between the hours of 6:00 and 8:30 p.m., within the confines of the Cox Reservation at 82 Eastern Avenue.

The Selectmen were reminded that the Town Hall Offices will be closed Monday, May 26, 2014.

The next regular Board of Selectmen's meeting will take place on **Tuesday**, June 3<sup>rd</sup>, 2014, at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School on Story Street.

Conomo Point Matters: The Selectmen discussed an inquiry relative to the ongoing maintenance of 8 Conomo Lane now that it is no longer leased. One of the neighbors was given permission to dispose of trash on the property and Mr. Zubricki said that he hoped that the DPW would mow the grass for this season. Chairman Jones reported that he had noticed that a pulley system to moor a boat had been attached to the vacant house at 153 Conomo Point Road. Mr. Zubricki agreed to investigate the matter with the Harbormaster.

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

- 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.
- 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 and accept on behalf of the Police Department a \$250 donation from Paul Russell.

A motion was made, seconded, and unanimously voted to authorize the signature on a \$2000 car seat grant application by Police Chief Silva.

After a short discussion about the possibility of reorganizing the Board, a motion was made, seconded, and unanimously voted to reappoint Jeff Jones as Chair and to reappoint Lisa O'Donnell as Clerk.

At 8:42 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, including the potential development of Purchase and Sale Agreements for lots 19/97, 19/99, 19/101, and 19/102; and to conduct a strategy session 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 litigating and negotiating strategies. He said that the Board would only by returning to Open Session to adjourn the meeting and invited Mr. Zubricki to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and Mr. Zubricki moved to Executive Session.

The Board, their Assistant, and Mr. Zubricki returned to Open Session at 9:15 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:

*None.*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell