

Selectmen's Minutes
TOHP Burnham Library

June 16, 2014

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

Also Present: Virginia Antell and Steve Cuthbertson.

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. Steve Cuthbertson said that he would like to ask about the Selectmen's plans for the leased properties at Conomo Point after the third-year Bridge Leases expire at the end of this year. Chairman Jones said that the Selectmen have not discussed this matter so far, as it is usually considered nearer to the time the current leases expire. Mr. Cuthbertson said that it is a matter of concern for many of the Conomo Point tenants who would like to know if the leases will be offered for a fourth year, and, if so, what the lease rates will be.

Tax Collector/Treasurer Virginia Antell joined the Selectmen to request their signature on general obligation bonds and papers. Motions were made and seconded and the following actions were unanimously voted by the Selectmen:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town's \$2,831,000 General Obligation Municipal Purpose Loan of 2004 Bonds dated December 15, 2004 maturing on August 15 in the years 2015 through 2024 (inclusive) in the aggregate principal amount of \$995,000 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$1,615,000 General Obligation Municipal Purpose Loan of 2004 Bonds of the Town dated July 1, 2014 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$1,647,454.31 is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2015	\$180,000	2.00%	2020	\$165,000	2.00%
2016	180,000	2.00	2021	145,000	2.00
2017	180,000	2.00	2022	140,000	3.00
2018	175,000	2.00	2023	140,000	3.00
2019	170,000	2.00	2024	140,000	3.00

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 27, 2014, and a final Official Statement dated June 10, 2014 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

The Selectmen signed the documents. Mrs. Antell thanked the Selectmen and she left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$210,978.36.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 3rd, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the June 12, 2014 warrant pursuant to subsection (d) of said Section.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 31st through June 13th, 2014, regarding the following:

Prisoner Lockup Arrangement for Fiscal Year 2015: Mr. Zubricki reported that Police Chief Silva would like to use the new regional police lock-up in Middleton, which will be opening in the near future. Therefore, there will be no need to sign a successor agreement with Manchester regarding their lock-up facilities. A motion was made, seconded, and unanimously voted to sign

a Memorandum of Understanding with the regional lock-up outside of a Selectmen's meeting when it becomes available.

Change Order for Ceiling Structure, Town Hall Project: Mr. Zubricki said that the work specifications for his office had been prepared on an assumption by the designer that a standard ceiling joist layout was already in place. When the old ceiling in his office was removed, it was discovered that the remaining framework was insufficient to support the new ceiling. The contractor has since replaced the framework and will be issuing a change order in the near future. Also, when the rail cap was removed from the handicap ramp to the Library, it was discovered that there was a lot of deterioration underneath it. Additionally, Mr. Zubricki said that the contractor has suggested installing carpet in his office as the most cost-saving treatment of the floor area. A motion was made, seconded, and unanimously voted to authorize change orders for each of these three items and for additional design work once they become available.

Conomo Point Road Work: Mr. Zubricki said that Superintendent Goodwin is preparing to pave some road areas at Conomo Point, which will include chipping out areas of ledge where the road will be paved. The actual paving is scheduled to begin sometime after July 7, 2014. The appropriate permitting applications were submitted to the Conservation Commission and the Department of Environmental Protection for one portion of the work involving the gravel Cogswell Road extension. The DEP had issued some preliminary comments and appears to be satisfied with the explanation provided by the Town's consultant. The Conservation Commission may vote to approve the work on the Extension tomorrow evening.

Mr. Zubricki said that surveyors began work last week to set the bounds for the Beach Circle area of central Conomo Point.

Transmittal of Quarterly Report to DEP: A motion was made, seconded, and unanimously voted to distribute the Quarterly Report.

Federal Hazard Mitigation Grant Contract for Emergency Generator: Mr. Zubricki reported that the State has awarded a grant to partially fund a generator for the Town Hall in the amount of approximately \$36,000 and had forwarded a number of forms to be completed and signed. In the interest of expediency, the Chairman signed the forms last week. A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on these forms.

Green Communities Program: Mr. Zubricki and the Selectmen discussed Mr. Zubricki's research regarding the five criteria necessary for a community to be designated a Green Community. The Selectmen and Mr. Zubricki agreed that this project would be a good one for the part-time planner that the Town expects to hire, starting in FY15.

Selectman O'Donnell reported that the Long Term Planning Committee has been working on their report of the character defining aspects of the Town. She said that Andrew St. John has indicated that he may resign as chair of the Committee at the end of the year and that the Committee is of the opinion that it has performed its function. It has also been suggested that the

Committee should evolve into a strategic planning committee with members comprised of representatives from each of the Town's many committees and departments. The new committee would deal with all Town needs (both present and future) and would benefit by interfacing with the new part-time planner.

A motion was made, seconded, and unanimously voted to approve the following payroll encumbrances:

- Conomo Point Clerical Salary \$10.08
- Licensing Board Clerical Salary \$10.08
- Personnel Board Officer Salary \$50.40
- Board of Selectmen's Assistant Salary \$207.92
- Shellfish Constable Salary \$154.04
- Town Administrator Salary \$453.60
- Town Property Custodian Wages \$53.12

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$8,500.00 from Blanket Insurance to Office Machines for the purchase of commercial shelving for the Town Hall basement. Mr. Zubricki informed the Selectmen that a church group will be volunteering next week to move the holiday decorations from the balcony at Town Hall to the newly reconditioned basement. Also, Mr. Zubricki has made arrangements for a prisoner work group to come to the Town Hall on July 8th, 9th, and 10th to assemble shelving units, move file boxes from the balcony to the basement, and sort the boxes.

A motion was made, seconded and unanimously voted to approve and sign a new contract with Patriot Properties for consulting services for FY2015, effective 7/1/2014.

A motion was made, seconded, and unanimously voted to approve and sign a contract for an online Civil War Memorial Grant in the amount of \$6,550.50 from the Department of Veterans Services.

The Selectmen were in agreement that a letter of appreciation should be drafted to Morley Piper, for signature at the next meeting, regarding his recent trip to France to participate in the anniversary celebrations honoring D-Day.

A motion was made, seconded, and unanimously voted to approve a request from Mike Kent, MELL Coach Pitch Coordinator, to host a cookout at the Grove Cottage for the Coach Pitch League on June 28, 2014, from 12:00 noon to 4:00 p.m. and to waive the rental fee, contingent upon his signing the "Hold Harmless Agreement".

A motion was made, seconded, and unanimously voted to approve a request from Kathy Quill to allow the 5th Grade Essex Elementary students and parents to use the pavilion at Centennial Grove for a picnic on Friday, June 20, 2014, between the hours of 12:00 noon and 3:00 p.m.

Mr. Zubricki said that the DPW Superintendent would like to repair a stone retaining wall in the area of 11 Prospect Street, and that in order to do that he needs to go onto private property. Town Counsel has proposed a temporary construction license to be granted by the owner of 11 Prospect Street for the repair and improvement of the stone wall that retains the road. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki and Superintendent Goodwin to meet with the property owners to discuss the construction license. A motion was made, seconded, and unanimously voted to countersign the license outside of a Selectmen's meeting if the property owner is agreeable.

The Selectmen discussed parking and boat launching in Town. Mr. Zubricki said that only one ticket had been issued last weekend for illegal parking of a boat trailer behind the Police Station. Selectman Gould-Coviello suggested that the Town should charge a fee to use the Town boat launch ramp. Mr. Zubricki said that that had been tried in the past, over two seasons, and that the Town had lost money. Mr. Zubricki said that there would probably be money left over from the Boardwalk project that could be used to redesign the Town Landing and perhaps a kiosk could be considered at that time. It was agreed that the manager of the newly opened C.K. Pearl restaurant should be contacted about approval to construct the Boardwalk between the restaurant and the river. He will likely need to confer with the actual owner of the property about the project.

Regarding Conomo Point Matters, the Selectmen reviewed a letter of concern from Conomo Point tenant Dr. Sachsse. Mr. Zubricki offered to contact Dr. Sachsse and inform him of the Selectmen's answers to his questions. The properties on Robbins Island will likely not be offered for sale this year due to a boundary dispute. It is hoped the dispute will be resolved in the near future and that the Robbins Island part of central Conomo Point may be offered for sale next year. In the interim, new leases will likely be offered for another year. Sale and/or lease rates are generally based on appraisals and not on the assessed value for tax purposes.

The Selectmen reviewed the list of two Conomo Point Leaseholders in arrears on their rent for properties leased at Conomo Point. A motion was made, seconded, and unanimously voted to authorize the Selectmen's Assistant to send a standard letter stating that eviction proceedings will be initiated if payment is not received within 30 days for the property at 109 Conomo Point Road, Map 19, Lot 93 and for the property at 19 Middle Road, Map 24, Lot 30.

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

- Extension of 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.
- Extension of 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 permits and licenses:

One-Day Auction Permit:

- Blackwood March Antiques, Michael March, for use on Tuesday, July 15, 2014, between the hours of 4:00 p.m. and 10:00 p.m. within the confines of 125 Main Street.

Special Farmers Market License for wine-tasting and sale of wine:

- Alfalfa Farm Winery for use between the hours of 9:00 a.m. and 12:00 noon within the confines of Shepherd Memorial Park on the following Saturdays: 6/28/14, 7/12/14, 7/26/14, 8/9/14, 8/23/14, 9/6/14, 9/20/14, 10/4/14, and 10/18/14.

One-Day Wine and Malt License:

- Cape Ann Chamber of Commerce, Ken Riehl, for use on Essex River Day, Saturday, June 21, 2014, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park.

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Ken Riehl, for use on Essex River Day, Saturday, June 21, 2014, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park.

A motion was made, seconded, and unanimously voted to approve the following re-appointments:

Action, Inc. – 3-Year Term: Courtney Lane
ADA Coordinator – 1-Year Term: William Sanborn
Animal Control Officer – 1-Year Term: Amelia Reilly
Board of Public Works – 3-Year Term: Paul Rullo
Board of Registrars – 3-Year Term: Vickie Cataldo
Building Department – 1-Year Term:
 William Sanborn (Inspector)
 L. William Holton (Assistant Inspector)
Burial Agent – 1-Year Term: Blake Story
CATC Representative – 1-Year Term: Robert J. Cameron
CATV Representative – 2-Year Term: Barry O'Brien
Community Preservation Committee – 3-Year Term:
 Kim Drake
 Michael Galli
 Richard Ross
 Richard Stevens
 Samantha Stevens
Conservation Commission – 3-Year Term:
 Wallace Bruce
 Elisabeth Frye
 Shirley Singleton
Council on Aging – 3-Year Term:

Effie Andrews
Keith Symmes
Thayne Symmes

Electrical Department – 1-Year Term:

Ramie Reader (Inspector)
John Shields (Assistant Inspector)

Emergency Management Director – 1-Year Term: Daniel Doucette

Finance Committee – 3-Year Term: Richard Ross

Fire Engineers Board – 1-Year Term:

Keith Carter (Deputy)
Ramie Reader (Deputy)
Daniel Doucette (Chief)

Firefighters – 1-Year Term:

Edward Akerley
James Albani
Daniel Ball
David Barrett
Ryan Reed
Westley Burnham
Robert Cavender
Samuel Sturgis Crocker V
Dexter Doane
Richard Dort, Jr.
Daniel Fialho
Michael French (Arson Investigator)
Ronald Gallant
Travis Good (Lieutenant)
Warren Grant, III
Jason Heath
Peter Hoare
Cory Jackson (Lieutenant)
Joseph Lafata (Lieutenant)
Barry Leeds
James McNeilly
Ivan Muise
Edward S. Neal
Ernest Nieberle, Jr. (Captain)
Jonathan O'Bryan
Nicholas Ouellette
David Pereen (Lieutenant)
Kent Parsons (Probationary Firefighter)
Joan Perrigo
Amy Price (Probationary Firefighter)
Andrew Ray (Probationary Firefighter)

Sean Reed
Sally Rich
Scott Savory
Nicholas Silva
Michael Soucy
Anthony Pizzo
George Stavros
David Thompson (Lieutenant)
Eian Woodman

Forest Fire Warden – 1-Year Term: Daniel Doucette

Harbormaster Assistants – 3-Year Term:

Thomas Berube, Jr.
Steve Hartley
William Knovak

Hazardous Waste Advisor – 1-Year Term: Edward Akerley

Historical Commission – 3-Year Term:

Nathaniel Crosby

Local Emergency Planning Committee – 1-Year Term:

Daniel Doucette
Paul Goodwin
Jeffrey Jones
Peter G. Silva
Elaine Wozny

Open Space Committee – 1-Year Term:

Leslie Burns
Tamson Gardner
Lysa Leland
Julie Scofield

Plumbing Department – 1-Year Term:

Richard Corriere (Inspector)
David Pereen (Assistant Inspector)

Police Department/Part-Time Officers – 1-Year Term:

Thomas Berube
Mark Brewer
Daniel Bruce
Melissa Cennami
Alexander F. Edwards
David Kent
Chad Lipinski
Paul C. Peoples

Police Department/Special Officers – 1-Year Term:

Katrina C. Ewing
David Landry
David J. Vangelist

REPC Emergency Response Coordinator – 1-Year Term: Daniel Doucette

Shellfish Advisory Commission – 3-Year Term: Jim Haskell

Shellfish Department – 3-Year Term:

Peter Wilson (Deputy)

Town Clerk's Assistant – 3-Year Term:

Dorothy Elwell

Town Counsel – 1-Year Term:

Kopelman and Paige, P.C.

A motion was made and seconded by Chairman Jones and Selectman O'Donnell to reappoint Robert Coviello to the Historical Commission for a 3-Year Term. Chairman Jones and Selectman O'Donnell voted to approve the re-appointment and Selectman Gould-Coviello recused herself from the voting. The Selectmen signed the appointment cards.

The Selectmen were reminded that the Essex Division of the Chamber of Commerce will meet on Thursday, June 19, 2014, at 8:00 a.m. at Woodman's Lobster Pool.

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

At 8:00 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; and, the lease, sale, and value of real property at Conomo Point; 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. He said that the Board would only be returning to Open Session to adjourn the meeting and invited the Town Administrator's attendance at the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. Steve Cuthbertson left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 8:30 p.m.

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