

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

**July 7, 2014**

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

Also Present: Matthew Coogan, Steve Cuthbertson, Kim Drake, John Guerin, LynnAnne Hagar, and Paul Pennoyer.

Chairman Jones called the meeting to order at 7:00 p.m. in the TOHP Burnham Library and announced that the Board would hear Public Comment.

Attorney John Guerin came before the Selectmen and said that he has been helping several groups and individuals, including Congressman John Tierney, with their efforts to delay implementation of the new FEMA flood maps. They believe that the new maps have many inaccuracies, which will mean that home owners purchasing flood insurance (which is a requirement of most mortgages) will have to pay thousands more for the insurance. Mr. Guerin said that he would like the Town to spearhead the effort here to convince FEMA to correct and amend the new maps. Even if the Town does not pay for the necessary engineering study, if the Town files the appeal (using gifted funds), each private party would avoid the approximately \$5,000 application fee necessary for individual private appeals. The Selectmen agreed to take the matter under advisement.

Conomo Point tenant Steve Cuthbertson asked about the process involved when tenants decide to abandon their tenancy at the Point. At present, about seven tenants have chosen not to renew their leases and those properties are now unoccupied. The Selectmen said that they have not yet determined what will happen to these properties.

Matthew Coogan introduced himself to the Selectmen and said that he would like to be considered for the new part-time planner position. Mr. Coogan, an Essex resident, is a certified planner with a Master's Degree and is currently employed as the Senior Planner for the City of Gloucester. He briefly reviewed his background and work experience in New York City and Boston. He said that Gloucester is aware that he is interviewing for this part-time job in Essex and has no objections. Gloucester's full-time Building Inspector is also the part-time Building Inspector for Essex. The Selectmen were in agreement that Mr. Coogan more than meets all the preferred qualifications in the part-time Planner job description and a motion was made, seconded, and unanimously voted to offer Mr. Coogan the position at the top end of the position's salary scale, pending a favorable drug and medical test. Mr. Coogan was congratulated by the Selectmen.

Chief of Police Pete Silva came before the Selectmen. He said that there has been a lot of interest from the Officers in having a motorcycle patrol. He said he has talked to other towns that have patrols and they reported that the patrols have been very successful, according to the Chief. A motorcycle has a number of advantages, including fostering improved contact with residents. The cost of leasing a motorcycle for one year is approximately \$4,400. In addition, three or four officers would receive 40 hours of training. The only special clothing needed would be

motorcycle pants and custom boots. The Chief said that he would like to try out the idea for one-year and that proceeds from the car show will fund most of the cost. The Selectmen said that they would like a detailed list and estimate of costs associated with this proposal. The Selectmen would also like to consult with the Public Safety Study Committee regarding their report as to the needs and requirements of the Town for the Police and Fire Departments. Mr. Zubricki will speak with the Town's insurer to estimate the annual insurance premium.

Chief Silva reported that the car show had been very successful and that they plan to donate \$500 of the proceeds towards the war memorial project. A special, non-profit account is being set up by the Friends of Memorial Park to receive this donation and others for the project.

The Chief and the Selectmen discussed the problems of adequate boat-trailer parking in Town, now that two marinas have stopped accepting one-day launches. They also discussed the merits and disadvantages of charging for use of the Town boat ramp and/or charging for parking. The Selectmen asked the Town Administrator to canvas other nearby coastal towns regarding their regulations for parking and town-owned boat ramps.

At 8:20 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 would be detrimental to the Town's negotiating and litigating strategies and invited the Town Administrator and Town Counsel to attend the session. He also announced that the Board would be returning to Open Session to continue with the remaining agenda items around 9:00 p.m. 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, and all others left the meeting.

The Board, their Assistant, the Town Administrator, and Town Counsel returned to Open Session at 9:20 p.m.

Steve Cuthbertson rejoined the meeting.

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

One-Day Wine and Malt Licenses:

- Apple Street Farm, Firefly Festival, Frank McClelland, for use on Friday, July 11, 2014, between the hours of 5:00 p.m. and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Firefly Festival, Frank McClelland, for use on Saturday, July 12, 2014, between the hours of 5:00 p.m. and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Woodman's Inc., Joan B. Houghton, for use on Wednesday, July 30, 2014, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.

- Woodman's Inc., Joan B. Houghton, for use on Saturday, August 16, 2014, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.

Non-Resident Recreational Clamming Permit:

- Jeff Fraser of West Gloucester, sponsored by Shane Fraser of Western Avenue, and also, waiver of the application deadline.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, July 21<sup>st</sup>, 2014, at 7:00 p.m. in the Senior Center on Pickering Street.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant for FY 2014 in the amount of \$54,196.43, and the warrant for FY 2015 in the amount of \$1,308,184.00

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's June 16<sup>th</sup>, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to change the June 3, 2014 Board of Selectmen's minutes to read as follows:

On the matter of the proposed demolition of two structures at Conomo Point, Mr. Zubricki said that there is very little economy of cost to do both at the same time. And, in fact, the permitting for one is a lot more extensive and will require a lot more time than the permitting for the other. Therefore, it was agreed that the one at 103 Conomo Point Road should be initiated as soon as possible and the one at 138 Conomo Point Road will probably be scheduled for some time in early October, before the seasonal water is turned off. After removal of any asbestos, the structures and contents will be removed to dumpsters for disposal. Any cellar holes will be filled and the lots graded and topped off with gravel. Sarah Cushing and Steve Cuthbertson asked the Selectmen to notify ~~them~~ **tenants** when the demolition will take place ~~so that they, through the Conomo Point Association, could notify the other tenants at the Point. As a result of that request, the Board asked Mr. Zubricki to notify Mr. Cuthbertson, who is President of the Conomo Point Association, about various aspects of the upcoming demolition so that Mr. Cuthbertson can notify the other tenants.~~

Selectman Gould-Coviello said that she would like to go on record stating that Town Counsel continues to negotiate an agreement with Thayer Adams' attorney regarding the removal of her house from the property at 9 Beach Circle. Selectman Gould-Coviello said that she would like to suggest that Ms. Adams be given until October 31, 2014 to move the house, but that the Selectmen will agree to extend if circumstances arise that are beyond Ms. Adams control. The Board of Selectmen takes no position on where the house is moved so long as Ms. Adams has a legal right to place it there. It is the understanding of the Board that Ms. Adams may want to move the house to another lot within Conomo Point. The Board has not foreclosed this

possibility, but it is up to Ms. Adams and another tenant to come to the Board with a proposal and Ms. Adams has to complete the move by October 31 of this year. The rest of the Board were in agreement with Selectman Gould-Coviello and a motion was made, seconded, and unanimously voted to inform Ms. Adams that she has until October 31, 2014, to move the house that is currently located at 9 Beach Circle.

A motion was made, seconded, and unanimously voted to approve the following requests for 33B transfers:

- \$972.00 from Police Holiday OT to Police Supplies for River Day T-shirts
- \$1,840.00 from Police Holiday OT to Prisoner Lock-up for Town of Manchester
- \$1,250.00 from Police Training Expense to Police Training Labor for Training Overtime
- \$500.00 from Police Holiday OT to Police Supplies for signs for office & building
- \$16,000.00 from Police Salary to Beeper/Radio Expense for new radios for full-time officers
- \$6,000.00 from Police Shift Coverage to Firearms Training Expenses for new rifles and ammo
- \$5,000.00 from Police Shift Coverage to Police Uniforms for uniforms and body armor for specials
- \$1,000.00 from Ambulance Training Salaries to Ambulance License Fees for license fees
- \$4,500.00 from COA Van Drivers to COA Operating Expenses for year-end expenses
- \$500.00 from COA Van Drivers to COA Vehicle Gas and Maintenance for year-end expenses

Town Counsel Gregg Corbo left the meeting.

The Selectmen reviewed and signed a *letter to Morley Piper*.

A motion was made, seconded, and unanimously voted to approve and sign an Agreement for Services with Anna Siedzik for organization and conservation of historic Town records which will be funded from CPA funds.

A motion was made, seconded, and unanimously voted to approve a *request from Chief Silva* to carry over 48 hours of vacation time to FY2015 which he plans to use during July and August 2014.

A motion was made, seconded, and unanimously voted to approve a *request from the First Congregational Church of Essex* to hold a picnic at Centennial Grove on Sunday, September 7, 2014, between the hours of 12:00 noon and 5:00 p.m. and to waive the rental fee.

Mr. Zubricki presented a building permit submitted by David Mears for the Selectmen's approval of repairs to a garage on the Conomo Point rental property at 173 Conomo Point Road. Selectman Gould-Coviello moved that, pursuant to Article IX of the Bridge Lease, the Board of Selectmen, in their capacity as Conomo Point Commissioners, approve David Mears' request to perform work on the premises located at 173 Conomo Point Road, provided, however, that said work is done in accordance with the terms of a duly issued building permit, the receipt of which shall be solely the responsibility of the lessee. In issuing this approval, the Board would not be making any representation, express or implied, as to ownership of the structure which is the subject of this request. Furthermore, it is expressly acknowledged that the Lessee is performing this work for his own benefit for the remaining term of the Bridge Lease, and this approval does not convey or imply that said Bridge Lease will be extended or that the Lessee has any right, title or interest in the subject property and it does not affect the Bridge Lease expiration date or the Town's right of termination as set forth in the Bridge Lease. The motion was seconded and unanimously voted. The Chairman initialed the Board's approval on the building permit, which will be returned to the Building Inspector for final approval.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 14th through July 4<sup>th</sup>, 2014, regarding the following:

Contract for Conomo Point/Southern Avenue Paving Work: Mr. Zubricki reported that Sunshine Paving had submitted the lowest bid for the work at Conomo Point and Southern Avenue. A motion was made, seconded, and unanimously voted to approve and sign the contract in the amount of approximately \$122,000.

Review of Notice of Intent for Demolition of 138 Conomo Point Road: Mr. Zubricki reported that he had attended the Conservation Commission meeting discussion regarding the NOI for the demolition of 138 Conomo Point Road. The matter has been continued until the next meeting of the Conservation Commission, at which time DeRosa Environmental will verify the Department of Environmental Protection's guidelines regarding whether or not planting grass on the lot after the house is removed will limit the options for future use of the property. Mr. Zubricki also said that boulders could be placed at the outer bounds of the property to prevent vehicles, etc. from being parked or stored on the property.

Town Hall Discussion, Chamber of Commerce Essex Division: Mr. Zubricki said that those present at a recent Chamber meeting suggested that the Town Building Committee should begin meeting again to update their report on the needs for the Town Hall. TBC Chair Lisa O'Donnell agreed and said that the Committee could assist with planning the next repairs to the building and will likely pull the Committee back together in September.

A motion was made, seconded, and unanimously voted to ask Town Counsel to prepare a notice stating that eviction proceedings will be initiated unless past due rent is paid for the property at 19 Middle Road, Map 24, Lot 30. This property is leased to Mr. & Mrs. MacGrath.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:45 p.m.

Documents used during this meeting include the following:

*Letter to Morley Piper*

*Request from Chief Silva*

*Request from the First Congregational Church of Essex*

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

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