

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

**August 25, 2014**

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

Also Present: Ida Doane and Attorney Ralph Pino.

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.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 9<sup>th</sup> through August 22, regarding the following:

Town Planner's Analysis of Green Communities Program: Mr. Zubricki reviewed the Town Planner's outline and timeline for the Town to achieve a green community designation. The Selectmen were in favor of Mr. Coogan asking the green community regional coordinator to speak at the next quarterly department/committee head meeting about the advantages of becoming a green community.

Attorney Ralph Pino came before the Selectmen and Town Counsel to discuss his client's (David Cutter) wishes to assume the lease for the property at 40 Robbins Island Road, Map 19, Lot 70. After some discussion, Selectman Gould-Coviello moved that the Board accept payment in the amount of \$51,303.97 as payment in full of all outstanding amounts due under the Bridge Lease for 40 Robbins Island Road, which expired on December 31, 2013, and which was not extended by the Town. The motion was seconded and unanimously voted.

Selectman Gould-Coviello moved that the Board acknowledge assignment of the former leaseholders' rights to Mr. David Cutter and that the Board enter into a Third-Year Bridge Lease with Mr. Cutter for 40 Robbins Island Road. The motion was seconded and unanimously voted.

Selectman Gould-Coviello moved that the Board approve and sign an amendment to the Bridge Lease for 40 Robbins Island Road. The motion was seconded and unanimously voted. The Selectmen signed the amendment which will be scanned and forwarded to Attorney Pino on Tuesday.

And, Selectman Gould-Coviello moved that the Board offer a fourth year bridge lease, as amended, to Mr. David Cutter for 40 Robbins Island Road. The motion was seconded and unanimously voted. The Selectmen signed the letter to Mr. Cutter offering a fourth-year bridge lease. Attorney Pino thanked those present and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$662,149.92.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 11<sup>th</sup>, 2014, Open Meeting and Executive Session.

The Selectmen discussed a letter from John Amirault regarding overgrown trees and shrubs that are obstructing the view from his residence. The Selectmen decided to advise Mr. Amirault to consult with DPW Superintendent Paul Goodwin, who is authorized to determine if trees may be removed. Additionally, Mr. Amirault may be advised to consult with the Conservation Commission regarding his concerns. Mr. Zubricki will assist with coordination of the matter between Mr. Amirault and Mr. Goodwin.

Relating to Conomo Point matters, Mr. Zubricki said that no correspondence has been received to date from Sandy Osborn relative to parking and drop-off zones at Conomo Point.

It was reported that closings for two of the Central Conomo Point properties are scheduled to take place this Friday and a motion was made, seconded, and unanimously voted to sign the deeds for these properties: Jonathan B. and Ellen McCarthy Hull, 105 Conomo Point Road, Map 19, Lot 97; and, Daniel Mayer, 101 Conomo Point Road, Map 19, Lot 102. The Chairman and Selectman Gould-Coviello signed the deeds and Selectman O'Donnell will sign both deeds tomorrow in the presence of a notary public.

The Selectmen considered an extension of the Conomo Point purchase and sale agreement and/or the bridge lease for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell, for the month of September at the third-year Bridge Lease rate; and, the Selectmen were satisfied that Ms. Tirrell continues to work towards a purchase of the property. A motion was made, seconded, and unanimously voted to offer these extensions for another month.

A motion was made, seconded, and unanimously voted to approve notices offering a fourth year bridge lease to the following Conomo Point leaseholders (all in good standing):

- 39 Middle Rd, Map 19, Lot 81, Averay
- 34 Robbins Island Rd, Map 19, Lot 66, Calder
- 38 Robbins Island Rd, Map 19, Lot 69, Clark
- 169 Conomo Pt Rd, Map 24, Lot 10, Coakley
- 31 Middle Rd, Map 24, Lot 3, Collins
- 161 Conomo Pt Rd, Map 24, Lot 14, Conomo Point Association
- 155 Conomo Pt Rd, Map 24, Lot 16, Cottage Park Realty
- 142 Conomo Pt Rd, Map 24, Lot 36, Crossen
- 136 Conomo Pt Rd, Map 24, Lot 38, Cushing
- 163 Conomo Pt Rd, Map 24, Lot 13, Cushing & Lane
- 15 Middle Rd, Map 24, Lot 32, Cuthbertson
- 2 Conomo Ln, Map 19, Lot 82, Davis
- Conomo Pt, Map 24, Lot 25, Davis
- 124 Conomo Pt Rd, Map 24, Lot 43, Davis
- 34 Robbins Island Rd, Map 19, Lot 67, Denton
- 168 Conomo Pt Rd, Map 24, Lot 22, Goldsberry

- 170 Conomo Pt Rd, Map 24, Lot 23, Goldsberry
- 11 Middle Rd, Map 24, Lot 33, Goldsberry
- 11 Conomo Ln, Map 24, Lot 1, Hartley
- 126 Conomo Pt Rd, Map 24, Lot 42, Hatfield, Fraser, & Osburn
- 172 Conomo Pt Rd, Map 24, Lot 24, Herrmann
- 21 Middle Rd, Map 24, Lot 29, Holleran
- 25 Robbins Island Rd, Map 19, Lot 78, King
- 41 Robbins Island Rd, Map 19, Lot 76, King
- 9 Middle Rd, Map 24, Lot 34, Lane
- 144 Conomo Pt Rd, Map 24, Lot 35, Lane
- 9 Conomo Ln, Map 24, Lot 2, Lane
- 179 Conomo Pt Rd, Map 24, Lots 5 & 6, Lane
- 17 Middle Rd, Map 24, Lot 31, Lemcke & de Vries
- 159 Conomo Pt Rd, Map 24, Lot 15A, LeRoyer
- 122 Conomo Pt Rd, Map 24, Lot 44, Lynch
- 36 Robbins Island Rd, Map 19, Lot 68, MacDougall
- 120 Conomo Pt Rd, Map 24, Lot 45, Maher
- 114 Conomo Pt Rd, Map 19, Lot 86, Mazzarino
- 175 Conomo Pt Rd, Map 24, Lot 7, Mears
- 173 Conomo Pt Rd, Map 24, Lot 8, Mears
- 171 Conomo Pt Rd, Map 24, Lot 9, Murphy
- 167 Conomo Pt Rd, Map 24, Lot 11, Murphy
- 30 Robbins Island Rd, Map 19, Lot 65, Rettberg
- 154 Conomo Pt Rd, Map 24, Lot 18, Richardson
- 42 Robbins Island Rd, Map 19, Lot 71, Riggs
- 43 Robbins Island Rd, Map 19, Lot 75, Riggs
- 29 Robbins Island Rd, Map 19, Lot 77, Romano
- 25 Middle Rd, Map 24, Lot 27, Rowe
- 46 Robbins Island Rd, Map 19, Lots 73 & 74, Ryan
- 44 Robbins Island Rd, Map 19, Lot 72 & 74A, Sachsse
- 113 Conomo Pt Rd, Map 19, Lots 89 & 91, Sisk
- 29 Middle Rd, Map 24, Lot 4, Sisk
- 23 Middle Rd, Map 24, Lot 28, Smith
- 111 Conomo Pt Rd, Map 19, Lot 92, Smith
- 4 Conomo Ln, Map 19, Lot 83, Spunt
- 109 Conomo Pt Rd, Map 19, Lot 93, True
- 165 Conomo Pt Rd, Map 24, Lot 12, Walker
- 166 Conomo Pt Rd, Map 24, Lot 21, Walker
- 187 Conomo Pt Rd, Map 19, Lot 85, Webber
- 159 Conomo Pt Rd, Map 24, Lot 15 B, Wendell
- 3 Middle Rd, Map 24, Lot 18 A, Wendell
- 1 Middle Rd, Map 24, Lot 19, Wendell
- 162 Conomo Pt Rd, Map 24, Lot 20 Wendell

A motion was made, seconded, and unanimously voted to defer offering fourth-year bridge leases at this time due to tax arrearage (which may be cured by 10/1/2014) to the following leaseholders:

- 134 Conomo Pt Rd, Map 24, Lot 39, Healy
- 19 Middle Rd, Map 24, Lot 30, MacGrath
- 110 Conomo Pt Rd, Map 19, Lot 88, Marsolais
- 130 Conomo Pt Rd, Map 24, Lot 41, Wendell

The Chairman announced that the Board would like to move to Executive Session. Ida Doane requested permission to ask about the Board's intentions regarding Mr. Tofuri's wish to transfer his rights to a property located in southern Conomo Point. Mrs. Doane said that Mr. Tofuri would have to notify his tenants in a timely fashion that the property was being sold to a third party. The Chairman stated that the Board could not comment on this matter at the present time.

At 7:25 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 and said that the Board would be returning to Open Session in approximately thirty minutes to finish this evening's regular business. The Chairman invited the Town Administrator and Town Counsel to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, Mr. Zubricki, and Town Counsel, Gregg Corbo, moved to Executive Session and Ida Doane left the meeting.

The Board, their Assistant, the Town Administrator, and Town Council returned to Open Session at 8:00 p.m. Town Counsel Gregg Corbo left the meeting.

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

Centennial Grove & Field of Dreams Rental:

- ClearBridge Technology, Amber Giove, for use on Friday, September 5, 2014, between the hours of 1:00 p.m. and 7:00 p.m. within the confines of the Field of Dreams and Centennial Grove.

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

- Steve Landers of Hamilton, recommended by William Knovak of Eastern Avenue One-Day Wine & Malt License:

- Woodman's Inc., Joan Houghton, for use on Saturday, September 6, 2014, between the hours of 12:00 noon and 11:00 p.m. within the confines of 125 Main Street.
- Ratify Woodman's Inc., Joan Houghton, for use on Thursday, August 21, 2014, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.
- Cape Ann Chamber of Commerce, Kerry McKenna, for the Essex Clamfest for use on Saturday, October 25, 2014 (Raindate 10/26/14), between the hours of 11:00 a.m.

and 4:00 p.m. within the confines of Memorial Park, pending receipt of a certificate of liability insurance with the Town listed as beneficiary.

- ClearBridge Technology, Amber Giove, for use on Friday, September 5, 2014, between the hours of 1:00 p.m. and 7:00 p.m. within the confines of the Field of Dreams and Centennial Grove.

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Kerry McKenna, for the Essex Clamfest for use on Saturday, October 25, 2014 (Raindate 10/26/14), between the hours of 11:00 a.m. and 4:00 p.m. within the confines of Memorial Park.
- ClearBridge Technology, Amber Giove, for use on Friday, September 5, 2014, between the hours of 1:00 p.m. and 7:00 p.m. within the confines of the Field of Dreams and Centennial Grove.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 8<sup>th</sup>, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

A motion was made, seconded, and unanimously voted to offer to extend the purchase and sale agreement signing deadline and the bridge lease for 92 Conomo Point Road, Map 19, Lot 46, to Joan Brown Herrmann, for the month of September and half of October at the third-year Bridge Lease rate, to allow her to continue to market the property.

The Selectmen reviewed a *resignation letter from Marlene Sanders* regarding the Council on Aging; and, a motion was made, seconded, and unanimously voted to accept her resignation. The Selectmen also reviewed a resignation letter from Marlene Sanders regarding the Board of Health; and, a motion was made, seconded, and unanimously voted to acknowledge her resignation from the Board of Health. The Selectmen asked that a thank-you letter be prepared acknowledging Mrs. Sanders' many years of contributions. The Selectmen were joined by the remaining Board of Health members: Dr. Driscoll, Chairman, and Martha Mazzarino; and also Allison Roderick. Dr. Driscoll introduced Ali Roderick and briefly reviewed her extensive background in food safety and microbiology. Dr. Driscoll sincerely recommended Ms. Roderick be appointed to fill the vacancy left by Marlene Sanders. Everyone agreed and a motion was made and seconded to appoint Ms. Roderick for the remainder of the fiscal year until the next Town election in May. Following a unanimous Roll Call Vote, Ms. Roderick was congratulated by everyone and the Board of Health members and Ms. Roderick left the meeting.

Mr. Zubricki resumed reviewing the topics in his current Town Administrator's report:

Shellfish Officials' Coordination with New Clam Enhancement Group: Mr. Zubricki said that a private group had received permission from the Shellfish Constable to place nets on the clam flats to encourage clam production during a recent closure of the clam flats due to red tide. The Constable will continue to supervise and monitor that work under the auspices of the Town's shellfish propagation license. The Selectmen asked Mr. Zubricki to coordinate a joint meeting of

the Shellfish Advisory Commission, the Shellfish Constable, the Selectmen, and the Essex Clam Enhancement Group at a future Selectmen's meeting.

Future Town Building Committee Meeting: Selectman Lisa O'Donnell, who is the Chair of the Town Building Committee, said that the TBC will meet again on September 15<sup>th</sup> to review the current status of the Town buildings. The Committee's work will likely dovetail in some fashion with the Public Safety Study Committee. The PSSC informed Selectman O'Donnell that they have received most of the information that they have requested, except for an internal assessment document from the Police Department. Mr. Zubricki said that the Town will be paying 80% of the recent bill for a consultant's report regarding the Fire Department. Twenty percent will be retained pending the production of the final report, which will take into account various comments from Town officials.

Mr. Zubricki said that the consulting engineer, who is exploring the structural integrity of the Town Hall Clock Tower and adjacent walls, should have his completed report available for review within the next two weeks. Selectman O'Donnell said that it is important that any repair work performed now should consider future anticipated repairs to the Town Hall.

Discussion Regarding Strategic Planning Committee: The Selectmen agreed that they would like to discuss evolving the Long Term Planning Committee into a Strategic Planning Committee and Mr. Zubricki said that he would invite LTPC Chair Andrew St. John and past LTPC Chair Mike Dyer to a future Selectmen's meeting for that discussion.

Award of Contract for Asbestos Removal at 103 & 138 Conomo Point Road: Mr. Zubricki said that the low bidder for the asbestos removal contract was TLR of Agawam, Massachusetts. The Selectmen were in favor of proceeding with the project and a motion was made, seconded, and unanimously voted to sign the contract as soon as all the paperwork is completed. The specifications call for the work to be completed by October 3, 2014.

Intermunicipal Agreement for Update of Essex Open Space Plan: Mr. Zubricki reported that Gloucester, via an Intermunicipal Agreement, has offered to update the Town's Open Space Plan for a fee of \$5,040 to cover their employee's time. The Town's Open Space Committee has an appropriation for an update that will more than cover this fee. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign the contract for the update when the final version becomes available.

Preliminary Joint School/Town Budget Discussion: Mr. Zubricki said that both he and Selectman Gould-Coviello, as well as Finance Committee Chair Jeff Soulard, had attended the recent preliminary school budget discussion in Manchester. It is likely that an override will be necessary this year, primarily due to enrollment growth that has outpaced normal municipal budget increases.

Draft Topics for Fall Town Meeting: Mr. Zubricki said that he has drafted a *list of possible items to be considered at the Special Town Meeting* proposed for November 17 and at the

coming Annual Town Meeting in May of next year. The Selectmen agreed to review them for future discussion.

A motion was made, seconded, and unanimously voted to approve a request to pass over Town roads during the 8<sup>th</sup> Annual Stephen Hancox Memorial Motorcycle Run and BBQ benefit on September 6, 2014.

A motion was made, seconded, and unanimously voted to authorize Police Chief Peter Silva to dispose of surplus property by auction; i.e. an old Harbormaster boat, 2 outboard motors, used bikes, and miscellaneous used electronic devices.

The Selectmen considered a request from Eric Heitz to remove pine logs left from a cut tree behind the ball field at Centennial Grove, and, a motion was made, seconded, and unanimously voted to approve his request.

After review, a motion was made, seconded, and unanimously voted to approve a proposal from DeAngelis for Phase II of the Spring Street Cemetery Fence Restoration Project in the amount of \$24,960.00.

The Selectmen were in favor of a donation to the Town's Annual Flower Beautification Program, and a motion was made, seconded, and unanimously voted to donate \$200.00 to the fund for placement of mums around Town.

A motion was made, seconded, and unanimously voted to sign paperwork to arrange for the creation of a monthly billing account with Energy North that would allow for 24/7 access to fuel, plus a discounted rate for the Essex Police Department.

A motion was made, seconded, and unanimously voted to approve and sign a letter to the Democratic Town Committee and a letter to the Republican State Committee soliciting candidates to serve on the Town's Board of Registrars.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:45 p.m.

Documents used during this meeting include the following:

*Resignation letters from Marlene Sanders*

*List of possible items to be considered at the Special Town Meeting*

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

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