

Selectmen's Minutes
TOHP Burnham Library

September 8, 2014

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

Also Present: Ida Doane, Roger and Susan King, Lisa Pratt, and a Mr. Whitney.

The Chairman called the meeting to order at 7:00 p.m. and announced that the Board would hear Public Comment. A resident of another community, a Mr. Whitney, explained how he had received a \$300 parking ticket recently for parking his vehicle with boat trailer in the "residents only" spaces in the municipal parking lot and wondered if the fine could be reduced or forgiven, since it was not his intent to violate the rules. He did see the Police Department's electronic sign indicating that non-resident parking was available behind the tennis courts at Memorial Park and he did indicate that permanent signage at all areas does clearly prohibit non-resident parking and warns of a fine (he toured the areas after receiving the ticket to verify this). The Chairman explained that it was not within the authority of the Selectmen to reduce or waive parking fines and that clemency granted to any single party would have to be granted to all offenders via a valid argument to the Parking Clerk. Mr. Whitney thanked the Selectmen for their time and he left the meeting.

A motion was made, seconded, and unanimously voted to approve a Flea Market License to be issued to Katrina and Jim Haskell for use on Friday, September 12; Saturday, September 13; and, Sunday, September 14, 2014, with rain dates of September 19, 20, and 21; within the confines of 58 Martin Street. The Haskells suggested that the Board consider sponsoring a Town Meeting article in the future that would allow for more than two yards sales at a particular property each year. The Selectmen commented that they would take that suggestion under advisement.

The Selectmen next considered a written request from Roger and Susan King to assign the leasehold at 41 Robbins Island Road to Lisa Pratt of Topsfield, Map 19, Lot 76. The Kings were present, as was Ms. Pratt. Mr. Zubricki recommended to the Chairman that the Board establish the backgrounds of both the assignors and the assignee, for the record. In discussion with the Kings, it was established that they are the present leaseholders at 41 Robbins Island Road and that they are in good standing. In discussion with Ms. Pratt, it was established that she is the wife of Andrew Pratt, a former tenant of 40 Robbins Island Road. Mr. King indicated that the Kings were making the assignment request since they have two leaseholds on Robbins Island and no longer wish to lease 41 Robbins Island Road since they occupy 25 Robbins Island Road. The Chairman stated that he was not ready to entertain discussion relative to the proposed assignment at that immediate time but could entertain discussion later in the meeting. Both the Kings and Ms. Pratt left the meeting.

A motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$76,119.91.

Board of Fire Engineers members Chief Dan Doucette, Deputy Chief Ramie Reader, and Deputy Chief Keith Carter joined the Selectmen, along with Firefighters Corey Jackson and Ernie

Nieberle to discuss the Fire Department Study that was recently compiled by a consulting group and the potential establishment of a Fire Explorer Post. Mr. Zubricki and Chairman Jones reviewed the content of the Selectmen's recent comments regarding the Study and all agreed that, before final decisions about the future direction of the Department are made, a roundtable discussion among the Fire Department, the Police Department, the Board of Selectmen, the Finance Committee, and the Public Safety Study Committee should occur. Chief Doucette commented that he had heard that the Public Safety Study Committee was waiting for information from them but the Department was not contacted by the Committee for anything further. The Selectmen and the Fire Department agreed that Mr. Zubricki should contact the Public Safety Study Committee to let the Committee know that the Department will be making its own comments on the recent Study and that it should not be finalized until those comments are addressed.

Firefighter Jackson then explained to the Board how the Explorers program works and that it is affiliated with the Boy Scouts of America. Essex and Manchester would like to establish a regional post and the program offers its own insurance and would be sponsored in Essex by the Essex Fire Company. Mr. Jackson explained that he has talked to multiple youths in the 14-16 year-old range who may be interested in working alongside Department members to learn more about the field. Mr. Zubricki agreed to share the Explorer's insurance policy with the Town's insurer; to determine if the Selectmen will be required to sign off on the establishment of the post; and to find and forward to the Board the Explorer program's statement relative to non-discrimination. The various Fire Department members left the meeting.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 25th, 2014, Open Meeting and Executive Session.

The Selectmen reviewed and signed a *letter of thanks and appreciation to Marlene Sanders* for the many years that she has served on both the Board of Health and the Council on Aging.

Conomo Point Planning Committee member Ray Randall joined the Selectmen along with Chairman Mark Lynch and members Paul Pennoyer and Gil Guerin to lead a discussion regarding using mind maps to discover and understand all facets of planning and management of Conomo Point, with particular emphasis on the future of the northern area. Mr. Zubricki had provided an update to the various mind map branches to Mr. Randall in advance, based upon events and decisions that had occurred since Mr. Randall's last visit to the Board. Mr. Randall and Mr. Zubricki took the group through each branch and many comments were made that will shape the production of the next iteration of the map. Mr. Zubricki agreed to provide Mr. Randall with various details for future discussion. Mr. Lynch commented to the Board that the question of whether to potentially offer long-term leases to northern Conomo Point tenants by posing that question to the Town Meeting in May of 2015 versus May of 2016 should be tackled by the two entities as the next focal point. Regardless of the timing, it was suggested that the overall plan for the Point will need to be updated and presented to voters along with the long-term lease question in order to make any meaningful progress. The members of the Committee left the meeting.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on a ***Hazardous Waste Collection Day application*** to the Department of Environmental Protection for the Board of Health.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 23rd through September 5th, 2014, regarding the following:

Contract for Auctioneer Services concerning real property, Conomo Point:

Mr. Zubricki explained that the Town's Invitation for Bids for auctioneer services had attracted a total of two bids, which were opened back on September 4, 2014. The Zekos Group of Shrewsbury was the lowest responsive and responsible bidder, with a bid of 3.9% of the sale price to be paid directly to the firm by the buyer as a "buyer's premium". A motion was made, seconded, and unanimously voted to sign the Notice to Proceed to the Zekos Group.

Promotion of Town Resources Contract update:

Mr. Zubricki explained that the present contractor for the promotion of Essex resources, the Essex Merchants' Group, has exhausted the funds for promotion under the Town's very first contract for this purpose and that the Group had provided a detailed report of how that money was used. All three Selectmen agreed that the next pool of promotion funding, which is contained in a fiscal year 2015 line item in the General Budget, should be spent much in the same way as the initial funds, but that additional emphasis should be put on promoting the various non-profit resources groups in the Town. Mr. Zubricki indicated that a contract for less than \$10,000 can be sought sole-source and asked Mr. Jones and Ms. O'Donnell whether they wanted to solicit a quote from the Merchants' Group for the next round of promotion. Selectman Coviello abstained from this entire line of discussion. The two Selectmen ultimately voted to solicit that single quote, which must include a section relative to how the non-profit sector will be an additional point of focus. Mr. Zubricki will contact the Merchants' Group.

Report relative to Town Hall Clock Tower/End Wall problem:

Mr. Zubricki explained how the Town's consulting engineer recently completed a draft report relative to the cause of the instability in the Town Hall end wall and how he and Selectman O'Donnell, who is a practicing structural engineer, had sent comments on the draft report to the consulting engineer. The Board agreed that the Town should get the final report and then should request a cost proposal for the next round of engineering work that would lead to construction-ready plans for the permanent repair, along with an engineer's cost estimate for what the construction itself should cost. A change order with the general contractor that is presently working in Town Hall will be the most likely route to accomplish the work, after Town Meeting considers an appropriation to cover the cost.

Demolition update and contract for 103 and 138 Conomo Point Road:

Mr. Zubricki updated the Board regarding progress toward the extensive permitting for the demolition of the buildings on the subject two properties. Asbestos removal actually begins this week. Mr. Zubricki had solicited quotations from George Ricker, Jr., to perform the actual

demolition work (\$6,180 for 138 Conomo Point Road and \$3,650 for 103 Conomo Point Road). A motion was made, seconded, and unanimously voted to sign the contracts with Mr. Ricker for this work, once all preparation and permitting has been completed.

Continued review of potential Fall Town Meeting topics:

Mr. Zubricki reviewed a long list of potential article topics for the Fall Town Meeting that he had provided to the Board at the last meeting. After much discussion, the Board provided Mr. Zubricki with guidance relative to which items to include on the first draft of the warrant, which Mr. Zubricki will bring to the Board at the next meeting.

The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to hold a Special Town Meeting on Monday, November 17, 2014, starting at 7:30 p.m. at the Essex Elementary School on Story Street. Another motion was also made, seconded, and unanimously voted to open the warrant for the Special Town Meeting.

Concerning Conomo Point matters, Mr. Zubricki said that Joan Brown Herrmann had requested that the Selectmen consider approving the placement by her children of a memorial bench to honor her late husband at Conomo Point. However, she had since withdrawn that request and the matter was therefore tabled.

A motion was made, seconded, and unanimously voted to approve a request from Mr. & Mrs. Spunt to renew their permission to sublet their leased property at Conomo Point at 4 Conomo Lane.

The agenda item regarding the assignment of purchase rights for 4 Town Farm Road to Dianna L. Doucette by Richard Tofuri and immediate purchase of the property, with payment in full to be concurrent with the assignment, was tabled, since no paperwork had yet been signed by the parties.

A motion was made, seconded, and unanimously voted to approve sending letters to Conomo Point leaseholders (all in good standing) offering 4th year bridge leases:

- 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 consideration of the signature of deeds for two Beach Circle sales was tabled, since the documents are not yet ready.

The Board accepted the *resignation of Sara Richards* from the Town Building Committee.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, September 22nd, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

At 9:15 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 be returning to Open Session and invited the Town Administrator to attend the session. The motion was made and seconded. Following a unanimous Roll Call Vote, the Board and the Town Administrator moved to Executive Session. All others left the meeting.

The Board and the Town Administrator returned to Open Session at 9:45 p.m.

Selectman Coviello made the following statement and motion: Lisa Pratt is the spouse of Andrew Pratt. Andrew Pratt, together with his father, Jud Pratt, and other Pratt family members formerly leased the property at 40 Robbins Island Road. The Pratts have a long history of violating the provisions of their lease by failing to pay rent and taxes, resulting in arrearages of tens of thousands of dollars, by subletting without the Board's permission and by failing to leave peaceably at the end of their lease, requiring the Town to initiate legal proceedings to remove them. I further believe that making this request in the name of Lisa Pratt was in an effort to deceive us as to the Pratt's true intentions. Based on the Pratt's past history, I do not believe that this assignment is in the best interests of the Town, as there is a high probability that the same pattern of violations will reoccur. Therefore, I, Susan Coviello, move that we deny the request for assignment. The motion was seconded and unanimously voted.

Mr. Zubricki will inform the current lease holders that the above vote does not affect their ability to transfer to a different third party if they wish to do so.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following:

Letter of thanks and appreciation to Marlene Sanders
Hazardous Waste Collection Day application
Resignation of Sara Richards

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Lisa J. O'Donnell