

Selectmen's Minutes
TOHP Burnham Library

September 22, 2014

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

Also Present: Senator Bruce Tarr, Matthew Coogan, Kelly Corrao, Steve Cuthbertson, Robert and Ida Doane, Cynthia Fougere, Jim Haskell, Roger and Susan King, William Knovak, Judy McComiskey, Michael Pascucci, Andrew St. John, Doug Woodman, and Stephen Woodman.

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

The Chairman welcomed Senator Tarr and turned the meeting over to him. Senator Tarr was interrupted by Steve Cuthbertson who asked if there was going to be a public comment period. The Chairman stated that no one had offered comment when he asked. Mr. Cuthbertson said that he would like to comment and the Chairman gave him permission to speak. Mr. Cuthbertson wanted to know why the Town Administrator needed a soundproof office and asked how much the renovated office is costing the Town. Mr. Zubricki said that there are times when sensitive discussions, like union bargaining, litigating strategy planning, personnel issues, etc., take place in his office and these conversations need to be private. Mr. Cuthbertson disagreed. The Chairman said that he agreed with Mr. Zubricki and again turned the meeting over to Senator Tarr.

Senator Tarr said that it had come to his attention that this year is the hundred-year anniversary of the start of Woodman's on Main Street. Senator Tarr went on to describe how the Senate had voted unanimously on a resolution recognizing the Woodman family's many contributions over the years to the Town and surrounding communities. The signed resolution was presented, during a standing ovation, to Woodman family members Cynthia Fougere, Judy McComiskey, Doug Woodman, and Stephen Woodman. The Selectmen congratulated the family on their noteworthy achievements and pictures were taken of Senator Tarr and Chairman Jones with the family and the resolution.

Senator Tarr said that he is hoping to have good news in the near future regarding a proposed regional dredging project that might be approved and partially funded with leftover money from another project. The Selectmen were very happy to hear this news and thanked Senator Tarr for all his hard work. Senator Tarr and the Woodmans left the meeting.

Members of the Shellfish Advisory Commission: Chair Jim Haskell, Kelly Corrao, and Michael Pascucci, and Shellfish Constable Knovak joined the Selectmen to discuss the Essex Clam Enhancement Group's interest in a sustainable shellfish resource. No one from the Essex Clam Enhancement Group appeared, so that discussion was postponed. Those present discussed a new State grant for management of the green crab population. Mr. Zubricki said that he will work with the Division of Marine Fisheries to understand the provisions of the grant and complete the initial paperwork. Kelly Corrao said that he would investigate various methods of green crab

disposal, since all agreed that the disposal aspect needs to be worked out in advance for the program to be viable.

Those present asked about the issue of moorings that have been placed on top of clam flats. Mr. Zubricki said that the Harbormaster had offered in the past to take the SAC members down River to determine which flats and moorings are of concern. Mr. Zubricki advised the SAC to contact the Harbormaster to schedule a mutually convenient time, since no one had yet taken the Harbormaster up on that offer.

The SAC agreed to gather examples of shellfish harvesting restrictions from other towns related to residency. The SAC want the Town's shellfishing regulations modified to contain more stringent rules regarding how residency is established and they would also like to review the permit applications before they are approved each year. The Shellfish Constable will obtain information regarding the process used by the Gloucester Shellfish Advisory Commission, by way of example, for future discussion.

It was agreed that the SAC will come to the next Selectmen's meeting on October 6 to continue discussion of the grant, a one-year residency requirement, and other related matters. The Selectmen asked them to prepare a list of suggested residency vetting changes to the current regulations and procedures that can be forwarded to Town Counsel for comment.

The Shellfish Constable suggested that the shellfish regulations should be revised to contain rules related to shellfish propagation netting placement and removal. Mr. Zubricki agreed to draft a proposal for the next meeting.

The SAC thanked the Selectmen and left the meeting.

Lisa Pratt came before the Selectmen with Mr. King to discuss a request to transfer the lease for the property at 41 Robbins Island Road from Mr. and Mrs. King to herself. She enumerated reasons why the Selectmen should not allow their past history with her father-in-law to influence their decision not to approve the transfer of Mr. & Mrs. King's lease to herself. The Selectmen listened to Mrs. Pratt and said that they would take the matter under advisement and discuss it later in Executive Session. Mrs. Pratt thanked the Selectmen for their time and left the meeting with Mr. & Mrs. King.

Andrew St. John, Chairman of the Long Term Planning Committee, and recently hired Part-time Planner Matthew Coogan, joined the Selectmen to discuss the possible evolution of the Long Term Planning Committee and the Town Building Committee into a strategic planning committee. Mr. St. John said that the LTPC is completing its report to the Selectmen regarding the identification, significance rating, and protection of the Town's character defining resources. Those present agreed that planning for the Town should encompass near term, middle term, and long term items and should be organized in a manner to facilitate logical implementation on a step-by-step basis. It was also agreed that this matter should be discussed at the next department head/committee chair quarterly meeting on October 20.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period September 6th through September 19th, 2014, regarding the following:

Conomo Point Planning Committee Focus and Revision of Mind Maps: Mr. Zubricki reviewed the latest draft of the *Conomo Point Mind Map*. He said that Mr. Randall is continuing to update the map and needed to ask two of the Selectmen questions regarding their suggestions for the map. Also reviewed, was the current data regarding the present number of bedrooms remaining on Town leased lots at Conomo Point. There used to be 278 inhabited bedrooms under the Town's control. Presently, there are 155. If Robbins Island is sold, the Town will then have 123. The DEP mandate will only allow the Town to have 90.

The Selectmen discussed whether the Town should be asked to vote at the May 2015 Annual Town Meeting or at the May 2016 Annual Town Meeting to offer long term leases to some of the northern Conomo Point properties. After some discussion, it was agreed that this matter should be discussed with the Conomo Point Planning Committee and the Finance Committee on October 6.

Position Description & Wage for Part-time Council on Aging Director: The Selectmen reviewed the latest draft of the *job description for a Part-time Council on Aging Director*. A motion was made, seconded, and unanimously voted to approve the job description and to recommend a wage range of \$22.50 - \$29.50 per hour for a part-time Council on Aging Director to the Fall Town Meeting on November 17, 2014.

Employee/Volunteer of the Year Program: The Board reviewed information from the Town of Manchester regarding that town's Employee/Volunteer of the Year Program. The Selectmen continue to be interested in creating a similar program for Essex and Mr. Zubricki will draft guidelines for an Essex program.

Planning for Auction of Southern Conomo Point Properties: Mr. Zubricki updated the Selectmen regarding the Zekos Group's preparations for auctioning the first three properties on Conomo Point. The auctions will likely occur during November 2014. The Zekos Group is currently reviewing information about Conomo Point that was provided to them by Mr. Zubricki and is planning an advertising campaign that will, hopefully, generate a large number of participants at the auctions. They are asking interested persons to call them directly so they can be added to their mailing list. The Zekos Group may be reached at 508-842-9000.

Demolition Update, 103 and 138 Conomo Point Road: Mr. Zubricki reported that the asbestos removal from both buildings has been completed and we are waiting for the asbestos consultant to issue an asbestos clearance report. Mr. Zubricki said that he visited the sites today with an exterminator, Superintendent Paul Goodwin, a tree removal professional, and a representative of the Conservation Commission. The Building Inspector is expected to approve the demolition permits soon. Final demolition and site work is anticipated to begin the week of September 29th. Mr. Zubricki said that additional asbestos had been found and he had approved a change order to

dispose of it while the contractor was still on site. A motion was made, seconded, and unanimously voted to ratify Mr. Zubricki's approval of the change order in the amount of \$444.00.

Contract for Heating Oil for 2014/2015 Heating Season: Mr. Zubricki said that three quotes had been solicited and two companies had offered bids. The low bidder for the Town Hall and Fire Station heating oil contract was Old Yankee Fuel at twenty-five cents over the posted Low Daily Wholesale Boston price. A motion was made, seconded, and unanimously voted to sign the contract with Old Yankee Fuel.

Essex - Manchester Fire Explorers Post Establishment: Mr. Zubricki said that he had discussed the Fire Department's request to sponsor an Explorers Post with the Town's insurance carrier. The Town's insurance carrier has recommended that each Explorer participant execute a Hold Harmless Agreement absolving the Town of any liability. In addition, the insurance carrier recommends that the Boy Scouts of America/Learning for Life provide evidence of accident insurance for each participant and also a certificate of liability insurance listing the Town as an additional insured. A motion was made, seconded, and unanimously voted to authorize Explorer participants to use Town equipment, as well as permit the participants to work alongside Town employees, contingent upon the foregoing conditions.

Final Report Relative to Town Hall End Wall Instability and Next Steps: Mr. Zubricki recommended that the Selectmen authorize a Reserve Fund Transfer to pay for the design, construction cost estimate, and administrative oversight of the repair to the Town Hall end wall in the amount of \$11,000. Mr. Zubricki said that one of the firms currently working on the Town Hall Improvement Project has agreed to perform the structural repairs via change order and this preliminary design work is necessary to have an accurate change order price in time for the Fall Town Meeting. The Selectmen were in agreement with Mr. Zubricki's recommendations.

Sequencing of Design and Management Work for Town Hall Renovation: Mr. Zubricki informed the Selectmen that, due to State regulations, the Town will need to hire a Project Manager to oversee the work for the next stages of the Town Hall Exterior Renovation/Repair Project. It is anticipated that the project will proceed in stages as funding becomes available and funding for initial Project Manager and architectural services may be requested as early as the November 17, 2014 Special Town Meeting. Mr. Zubricki will draft a Request for Qualifications for a Project Manager.

Quarterly Report to the DEP: Mr. Zubricki said that this quarter's report has been completed and a motion was made, seconded, and unanimously voted to authorize distribution of the report.

Continued Review of Fall Town Meeting Warrant: Mr. Zubricki reviewed each of the proposed articles for the **November 17, 2014 Special Town Meeting**. Mr. Zubricki will adjust the warrant, based on the Selectmen's comments. The warrant will be discussed again at the next Selectmen's meeting with the Finance Committee and the Conomo Point Planning Committee. Mr. Zubricki will also advise Fire Chief Daniel Doucette that there is not enough preparation time, since the

Public Safety Study Committee has not yet completed their analysis, to include articles on the warrant for this Special Town Meeting regarding possible reorganization and funding of the Fire Department.

Utility-Related Abatement Measure (URAM) for Gas Line Installation: Mr. Zubricki reported that hazardous substances had been found by National Grid recently when they were digging a trench for the gas line on Southern Avenue. National Grid intends to take care of the materials found in the trench. However, since there are probably more hazardous materials in the surrounding area as well, Mr. Zubricki contacted Fay, Spofford & Thorndike (a firm that worked well with the Town during the sewer construction project) to assist the Town with an investigation into the extent of this matter and its eventual resolution. A Reserve Fund Transfer in the amount of \$2,790 will be prepared for recommendation to the Finance Committee at the next Selectmen's meeting, since Task 1 of the Scope of Work, in that amount, is necessary while National Grid still has their trench open.

National Grid Utility Pole Banner Attachment Agreement: The Merchants Group had asked Mr. Zubricki to investigate National Grid's requirements for allowing promotional/seasonal banners to be placed on their utility poles. Mr. Zubricki said that National Grid requires a certificate of insurance liability in the amount of \$2,000,000 listing National Grid as an additional insured and a Hold Harmless Agreement signed by the Town. Mr. Zubricki will also contact the Town's insurance carrier and Town Counsel to discuss other possible liability concerns.

Green Crab Trapping Grant: The Selectmen were in agreement that Mr. Zubricki should start reviewing the paperwork on the new State grant regarding the control of the green crab infestation and its decimation of shellfishing resources. A motion was made, seconded, and unanimously voted to sign the State contract for the grant in the amount of \$15,600. It was agreed that no money should actually be spent until a low/no-cost, legal disposal solution has been identified.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$615,632.42.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 8th, 2014, Open Meeting and Executive Session.

The Selectmen signed a letter of commendation to DPW Clerk, Amanda Davis, for excellence in the workplace.

A motion was made, seconded, and unanimously voted to approve disclosure paperwork allowing Town Counsel to jointly represent towns relative to the Cape Ann Rapid Response Team.

Regarding Conomo Point Matters, a motion was made, seconded, and unanimously voted to approve and initial a building permit for 40 Robbins Island Road.

A motion was made, seconded, and unanimously voted to sign deeds for the following Conomo Point sales, (the documents will be held by Town Counsel until final closing on the properties):

- Mr. and Mrs. Descenza, 7 Beach Circle, Map 19, Lot 99
- Menges Family, 3 Beach Circle, Map 19, Lot 101

Chairman Jones and Selectman Gould-Coviello signed the documents. Selectman O'Donnell will sign the documents tomorrow, in the presence of a Notary.

Mr. Zubricki said that Town Counsel had sent Mr. Tofuri and Dianna L. Doucette the most recent version of the agreement to transfer the purchase rights to the property at 4 Town Farm Road. A motion was made, seconded, and unanimously voted to sign the consent piece and the deed for the property. Selectman O'Donnell will sign the documents tomorrow in the presence of a notary. Mr. Zubricki will fax the assignment document to Mr. Tofuri tomorrow for his notarized signature and he will return the original. Town Counsel will then hold these documents until the closing.

Mr. & Mrs. Doane left the meeting.

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

A motion was made, seconded, and unanimously voted to approve a One-Day Auction Permit for Blackwood March Auctioneers, Michael March, for use on Wednesday, October 8, 2014, between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

A motion was made, seconded, and unanimously voted to approve a request for a One-Day Entertainment License from the Essex Historical Society and Shipbuilding Museum for use on Saturday, September 27, 2014, between the hours of 1:00 and 6:00 p.m. within the confines of the Waterline Center at 66 Main Street.

A motion was made, seconded, and unanimously voted to approve the following requests for One-Day Wine and Malt Licenses:

- Apple Street Farm, Frank McClelland, for use on Friday, October 3, 2014 between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.
- Apple Street Farm, Frank McClelland, for use on Saturday, October 4, 2014 between the hours of 5:00 and 11:00 p.m. within the confines of Apple Street Farm at 35 Apple Street.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, October 6, 2014, at 7:00 p.m. in the TOHP Burnham Library on Martin Street.

Selectmen Gould-Coviello said that she would like to put Mr. Cuthbertson on notice that he was out of line in showing disrespect to the Town Administrator during the Public Comment period of tonight's meeting and that permission to allow him to continue to speak at future meetings in that manner will not be granted. Mr. Cuthbertson said that he disagreed and left the meeting.

Selectman Gould-Coviello said that the Eastern Essex District of Veterans' Services has appointed a new director to fill the vacancy left by the sudden death of Terry Hart. The name of the new director is Ryan Lenin.

At 9:35 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 to attend 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.

The Board, their Assistant, and the Town Administrator returned to Open Session at 10:07 p.m.

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

Documents used during this meeting include the following:

Conomo Point Mind Map

Job Description for a Part-time Council on Aging Director

November 17, 2014 Special Town Meeting Warrant Draft

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell