

Selectmen's Minutes
TOHP Burnham Library

October 6, 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: Helen Brown, Maria Burnham, David Calder, Kelly Corrao, Steve Cuthbertson, Karen Gertsch, John Guerin, Mr. & Mrs. Hartley, Mr. & Mrs. King, William Knovak, Ed Lane, Mark Lynch, Leah Maher, Matthew MacDougall, Phillip MacDougall, Alan McCoy, Mark McKenna, Phillip Menges, Paul Pennoyer, Lisa Pratt, A. Raymond Randall, Ken Riehl, Richard Ross, Jeff Soulard, Roxanne Tieri, Kurt Wilhelm, Jim Witham, and others.

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.

John Guerin came before the Selectmen to ask that the Selectmen support Article 13 on the 11/17/14 draft warrant to appeal the recently issued and redrawn FEMA flood maps. He updated his previous estimate to hire an engineering firm and said that he expected that the cost to the Town would be no more than \$25,000, whereas without the Town's sponsorship, it would cost each homeowner a minimum of \$5,300. The Selectmen were in agreement with Mr. Guerin. He thanked the Selectmen and left the meeting.

Alan McCoy came before the Selectmen to request permission to rent the Centennial Grove Cottage for an afternoon in late November for his daughter's wedding ceremony. The Selectmen informed Mr. McCoy that the cottage is shut down for the winter every year in early November. The water is turned off and there is no heat in the building. The fireplace has not been inspected for safety, nor the electric service rated to accommodate electric heaters. There would be no sanitary facilities for the guests, as even the port-a-potties at the ball field and the Lake are removed by that time of year. Mr. McCoy said that he would only be using the cottage for a couple of hours and would like to use an external source to blow heat into the building with a hose. He said he would rent a couple of port-a-potties for the day. The Selectmen said that they would like to have Mr. Zubricki talk to the Fire Chief about Mr. McCoy's request before deciding on it. Mr. McCoy thanked the Selectmen and left the meeting.

The Selectmen reviewed a request from David Calder, who was present, to transfer his lease for 34 Robbins Island Road (Map 19, Lot 66) to his son, Jeffrey G. Calder. Subsequently, Selectman Gould-Coviello moved that the Board approve the request for assignment of the Bridge Lease for 34 Robbins Island Road from David A. and Danielle A. Calder to Jeffrey G. Calder and said that the approval is contingent upon Jeffrey G. Calder executing a fourth year bridge lease at the rate offered to Mr. and Mrs. Calder. She said this approval is with the caveat that said Bridge Lease will expire by its term on December 31, 2015, and that nothing in this vote shall be construed as a promise of an extension of that Bridge Lease or alteration of any of its terms; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by David A. and Danielle A. Calder, and that the Town reserves the right to assert its ownership of the dwellings located thereon at the end of said lease. The motion was moved, seconded, and unanimously voted contingent upon

Mrs. Danielle A. Calder signing a letter agreeing to the transfer. Mr. Calder thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$112,537.92.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's September 22nd, 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 warrant 14V, October 2, 2014, pursuant to subsection (d) of said Section.

At 7:16 p.m., citing the need to discuss 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 this matter in Open Session would be detrimental to the Town's negotiating strategy. He invited the Town Administrator to attend the Executive Session and said that the Board would be returning to Open Session in approximately ten minutes. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and Mr. Zubricki moved to Executive Session. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 7:26 p.m. and those who had left earlier rejoined the meeting.

Selectman Gould-Coviello moved that the Board approve the request for assignment of the Bridge Lease for 41 Robbins Island Road from Susan and Roger King to Lisa Pratt, with conditions: Said approval is contingent upon Ms. Pratt executing a fourth year bridge lease at the rate offered to the Kings and is further contingent upon payment in full of the final payment for the third year Bridge Lease of \$1,978.25 and the fourth year rent of \$7,913. This approval is with the caveat that said Bridge Lease will expire by its term on December 31, 2015, and that nothing in this vote shall be construed as a promise of an extension of that Bridge Lease or alteration of any of its terms; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject property, or any portion thereof that was not already held by the Kings; and, the Town reserves the right to assert its ownership of the dwellings located thereon at the end of said lease. The motion was moved, seconded, and voted two to one. Mrs. Pratt thanked the Selectmen and left the meeting with Mr. and Mrs. King. This vote was intended to supersede the vote that the Board took on September 8, 2014, regarding this matter.

Karen Gertsch and Kurt Wilhelm came before the Selectmen to inform them that they are interested in forming a new private committee, to be called the Friends of the Trees Group. The Group would be composed of volunteers and their goal would be planting shade trees everywhere in Town. Mrs. Gertsch said that Manchester has a similar committee and they have been very successful. Funding for the project could be provided from a number of possible

sources including donations and Community Preservation money. The Selectmen were in favor of the idea and encouraged Mrs. Gertsch and Mr. Wilhelm to continue with their plans for organizing the group.

Mrs. Gertsch announced that the writing program that she has hosted in the past will be starting again this fall and will meet every Thursday at the Senior Center. She said that their current project is researching and writing about the Town's history and they hope to compile the articles into a publication in time for the Town's coming bicentennial. Mrs. Gertsch and Mr. Wilhelm left the meeting.

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

Continued Review of Draft Fall Town Meeting Warrant: Members of the Finance Committee and the Conomo Point Planning Committee (Fin Com Chair Jeff Soulard and members Richard Ross, Mark McKenna, and Ken Riehl; Town Accountant Roxanne Tieri; and, CPPC Chair Mark Lynch and members Paul Pennoyer, A. Raymond Randall, and Jim Witham) joined the Selectmen for a discussion regarding the articles to be included on the ***Fall Town Meeting Warrant***. As Mr. Zubricki reviewed each article, it was discussed by those present. Mr. Zubricki will prepare the final version of the warrant based on this evening's comments and it will be approved and closed at the next Selectmen's meeting on October 20. The CPPC members left after the Conomo Point articles were discussed and following the discussion of the entire warrant, The FinCom members and the Town Accountant adjourned to hold their own meeting in a back corner of the Library.

In other business, a motion was made, seconded, and unanimously voted to approve a Reserve Fund Transfer Request to the Finance Committee for funding to defray the cost of the final design, engineer's cost estimate, and construction oversight for a permanent solution to the Town Hall end wall instability problem in the amount of \$11,000. And, a motion was made, seconded, and unanimously voted to approve a Reserve Fund Transfer Request to the Finance Committee for Task 1 funding associated with the contaminated soil investigation in the utility trench on Southern Avenue in the amount of \$2,790.00.

Mr. Zubricki said that we had received a written inquiry asking for a clarification/interpretation of the Request for Proposals for the sale of 5 Beach Circle. He said the RFP requires that a party with a current lease at Conomo Point either move a structure from another lot to 5 Beach Circle or demolish the existing structure on the other lot and build a new house on 5 Beach Circle after purchase. In either case, Mr. Zubricki felt that it was unlikely that removal or demolition could occur before the successful bidder's lease ends. He said that he had received a question from one prospective bidder asking if his lease could be extended for an additional year to accommodate this circumstance. Selectman O'Donnell indicated that in another circumstance at Conomo Point, the Board gave a resident a period of time to remove their house at the end of their lease. The Board did not give a full extension of the lease, but the Board gave a license for the limited purpose of removing the house. Selectman O'Donnell recommended that the Board inform all

prospective bidders that the same courtesy will be afforded to them if they are the successful bidder so that they will have a reasonable opportunity to remove or demolish the existing house. All three members of the Board were in agreement.

Shellfish Advisory Commission Recommendations: Shellfish Advisory Commission member Kelly Corrao, Shellfish Constable Billy Knovak, Deputy Shellfish Constable Steve Hartley, Ed Lane, Matthew MacDougall, Phillip MacDougall, and others joined the Selectmen to continue their discussions from an earlier Selectmen's meeting regarding suggested revisions to the Town's shellfishing regulations.

Mr. Zubricki said that he has been working with the State to get approval of logistics for trapping and disposal of green crabs under a grant program. The green crabs have been decimating the clam population. Mr. Corrao said that efforts should be made to trap as many crabs as possible between now and the first two weeks of December when they will disappear until the following year. The grant money will be used to pay persons with their own trapping equipment to harvest the crabs and dispose of them. It was agreed to get the word out that interested persons should contact the Town Administrator regarding a contract with the Town to dispose of the crabs using several methods. The notice will be posted on the Town's website, posted at the Town Hall and in the newspaper, and the Shellfish Constable will add it to his recording on the Shellfish hotline.

The group will suggest to the Selectmen in the future different methods of tightening up residency vetting each year and it was agreed by all that the SAC could review the list of names and report with evidence to the Selectmen those persons on the list who do not live in Town.

Lastly, the group discussed amending the Shellfishing Regulations to state that the Shellfish Constable is the only person who can direct the placement and removal of the nets used to encourage shellfish propagation under the Town's Shellfish Propagation Permit from the State. Mr. Zubricki will draft the changes for approval at the next Selectmen's meeting. The Selectmen thanked those present for their comments and Kelly Corrao, Billy Knovak, Ed Lane, Matthew MacDougall, Phillip MacDougall, and some others left the meeting.

Essex County Fire Chiefs Association Response to Public Safety Committee: Mr. Zubricki asked the Selectmen to review the *responses from the Essex County Fire Chiefs Association* to questions asked by the Public Safety Study Committee regarding their recent appraisal of the Town's Fire Department. The Selectmen asked Mr. Zubricki to remind the Fire Chief that the Committee is also waiting for the Fire Department's comments on the appraisal. Mr. Zubricki will also forward Essex County Fire Chiefs Association responses to the Fire Department.

Employee/Volunteer of the Year Program: The Selectmen reviewed Mr. Zubricki's draft of a request for nominations for employee and volunteer of the year program and were in favor of it. Mr. Zubricki will continue to work on the program for an inaugural cycle to commence late next summer.

Request for Qualifications, Project Manager, Town Hall Renovation: Mr. Zubricki informed the Selectmen that a ***Request for Qualifications for Project Manager Services*** for the Town Hall/Library Exterior Renovations Project can be advertised and released on October 8, 2014. The Selectmen were in agreement.

Regional School District Budget Discussion Group Meeting: Mr. Zubricki reported that both he and Finance Committee Chair Jeff Soulard had attended a meeting last Wednesday to review a list of questions prepared by the Manchester Fin Com to the Regional District. There is a meeting this Wednesday to discuss the District's responses to the questions. Selectman Gould-Coviello will also attend.

Community Innovation Challenge Grant Vote of Support: Mr. Zubricki reported that the City of Melrose is applying to the State for a \$200,000 grant to improve the regional services it offers to other municipalities for data storage and remote desktop capabilities. Melrose has asked the Town to support their grant application. A motion was made, seconded, and unanimously voted to support Melrose's effort to obtain a State grant and the Chairman signed the application.

On a related matter, Mr. Zubricki said that he had obtained information from three sources on the expected cost of the electrical work required for installation of the new generator at the Town Hall. He recommended approving the change order proposal from the electrician who is currently working on the Town Hall Improvement Project, since that proposal was actually under the expected cost for this type of work. Subsequently, a motion was made, seconded, and unanimously voted to approve a change order in the amount of \$14,300.55 for the electrical work needed to install the generator.

A motion was made, seconded, and unanimously voted to approve the use of Centennial Grove on Sunday, October 26, 2014, from 4:30 to 7:30 p.m. for a Town Halloween party for children accompanied by a parent or guardian, pending confirmation of the event by the mothers' group.

There were no items for the Licensing Board to approve at this time.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, October 20th, 2014, at 7:00 p.m. in the Senior Center on Pickering Street.

The Fall Town Meeting will be held at the Essex Elementary School on Story Street starting at 7:30 p.m. on Monday, November 17, 2014. The Selectmen will meet before the FTM at 6:30 in the Teachers' Lounge.

As the Selectmen were preparing to move to Executive Session, Phillip Menges asked about the November 17, 2014 warrant article that seeks to change the use of 6 Conomo Point properties from leasing to general municipal purposes. Mr. Zubricki explained that some of the properties were not offered for lease to the former tenants since the tenants were not in good standing regarding past payment of rent and/or taxes, and some tenants had chosen not to continue leasing and had peaceably abandoned the premises. One tenant plans to move her house. The Selectmen

are likely going to propose using these properties for public access, and are, in any event, not inclined to issue any further leases and it is therefore necessary to change the properties' use designation.

At 9:24 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 litigating and negotiating strategies. He invited the Town Administrator to attend the Executive Session and said that the Board would be returning to Open Session only to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and Mr. Zubricki moved to Executive Session. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:54 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:56 p.m.

Documents used during this meeting include the following:

Draft 11/17/14 Fall Town Meeting Warrant
Responses from the Essex County Fire Chiefs Association
Request for Qualifications for Project Manager Services

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell