

Selectmen's Minutes
TOHP Burnham Library

January 12, 2015

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

Also Present: Matthew Coogan, Skip Crocker, Mark Fine, Eian MacDougall, Peter MacDougall, Judith Riggs, Andrew St. John, and Clinton Smith.

The Chairman called the meeting to order at 7:00 p.m. in the TOHP Burnham Library on Martin Street and announced that the Board would hear Public Comment. Conomo Point tenant Judith Riggs asked the Selectmen about their plans for the future of Robbins Island. Chairman Jones and Town Administrator Zubricki responded that, at present, any plans for Robbins Island are on hold until agreement can be reached with Mr. Hsia on the location of the boundary line dividing his property and the Town's property. Once agreement has been reached with Mr. Hsia, the Selectmen hope to proceed with the subdivision of Robbins Island in the same manner as that used for southern Conomo Point. Mr. MacDougall asked if it would be possible for the Robbins Island tenants to participate in the design of the subdivision. The Chairman said that it is the Selectmen's intention to hold public forums during the subdivision process, but no discussions or planning will take place until the matter with Mr. Hsia has been settled.

Also concerning Conomo Point matters, Selectman O'Donnell moved that the Board approve the request for assignment of the Bridge Lease for 23 Middle Road, Map 24, Lot 28, from Clinton B. Smith, Jr. to Daniel K. Mayer. 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 Mr. Smith. The motion was seconded and unanimously voted. Mr. Smith thanked the Selectmen and asked that he be sent a copy of these minutes when they are approved.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period December 13 through January 9, 2015 regarding the following:

Discussion of Cable Renewal Process with Regional Representative: Mr. Zubricki reported that he had met with Barry O'Brien for an update regarding the renewal negotiations with Comcast. Mr. O'Brien had attended the first meeting of the advisory committee. Items discussed included the possibility of increasing the funding for Cape Ann Public Access TV through grants and fees, upgrading the Cable I-Net System to include digital operation, increasing local programming, and providing access to better equipment and training to the schools. The Advisory Committee plans to have at least two public forums during this contract renewal ascertainment period.

Town Administrator's Calendar Year 2015 Goals: Mr. Zubricki suggested that discussion of his 2015 goals be postponed until a February Selectmen's meeting when all the Selectmen will be able to participate and the Selectmen agreed.

Revised Proposal and Contract for Northern Conomo Point Final Planning: Mr. Zubricki presented an amended proposal and contract from Jim Heroux for final planning for northern Conomo Point which now reflects changes suggested by the Selectmen and the Conomo Point Planning Committee. The contract is in the amount of \$25,000 plus \$1,270 of reimbursables. A motion was made, seconded, and unanimously voted to approve and sign the contract.

Fiscal Year 2016 Operating and Capital Budget Request Packages: Mr. Zubricki reported that he had made one change to the preliminary Selectmen's operating and capital budget request. The change is to include funding for administrative time to re-label all the building inspector files, which include approximately 2,000 files, with the new map and lot numbers. The Selectmen were in favor of the revision and a motion was made, seconded, and unanimously voted to approve submission of the revised package to the Town Accountant and Finance Committee.

Permitting Associated with Proposed Downtown Boardwalk: Mr. Zubricki said that the design engineer for the boardwalk project has informed him that it may be necessary to modernize the Chapter 91 license for the restaurant located at 112 Main Street in order to include restaurant seating on the proposed boardwalk in return for easements needed by the Town to build the boardwalk. Funding for these amenities may be included in the State funding and they would require additional permitting. Mr. Zubricki has asked Town Counsel John Goldrosen to check with his contacts at the DEP concerning the proper permitting procedures. Presently, the owner of the property is considering whether or not to grant an easement to allow the Town to build the boardwalk between his restaurant and the Essex River. The project would also provide ramps and floats for boat tie-up and access to the downtown from the River. Mr. Zubricki said that Senator Tarr is anticipating that the grant will be announced by the State by the later part of calendar year 2015, at the latest.

Substance Abuse and Mental Health Services Administration Grant: Mr. Zubricki reported that the City of Gloucester is seeking to band with other local communities to apply for a grant to combat substance abuse by young people. A motion was made, seconded, and unanimously voted to approve and sign a memorandum of understanding with Gloucester to that effect. Additionally, a motion was made, seconded, and unanimously voted to approve the signature by the Police Department on a similar memorandum of understanding.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$691,342.56.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's December 15th, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to reappoint Ed Perkins to the Board of Appeals for a second three-year term, commencing 2/1/2015. The Selectmen signed his appointment card.

A motion was made, seconded, and unanimously voted to approve the contract with ADP for payroll services. The Selectmen signed the contract.

A motion was made, seconded, and unanimously voted to ratify the Board's approval to allow CK Pearl to have live music until 12:00 midnight on December 31, 2014.

A motion was made, seconded, and unanimously voted to ratify the appointment of Angus Bruce for a partial three-year term ending on June 30, 2016 and Michael Burke for a partial three-year term ending on June 30, 2017, to the Conservation Commission.

A motion was made, seconded, and unanimously voted to approve a Reserve Fund Transfer Request to the Finance Committee for a transfer in the amount of \$15,000 to the Veterans' Ordinary Benefits budget. The Town's veterans receiving benefits has recently increased from two to eight persons. This number is subject to increase or decrease at any time, depending on those who become eligible and/or those who move into or out of Town.

A motion was made, seconded, and unanimously voted to ratify and/or approve the following license renewals:

Antiques License Renewal:

- Essex Antiquarians, Richard Bevilacqua, at 165 Main Street
- Alexander Westerhoff at 18 Eastern Avenue

Class II License Renewal:

- GBG Crowley, Inc., d/b/a Gaybrook Garage, Michael Crowley at 152 Western Avenue

Common Victualler's License Renewal:

- Essex River Cruises & Charters, Cliff Amero, at 35 Dodge Street
- Essex River Dogs, Eric Vennerbeck, at 162 Main Street
- Essex Pizza & Restaurant, Dimitros Tegos, at 235 Western Avenue

The Selectmen were reminded of the following:

- The next regular Board of Selectmen's meeting will take place on Monday, January 26, 2015, at 7:00 p.m. in the Senior Center on Pickering Street.
- The Board of Selectmen will meet with Manchester Essex Regional School Committee, Essex Finance Committee, and Manchester Board of Selectmen and Finance Committee to discuss the finalization of the District's FY16 Operating Budget at 7:00 p.m. on Tuesday, January 27, 2015 at the Essex Elementary School.
- The Board of Selectmen will attend the Manchester Essex Regional School District Committee's Public Hearing concerning the District's FY16 Operating Budget at

7:00 p.m. on Tuesday, February 3, 2015 at the Manchester Essex Regional Middle High School.

The Selectmen reviewed the successor Town Accountant contract, and, a motion was made, seconded, and unanimously voted to approve the contract, subject to appropriation.

The Selectmen reviewed a memo from Harbormaster Peter G. Silva concerning Shellfish Personnel also acting as Assistant Harbormasters. The Police Department has been working towards certification by the State and the certification requirements will not allow persons to serve operational roles in the department unless directly supervised by the Chief of Police (who is also the Harbormaster). Shellfish personnel are supervised by the Board of Selectmen, not the Harbormaster. The Selectmen acknowledged the problem, and since they are in favor of the department becoming certified, they were in favor of relieving the shellfish personnel of their duties as assistant harbormasters.

Clinton Smith left the meeting.

The Selectmen were joined by Town Planner Matt Coogan, Municipal Collaboration Director Mark Fine from the Metropolitan Area Planning Council, Long Term Planning Committee Chair Andrew St. John, and Planning Board member Skip Crocker, to discuss the grant application for the development of a strategic plan for the Town. Mr. Fine said that he had received the application that was prepared by Matt Coogan and is very enthusiastic about its chance for approval. He anticipates that it could be approved and implemented by 2015 year end. Once awarded, Mr. Fine would work with town officials, using the various resources of the MAPC, to develop a strategic plan appropriate for the Town, based on past research by various town committees and groups.

The MacDougalls and Judith Riggs left the meeting.

Public Safety Study Committee Chair Bob Jerin joined the Selectmen to offer an update on the progress of the Public Safety Study Committee's final report. He reported that Amelia Crimmins had resigned from the committee as a result of her move to Ohio. The committee continues to study the needs of the Town. However, the Committee still needs additional information from the Police and Fire Departments to complete their study. Mr. Zubricki offered to help the committee get the information that they need and the Selectmen agreed that they would like to see a final report from the committee by the end of February. They asked Mr. Jerin to come to the January 26th meeting of the Selectmen to offer an update on the committee's progress with their report. Mr. Jerin thanked the Selectmen and left the meeting.

Matthew Coogan, Skip Crocker, Mark Fine, and Andrew St. John left the meeting.

Mr. Zubricki said that he had received a request from Morgan Tomaiolo for the cabinets in the building at 1 Robbins Island property. The Town is currently obtaining permits to remove the

structure from the property. The Selectmen were not in favor of this request for a variety of reasons and Mr. Zubricki said that he would advise Mr. Tomaiolo of their decision.

Selectman O'Donnell said that both she and Selectman Gould-Coviello would be attending the annual Massachusetts Municipal Association next week in Boston and Mr. Zubricki said that he would register Selectman O'Donnell, as the senior member, as authorized to vote for the Town during the meeting.

Mr. Zubricki said that a fire alarm pull unit had been installed in the Town Hall bell tower, which is unheated. The unit is designed to work in a heated situation and as a result, now that the weather is cold, the unit constantly transmits an error message to the alarm company, which, in turn, calls the Town Administrator to inform him that there is a problem. Mr. Zubricki asked the Selectmen to approve a change order to correct the situation. A motion was made, seconded, and unanimously voted to approve a change order to correct this matter.

Discussion regarding 4 Conomo Lane, Map 19, Lot 83, Eric and Kathryn Spunt and their expired Third-Year Bridge Lease, was tabled until the next Board of Selectmen's meeting.

At 8:50 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; the lease, sale, and value of real property at Conomo Point; and, pending litigation concerning the case of Stephen Kelley vs. Town of Essex Board of Selectmen, Civil Docket No. ESCV2014-01582; 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 only to adjourn the meeting. He invited Mr. Zubricki to attend the Executive Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and Mr. Zubricki moved to Executive Session.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:00 p.m.

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

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell