

Selectmen's Minutes

January 22, 2007

Present: Chairman Jeffrey D. Jones, Selectman Mark Lynch, and Selectman A. Raymond Randall, Jr.

Also Present: Town Administrator Brendhan Zubricki

Chairman Jones called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. No one present had any comments.

At 7:05 p.m. the Essex Housing Authority appeared before the Board to discuss a replacement for the vacancy left by the resignation of Carolyn Clarke. The appointed replacement would serve until the next election in May 2007. Gloria Story, Diane Polley, Algis Utenis, and Jeff Butler were present from the Housing Authority. Glenn Boutchie was also present. After a discussion, a motion was made and seconded to appoint Glenn Boutchie to the Housing Authority. There followed a roll call vote by each of the Selectmen and the Housing Authority members. Glenn Boutchie was unanimously elected to the position.

A motion was made, seconded and unanimously Voted to approve and sign the minutes of the January 8th, 2007, Selectmen's meeting and the minutes of the January 8th, 2007 Executive Session.

A motion was made, seconded, and unanimously Voted to approve the sum of \$62.51 to be paid from the Luther Burnham Fund to the Building Center for light bulbs and paint for the Town Hall.

A motion was made, seconded, and unanimously Voted to approve the sum of \$280.00 to be paid from the Luther Burnham Fund to Foxhill Heating Service for the repair to the radiator in the Board of Health Clerk's office.

A motion was made, seconded, and unanimously Voted to approve a Line Item Transfer from the Reserve Fund in the amount of \$14,000 for unexpected School Repairs.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$75,810.00.

The Selectmen reviewed a letter from the Secretary of State requesting the designation of a person to act as a liaison for census matters. Mr. Zubricki reported that he had talked with Sally Soucy, the Town Clerk, and that she would be happy to serve in that capacity. A motion was made, seconded, and unanimously voted to appoint Sally Soucy as State Census Liaison.

Mr. Zubricki reported that MassRides Program, part of the Massachusetts Executive Office of Transportation, would like to schedule a presentation with Mr. Zubricki to acquaint the Town with various aspects of their MassRides program that might be

beneficial to the Town. The Selectmen agreed that Mr. Zubricki should arrange an appointment and report back to them.

At 7:15 p.m. the Chairman entertained a motion to open a Public Hearing regarding a change of business ownership and the transfer of an all alcohol package store license for the Essex Package Store to Robert Ciampi. The motion was moved, seconded, and unanimously Voted. Present were Barry Matthews, the current licensee; Robert Ciampi, the proposed transferee; Mrs. Ciampi; and Howard Greenspan, Mr. Ciampi's attorney. Attorney Greenspan presented a brief overview of his client's background and the license transfer request. Chairman Jones asked if there was anyone present to speak for the license transfer. No comment was offered. Chairman Jones then asked if there was anyone present to speak against the license transfer. No one offered any comment. Subsequently, a motion was made, seconded, and unanimously Voted to close the Public Hearing. Following a discussion, a motion was made to approve the license transfer to P&B Associates, LLC; d/b/a Essex Package Store; Robert Ciampi, Manager, at 91 Main Street subject to approval of the ABCC (Alcoholic Beverages Control Commission) and TIP training for Mr. Ciampi. The motion was seconded and unanimously Voted.

A motion was made, seconded, and unanimously Voted to approve the following licenses:

Common Victualler's License:

- P&B Associates, LLC d/b/a Essex Package Store, Robert Ciampi, Manager, at 91 Main Street.

Weekday Entertainment License:

- Windward Grill, LLC d/b/a Windward Grille of Essex, Timothy Kennefick, Manager, at 109 Eastern Avenue – Live and recorded music.

At 7:30 p.m. Bill Holton, Scotti Robinson, Kim Jarvis, Mike Cataldo, Amy Reilly, Andrew St. John, and Robin Fitzgibbon from the Planning Board appeared to discuss a requested easement and other projects with the Selectmen. Citing the need to move to Executive Session to discuss certain matters dealing with the value of real property, the Chairman entertained a motion to hold a Roll Call Vote to move into Executive Session. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Selectmen, the Town Administrator and the Planning Board moved to Executive Session.

The Board returned to regular session at 8:00 p.m. A motion was made, seconded, and unanimously Voted to deny the request of Mr. Thayne Symmes to grant an easement over Town-owned land from Centennial Grove Road. Mr. Zubricki was asked to send a letter to Mr. Symmes' attorney to inform him of the Selectmen's decision.

A motion was made, seconded, and unanimously Voted to request Mr. Zubricki to file, against the title to the property at 63 Main Street, notice of the Cease and Desist Order issued by the Building Inspector to Brigid Venti.

The Selectmen and the Planning Board briefly discussed pursuing the establishment of a Community Preservation Act at a Special Town Meeting. Two previous attempts had failed, but the Planning Board felt that there may be a good chance of passing it if the percentage is kept perhaps as low as 0.5%. Mr. Zubricki recommended a date of March 12th for the Special Town Meeting since that would meet the 35 days required between the Town Meeting's vote and the Annual Town Election.

The Planning Board reported that they had met with the Lufkins and their developers to discuss possible future plans for the development of their property at the end of Dodge Street. It was also mentioned that the present site of the Essex River House might become the future site of a condominium development. The Boards spoke about the need to coordinate the meetings among the various committees for each of the new development projects and the need to keep everyone involved current with decisions, the evolution of events, etc. The Planning Board recommended Horsley Whitten, a consulting firm that they have been very happy with and costs less than Town Counsel. The Planning Board meets only a couple of times each month and said that they would like to have a budget that would allow them to hire the services of a professional from time to time to review some of the projects that come to them. The Planning Board also said they would like to have a Planning Board member serve on the Conservation Commission. The member would serve as a liaison between the two committees and keep each informed as to the other's activities. Amy Reilly said she would submit a letter of interest to the Conservation Commission for their review.

At 8:15 p.m. the Chairman entertained a motion to open a Formal Hearing concerning the Dog Complaint filed against a rottweiler belonging to Laurie and Timothy Hunt of 27 Forest Avenue pursuant to the provisions of M.G.L. c.140, §157. The motion was moved, seconded, and unanimously Voted. The Chairman explained that he would hear from the complainants first and then from the owners of the dog. Anyone wishing to speak, either for or against, would need to be sworn in by the Chairman. The Chairman then asked anyone desiring to speak at the hearing, to raise their right hand and to solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth, and nothing but the truth. Everyone present at the hearing so swore.

Kevin Steen of 45 Forest Avenue was the first person to speak. His son had been attacked by the Hunt rottweiler and had his backpack ripped by the dog after he had gotten off the school bus at the corner of Forest Avenue and Southern Avenue. Catherine Steen, the boy's mother, spoke next, followed by Colleen Tofuri of 58 Forest Avenue. Roger Broome of 50 Southern Avenue said that he used to walk his two small dogs on Forest Avenue until they were attacked by two Dobermans, also owned by the Hunts. Chairman Jones said that he only wanted to address the rottweiler at this hearing. Karen Carroll of 30 Forest Avenue said she had been running one day when she was chased by the rottweiler to the sanctuary of her garage. Taylor Rogers of 34 Forest Avenue said that she used to run on Forest Avenue and that she had been intimidated by the threatening and aggressive behavior of the rottweiler and had changed her running route as a result. Betty Ewing and Barry Ewing of 71 Southern Avenue spoke about being concerned for the

safety of their small three-year-old granddaughter when walking on Forest Avenue. All of the neighbors expressed their concern for the safety and well-being of small children playing in the neighborhood as well as themselves.

Mr. Hunt and Mrs. Hunt, the rottweiler's owners, said that they had installed an electric fence to keep their dogs in their yard. The fence's boundaries are 45 feet inside their property lines. They have put collars on their two young Dobermans, but have elected not to put a collar on their 13-year old rottweiler that may only have 6 months to live. They said that they have never had a problem with the rottweiler until just recently (who has lived all of his years at 27 Forest Avenue). The Hunts said that they have the dogs for protection against intruders and that they cannot afford to erect a regular fence to corral their dogs. They felt that their dogs are good dogs and that they would not harm anyone.

Selectman Randall stated that he felt that no family should have to take the risk of the rottweiler getting loose and attacking their children. He felt that the fact that the dog had already attacked a small boy was reason enough to banish the dog from the community. Selectman Randall felt that the dog is a risk because of its health, its age, and its type. Selectman Randall expressed no confidence that the dog would not get loose again. He said too many people had already experienced moments of terror when being confronted by the dog. The Selectmen were not comfortable with the Hunts using the neighborhood children to test the effectiveness of their electric fence.

The Chairman asked whether anyone had anything further to say either for or against. No one did. A motion was made, seconded, and unanimously Voted to close the Formal Hearing.

The Chairman entertained a motion to find the Hunt rottweiler as constituting a nuisance by virtue of a vicious disposition and to require the Hunt rottweiler to be restrained by a chain or suitable tether at all times, 24 hours a day, 7 days a week, when it is outside the confines of the Hunt house. The motion was moved, seconded, and unanimously Voted. The Chairman asked that Chief Silva be informed of their decision and that a letter be prepared for his signature and sent to the Hunts informing them of the Selectmen's decision.

At 8:45 p.m. Chief Silva appeared before the Selectmen. He reported that the new cruisers are working well. Ryan Davis will be graduating from the police academy on February 8, 2007 and recently received a letter of thanks for saving a man's life when he began choking in a restaurant. Steve Patton is ready to enter the next academy training course that will begin sometime in April. The Chief said that the Department has received a Community Policing Grant in the amount of \$11,299. He said that he is optimistic about the creation of a regional lockup facility and expects that one will be established in the very near future. He reported that the new 911 system will have Global Positioning System capability which will give the department the ability to track phone calls and is expected to be operational sometime in the Spring. The Chief spoke about the new SWISS program, a State-Wide Information Sharing System.

The Chief also spoke briefly about the planning workshops that are being held to establish a town-wide network and system to deal with a large public health emergency or disaster. The workshops have been attended by representatives from the Fire Departments, Police Departments, Boards of Health and other town officials from cities and towns in the area.

The Chief presented an outline of his goals for the last six months and noted that he has been successful in accomplishing all of them. The goals included increased training of officers in many different areas as well as the addition of a full-time officer. Next he presented his goals for 2007 which included working towards certification of the department, regular training of officers, a school resource officer, a liaison officer to work with the Cape Ann Drug Task Force, the reorganization of the harbor mooring regulations, a new mooring mapping system, and the establishment of a regional lockup facility. The Chief also said he has been looking for a used Sport Utility Vehicle for the Department.

At 9:12 p.m., citing the need to discuss collective bargaining strategy regarding the Essex Police Benevolent Association union (EPBA), the Chairman said he would entertain a motion to hold a Roll Call Vote to move into Executive Session. The Chairman stated that they would return to regular session afterwards and invited Chief Silva and Town Administrator Brendhan Zubricki to participate. The motion was moved, seconded, and per a unanimous Roll Call Vote the Board moved to Executive Session.

The Board returned to regular session at 9:27 p.m. The Board noted the six-month anniversary of the Selectmen's Assistant and expressed appreciation for the past six month's performance. A motion was made, seconded, and unanimously Voted to award the Selectmen's Assistant a pay increase retroactive to January 15, 2007 at an annualized rate of \$5,000.

At 9:32 p.m., citing the need to discuss collective bargaining strategy relative to the American Federation of State, County and Municipal Employees union (AFSCME), the Chairman entertained a motion to hold a Roll Call Vote to move into Executive Session. The motion was moved, seconded, and per a unanimous Roll Call Vote moved into Executive Session. The Chairman stated that they would return to regular session afterwards and invited Town Administrator Brendhan Zubricki to participate.

The Selectmen returned to regular session at 9:40 p.m.

Mr. Zubricki informed the Selectmen that Steve Koop of Western Avenue had left some literature from ADT Security Systems that might be of interest in view of the recent burglary at the Library. The Selectmen said they were not interested at this time.

The Selectmen agreed to postpone their talk about Mr. Zubricki's goals until the next meeting.

Mr. Zubricki told the Selectmen that Bruce Fortier had informed him that the Selectmen are supposed to be issuing stable licenses. The Selectmen asked Mr. Zubricki to check with Town Counsel to see if the issuance of stable licenses is mandatory or discretionary.

Mr. Fortier has also informed Mr. Zubricki that the tentative budget is supposed to be prepared by November and the final budget is supposed to be completed by January. The Board asked Mr. Zubricki to forward those and other comments to the Finance Committee.

A motion was made, seconded, and unanimously Voted to ratify the signing of a letter of interest in the FEMA Natural Hazards Mitigation Plan Grant program by Chairman Jones which will allow the Town to participate in a regional application written by the Metropolitan Area Planning Council. The Board will also support a local match of \$3,250 at the Annual Town Meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering January 6th, 2007 to January 19th, 2007 regarding the following items:

Letters of Interest Relative to Conservation Commission Seat: Mr. Zubricki presented a folder of letters from interested candidates for the Conservation Commission vacancy to the Selectmen. The Selectmen asked Mr. Zubricki to forward the letters to the Commission for their review and recommendation.

Review of Used/Surplus Vehicles for Shellfish Warden's Use: Mr. Zubricki reported that he has not been successful in locating a source of used/surplus vehicles that would be adequate for the Shellfish Warden's use. It appears that all of the vehicles that are available require substantial maintenance or have performance issues. After a brief discussion, the Selectmen agreed to ask the Shellfish Warden to look for a used vehicle that could be purchased by the Town for \$7,000 to \$10,000.

Federal Energy Regulatory Commission Surcharges: Mr. Zubricki said that Constellation New Energy had informed him that some of our accounts will not have a price increase. After a review of the impact to all of our accounts, a motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to try to get the DPW Barn into the current contract and to review the purchase of post-2008 power with the Town's supplier.

Strategic Budget Coordination Group Meeting: Mr. Zubricki and Selectman Lynch both attended the meeting held on January 9, 2007. Mr. Zubricki reviewed several topics that had been explored at that meeting (i.e. State Group Insurance, grant opportunities, budget timelines, revenue forecasting, and a proposed school regionalization agreement).

Massachusetts Municipal Association Annual Conference: Town Administrator Zubricki and Selectman Randall both attended the conference on January 12 and 13, 2007 in Boston. They accepted, on behalf of the Town, the second Consecutive Loss Control

Award from our insurer for the Town's participation in the MIIA Rewards Program. Mr. Zubricki briefly reviewed some of the more interesting topics presented at the meeting such as performance contracting and budget forecasting.

Selectman Randall spoke about the concept of matching five-year revenue projections with five-year operating projections as a valuable tool for understanding and determining the future financial needs of the Town. He also said he has been studying the use of town surveys as a way to be in touch with the concerns of local residents. In addition, he felt that the services of a City Planner would be a valuable asset to the Town, even on a part-time basis. He mentioned that Manchester uses a city planner on a part-time basis. He also said that a Town Manager would add significant value to the town government. Selectman Randall said that he was glad that he had attended the MMA annual conference and that he had been introduced to a lot of useful ideas.

Potential Special Town Meeting: Mr. Zubricki said that it appeared that the Finance Committee and the Planning Board were interested in the Town's consideration of the Community Preservation Act. Mr. Zubricki said he would put together a tentative warrant that would include the Act as well as any other necessary housekeeping issues for review at the next Board of Selectmen's meeting and that the Board could consider a Special Town Meeting for Monday, March 12, 2007.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign a request to the State for an increase in grant funding for the Council on Aging.

The Selectmen reviewed the list of eight antique dealers who had not renewed their licenses for 2007. Five dealers on the list are no longer operating a business in Essex. A motion was made, seconded, and unanimously Voted to send a certified letter from the Chairman to the remaining three dealers notifying them to submit a license renewal application or to inform the Board that they are no longer conducting business in town.

Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed and discussed a draft of suggested Articles to be included in the Annual Town Meeting Warrant this coming May.

Selectman Lynch updated the Board on the progress of the Conomo Point Planning Committee and suggested that the Selectmen may want to attend one of the Committee's meetings in the next couple of weeks to witness the Committee's progress.

It was decided to ask the Town's Inspector of Animals, Pam Stone, to appear at a Selectmen's meeting in February to discuss her ideas concerning the creation of a new position of Dog Officer/Animal Control Officer.

The Selectmen were reminded of the following meetings:

- Essex Division Meeting, Cape Ann Chamber of Commerce on **Tuesday, January 23, 2007 @ 8:00 a.m.** at JR's Route 22.

- Conomo Point Planning Committee on **Thursday, January 25, 2007** in Room 11 at the Essex Elementary School @ 7:30 p.m.
- Chamber Breakfast Club on **Friday, January 26, 2007, 7:30 – 9:00 a.m.**, at the Elks at Bass Rocks. Mark, Ray, & BZ will attend.
- New DPW Barn open house on **Saturday, January 27, 2007, from 9:00 to 12:00 a.m.**
- Sidewalk meeting with Weston & Sampson on **Monday, January 29, 2007 at 6:30 p.m.** at the Essex Elementary School.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:40 p.m.

Prepared By: _____

Attested By: _____