

Selectmen's Meeting

April 9, 2007

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, 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. Peter Kellerman from John Wise Avenue appeared before the Board to inquire about the letter that he and neighbors had written to the Selectmen regarding Mr. Crocker's purchase of 160 John Wise Avenue for use as a boat storage yard. After some discussion, the Selectmen told Mr. Kellerman that they had verified with Town Counsel that the Town boards had acted correctly during the permitting process for 160 John Wise Avenue. The Selectmen explained that they are bound by the existing Town Bylaws and can offer no assistance to the neighborhood group in this matter since they cannot direct or mandate the actions of other Town boards. Mr. Kellerman was advised to seek advice of his counsel for other possible avenues of amelioration.

No one else had any public comment to offer.

Mr. Zubricki presented his Town Administrator's Report for the period covering March 24th through April 6th regarding the following items:

Long-Term Planning Committee Charge and Membership: Selectman Randall reported that he has been working on the final draft of the charge for the Long-Term Planning Committee. He has also reviewed the letters of interest very carefully. He felt that more time was needed to interview the candidates and acquire information. Some of the candidates had supplied detailed background information, while others had only expressed interest. Selectman Randall wanted to make sure that the people selected possessed qualities that would be advantageous to the committee. Some of those qualities include long term planning experience, historical understanding of the aspects of the area, and a sense of balance concerning the scope of the project. Long-term residents and business owners of the Town would be desirable candidates. The Selectmen agreed to wait until their next meeting to make a decision on both the final charge and the membership.

Final Discussion Regarding Sidewalk Plans: Mr. Zubricki said that he had relayed Chairman Jones' suggestion regarding rumble strips at the school crosswalks to the Department of Public Works. The DPW was not in favor of them at this time. It was decided that they could always be added at a later date.

Senior Center Update: Mr. Zubricki reported that in order not to delay completion of the Senior Center, he had signed the service agreement for three-phase service to be brought down the street to the Senior Center and payment had been forwarded to National Grid. The service is required to run the elevator being installed at the center. It is the opinion of the Town Administrator and Town Counsel that the cost of this item should be paid by the General Contractor. The Selectmen decided to withhold the amount from subsequent

contractor payments. A motion was made, seconded, and unanimously Voted to ratify Mr. Zubricki's signing of the service agreement with National Grid.

MAPC Planning-Related Technical Assistance: Mr. Zubricki requested the Selectmen's help in identifying areas where this assistance may be useful. He suggested the Long-Term Planning Committee, and possibly in the future, the Conomo Point Planning Committee. The Selectmen indicated that they would like Mr. Zubricki to focus on the Long-Term Planning Committee.

At 7:15 p.m., the Chairman asked if there was anyone present for the continuation of the Public Hearing regarding the liquor license for Suzie Offenberger and the former Riverside Restaurant. There was no one present. The Selectmen reviewed a letter from Ms. Offenberger's lawyer informing them that there has been a lot of interest in the property and requesting that the hearing be continued until May 21st, 2007. A motion was made, seconded, and unanimously Voted to continue the hearing to May 21st at 7:15 p.m.

A motion was made, seconded, and unanimously Voted to sign the weekly warrant in the amount of \$277,700.24.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the March 26th, 2007 Selectmen's meeting.

A motion was made, seconded, and unanimously Voted to sign a thank-you letter to Rule Industries and Glenn Boutchie for the gift of a remote control search light to the Harbormaster.

Mr. Zubricki distributed an update on the proposed regional lock-up from Police Chief Silva to the Selectmen for their review at a later date.

The Selectmen discussed two line item transfers from the Shellfish budget items: Boat Repairs and Mileage Reimbursement, to the Shellfish Deputy Warden's Salary budget. A motion was made, seconded, and unanimously Voted to approve these transfers.

A motion was made, seconded, and unanimously Voted to waive the application deadline for a clamming permit for Carl Allen and Michael Tilden.

Mr. Zubricki reported that the police have received a dog complaint regarding a dog belonging to Dennis Gannett on Pond Street. The dog was reported to have chased Mr. Angus Bruce of Pond Street and children to the top of his car for safety while growling, barking, and showing teeth. The dog exhibited the same vicious behavior towards the police officers who reported to the scene to request Mr. Gannett to place the dog on a chain. The Selectmen asked Mr. Zubricki to send a letter to Mr. Gannett requesting that he take whatever measures necessary to prevent any future incidents and to also inform Mr. Gannett that if any future complaints are filed against his dog, the Selectmen will hold a formal hearing.

The Selectmen reviewed a letter from Stephen Walker regarding the poor and deteriorating condition of Island Road. Mr. Zubricki said he would forward the letter to Department of Public Works Superintendent Paul Goodwin. The Board agreed.

The Selectmen considered a request for a reduced rental rate at Centennial Grove from Kathy Brangwynne of Pond Street. Mrs. Brangwynne is planning a wedding rehearsal clambake catered by Woodman's for her son at the Grove in July. Mrs. Brangwynne is not and does not represent a non-profit group and the request was denied.

A letter from Ed Howard, an Essex business owner and steam engine buff, was reviewed regarding a proposed steam meet to be held at the Essex Waterline Center in October. Mr. Howard requested the use of the Town Landing for the event. Mr. Zubricki said he would forward Mr. Howard's correspondence to the Harbormaster. The Board agreed.

Mr. Zubricki reported that the Little League fence has been laid out and is ready for installation. The little pieces used to put the fence together are in a bucket in the shed. The Selectmen agreed that they would get together sometime on the first weekend in May and erect the fence.

The Selectmen reviewed a letter from the Manchester Plumbing/Gas Inspector concerning the proposed sanitation facilities at the new Manchester/Essex stadium and agreed the letter should be referred to the Manchester Building Inspector.

After reviewing a letter from the President of the Conomo Point Association, a motion was made, seconded, and unanimously Voted to grant permission to attach ramps and floats to the stone pier and the Farnsworth Pier at Conomo Point for the period from May 1 to November 1, 2007 pending the receipt of a Certificate of Liability Insurance.

Representative Brad Hill introduced Senator Bruce Tarr, Representative Verga, and David Lash from the Chebacco Lake Association. Also present were Brad Chase from the Division of Marine Fisheries, Bob Brophy and Wally Bruce from the Essex Conservation Commission, Kelly Burnham from the Essex Board of Health, and several Chebacco Lake residents.

David Lash presented a slide show illustrating the effects of the beaver population on the Lake, on Alewife Brook, and on the surrounding property. The Association has been working for the last few years to monitor the water level and to keep water moving by breaching the dams on a daily basis, hiring a trapper, and installing a beaver fence. The Association feels that it is losing the battle and that the water levels continue to rise. Currently, there are several dams in the area that threaten to compromise septic systems and basements due to increased water levels. The dams are also blocking the Alewives' ability to get upstream to spawn and contributing to a great decline in the alewife population. In the past, for hundreds of years, the waterways were dredged and maintained by the farmers that worked the land. Today, the farmers are gone and no one else is maintaining the waterways. Mr. Lash felt that the first step should be the creation of a task force to complete a thorough analysis of the situation and formulate a

comprehensive plan of action to deal with the problem. Mr. Lash said that Miles River Task Force had been formed recently to try to deal with the beavers in the Miles River area and suggested that one be formed to deal with the Chebacco Lake area. He hoped that towns in the area (Essex, Hamilton, and Wenham) would strongly support the idea and provide members. In addition to the task force, breaching, and trapping, there may also be money available from Federal sources. There is currently money available for repairing culverts from the Massachusetts Emergency Management Agency and it might also be possible to obtain assistance from other State agencies and the Army Corps of Engineers. Clearing and removal of excess vegetation would provide the beavers with less material to use for dam construction.

The slide show was followed by a discussion of the problem. Mr. Zubricki agreed to coordinate efforts with officials in the other towns in the area and work to put together a list of volunteers to be included in the task force. Representative Hill hoped that the list from each town would include at least one member from the Board of Health, one member from the Conservation Commission, and one member from Town government.

After the Chebacco Lake Association and other interested people left, Senator Tarr remained to update the Selectmen regarding the current status of the Route 133 project. He reported that the Essex portion is currently undergoing design review. There had been an issue with the Conservation Commission and the Notice of Intent. However, that issue has been resolved. The estimated cost of the project had started at around \$1,000,000 and is now estimated at around \$6,000,000. Although the Essex portion has been scheduled for later this year, the high estimated cost may result in delaying the reconstruction. Senator Tarr felt that it is necessary to continue to be in touch with MassHighway regarding the project and will set up a joint meeting. Mr. Zubricki will be attending the Annual Municipal TIP Input Day on April 26th.

Senator Tarr reported that they were still undecided on whether they would be able to get a dredger to work on the river or whether they would put together a coalition of towns to purchase a shared boat for dredging.

Senator Tarr said that the Chapter 90 numbers are out and that the Town will probably get about \$20,000 more than they have in the past.

He also mentioned that it looks as though municipal access to the Group Insurance Commission will become a reality.

He continues to work on the Sewer Rate Relief Fund bill.

Sarah Hammond Creighton and Annie Cameron, both members of the Manchester Essex School Building Committee, arrived to discuss the pre-qualification process for the new school building project. They discussed with Senator Tarr and the Selectmen, their efforts to draft an application to apply for funding for their project from the Massachusetts School Building Authority. Ms. Creighton explained that they had decided to send out bid packages even though the funding is not yet in place in order to save time and reduce

building costs. She said that if the project is delayed, it will increase the cost of the project by ten percent or four million dollars per year. They have divided the project into a few separate bid packages, so that difficult parts of the project will not slow the rest of the project down. The Committee has also investigated various environmental issues and has included many "green" concepts in the design of the new building.

Ms. Creighton stated that Chapter 149 dictates the procedure for pre-qualifying contractors. The Committee has selected four qualified general contractors who have agreed to submit bids for the project and has found several qualified sub-contractors for all of the rest of the work except for the elevators. Counsel has advised the Committee to go with a General Conditions contract format rather than a modified standard AIA (American Institute of Architects) contract. Some groups have challenged the Committee's choice of one of the general contractors. The Committee has responded that it will listen to any concerns formally presented in writing and supported by specific facts. Selectman Randall gave a list of questions that had been forwarded to him by an attorney specializing in school construction projects to Ms. Creighton to ask the general contractors. Ms. Creighton continues to be pleased with the progress of her committee.

In other business, the Selectmen reviewed the Statement of Support of National Guard or Reserve employees to the Massachusetts Committee for Employer Support of the Guard and Reserve. A motion was made, seconded, and unanimously Voted to sign the Statement of Support.

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

Fuel and Gasoline Storage License Renewals:

- Nieberle's Service Station, d/b/a Ernie's Service Station for the Underground Storage of 14,000 gallons gasoline at 8 Main Street.
- Charles E. Holden, Trustee, Holden Essex Realty Trust for the Above-Ground Storage of 90,000 gallons of propane gas and 100 gallons of methanol alcohol at 9 Scot's Way.

Above-Ground Storage of Liquid Paraffin License Renewal:

- Glass Dimensions, Inc. at 197 Western Avenue.

License for an Amusement Device:

- Cape Ann Golf Course Corporation d/b/a Fairway Pub, George Stavros, Sr., Mgr. to operate two coin operated machines at 99 John Wise Avenue.

A motion was made, seconded, and unanimously Voted to grant Commercial Clamming Permits to Justin Cahoon and Michael Tilden.

Mr. Zubricki briefly reviewed an updated draft of the motions for the May 7th Annual Town Meeting.

The Selectmen were reminded of the following upcoming events:

- School Committee Meeting on Monday, April 9th in Room 25 at the Manchester Essex Regional Middle/High School @ 7:00 p.m.
- Playing Fields Committee on Tuesday, April 10th at the Water Filtration Plant on Centennial Grove Road @ 7:30 p.m.
- School Committee Meeting on Tuesday, April 10th, 2007 at the Manchester Essex Regional Middle/High School in Room 25 at 7:30 p.m.
- "Know Your Town Hall" on Wednesday, April 11th, at 7:00 p.m. at the Essex Elementary School sponsored by the Essex Historical Society and the Essex Historical Commission.
- School Building Committee Meeting on Tuesday, April 17th in the Community Room at the First National Bank of Ipswich on Martin Street, Essex @ 7:00 p.m.

Members of the Finance Committee (Chairman Gordon Martin, Andrew Briggs, and Jeff Soulard) and the Town Accountant Roxanne Tieri arrived to discuss finalization of the FY08 budget with the Selectmen. It was agreed to defer the police cruiser purchase until the Fall. After some discussion and suggestions, the Finance Committee voted to accept and finalize the FY08 budget. Mr. Zubricki hoped that the final budget could be sent to the printer by the end of the week.

Mr. Zubricki reported to the Selectmen that Town Moderator David Lane has suggested providing childcare during the Town meetings in the future. The Selectmen agreed that they are not in favor of providing that service at this time.

Mr. Zubricki said it would be necessary to hire someone to provide portable microphones or an auxiliary sound system for the Annual Town Meeting since it is being held in the gym. There is currently no money budgeted for this expense. The Selectmen asked Mr. Zubricki to arrange for the service and to fund it from the Reserve Fund.

Mr. Zubricki reviewed the three Enterprise Funds (Water, Sewer and Youth) with the Selectmen. A motion was made, seconded, and unanimously Voted to accept and recommend the three Enterprise Funds.

The Selectmen had no comments concerning the Sergeant Promotion Procedures that Police Chief Silva had drafted.

Mr. Zubricki informed the Selectmen that Attorney Greg Corbo has discovered a lien on the property being sold by William Allen on Southern Avenue. As a result, when the property is sold, there will probably be no money available to fund completion of the Southern Avenue clean-up or restoration of Town legal fees. Attorney Corbo has

suggested authorizing Mr. Cuffe, Mr. Allen's receiver, to apply for a loan on another property owned by Mr. Allen in the hopes of realizing enough money to at least complete the Southern Avenue clean-up. A motion was made, seconded, and unanimously Voted to authorize Counsel to explore the loan scenario.

The Selectmen reviewed a letter from Dennis and Rose Burnham of Western Avenue requesting to buy a small piece of Town-owned land adjacent to their property. Town-owned land may only be sold if agreed to by the Town residents at a Town Meeting. The warrant has already been closed for the coming May 7th meeting. Currently, there is no other meeting scheduled until May of 2008. Mr. Zubricki said that he would contact the Burnhams with the information.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:05 p.m.

Prepared By: _____

Attested By: _____