

## Selectmen's Meeting

April 23, 2007

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

Also Present: Town Administrator Brendhan Zubricki

The Chairman 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. Judy Sudduth, Tim Gates, and other members of the Concerned Citizens of Manchester/Essex appeared before the Board to discuss their proposal to stop the construction of tennis courts at the school in Manchester and to rehabilitate the courts at Memorial Park in Essex. The Selectmen advised the group that they, as Selectmen, have no jurisdiction over the courts in Memorial Park. The Department of Public Works operates and maintains the park.

There was no other Public Comment.

Rosemarie Carr introduced herself to the Selectmen. She is a candidate for appointment to the Council on Aging. Arlene Pizzo, a member of the Council on Aging, was also present. The Chairman entertained a motion to appoint Ms. Carr to the Council. The motion was moved, seconded, and unanimously Voted.

A motion was made, seconded, and unanimously Voted to approve a request to transfer from the Reserve Fund the amount of \$500.00 to the Town Meeting Expenses account to cover the cost of an auxiliary sound system at the May 7<sup>th</sup> Town Meeting.

A motion was made, seconded, and unanimously Voted to approve a request for a Line Item Transfer of \$800.00 from the Selectmen's Telephone account to the Town Hall Electricity account.

Rolf Madsen, the Chairman of the Conomo Point Planning Committee, appeared before the Board with questions about Article 13 and Article 14, one of the two articles concerning Conomo Point that are on the warrant. Article 14 is a petition article.

- Mr. Madsen requested that both articles be sent to the Department of Environmental Protection for review and comment on whether the intent of the Conomo Point Plan would be met.
- Mr. Madsen asked whether the entire article or only a part of the Conomo Point article that was passed in 1999 would become irrelevant if both or one of the new articles passed at the coming Town Meeting.
- The wording for identifying year-round residents was discussed.
- Mr. Madsen asked what the legal qualifying date for year-round occupancy would be.
- The 1999 article provided for a mediation procedure in the event that one would be needed and Mr. Madsen wondered whether that 1999 language was still valid.
- Various methods of preserving and protecting (from inflation) the principal balance of sale money received from the property were reviewed.

The Selectmen asked Mr. Zubricki to review Mr. Madsen's questions with Town Counsel. Mr. Zubricki said that Town Counsel has informed him that the Town Moderator may discuss both articles at the same time at the Annual Town Meeting if he chooses to do so. Town Counsel has also said that it was possible to pass both articles and that an article containing illegal elements could be adopted but not implemented. It was agreed that Mr. Madsen would present the article at Town Meeting and that Jeff Soulard would be in charge of the visual presentation of the article.

Mr. Leveille appeared before the Board to request that they waive the clamming application deadline for his two sons. The Chairman entertained a motion to waive the deadline. The motion was moved, seconded, and unanimously Voted to waive the deadline for Kyle and Cameron Leveille.

A motion was made, seconded, and unanimously Voted to approve and sign Commercial Clamming Permits for the following:

Mark R. Lane	Kyle Leveille
Cameron Leveille	Peter Marshall
Brad St. Martin	

In other business, Police Chief Peter Silva appeared to discuss a proposed speed limit change on a portion of Southern Avenue by Meadow Ridge Farm and Bothways Farm. The owner of Meadow Ridge Farm has expressed concern for the safety of his customers who cross Southern Avenue on their horses. Over the past several months, the Department has used different methods to study traffic patterns in the farm area. Because of the topography, Chief Silva and Paul Goodwin of the Department of Public Works feel that not much can be done to safeguard the riders from traffic leaving Essex. The Chief felt that a sign reducing the speed limit by 5 miles an hour could be posted on the side of the road that goes from Manchester to Essex and that it was the farm owner's responsibility to instruct his customers to use extreme care and caution when crossing the road. The Chief is still studying the speed limit decrease proposal and will make a final recommendation to the Board in the near future.

A motion was made, seconded, and unanimously Voted to renew Chief Peter Silva as the primary point of contact for the Northeast Homeland Security Regional Advisory Council.

A motion was made, seconded, and unanimously Voted to approve the renewal of a Fuel Storage & Sale License for Peter Panagoplos, Manager; Chanty, Inc.; d/b/a Richdale at 156 Main Street.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the April 9<sup>th</sup>, 2007 Selectmen's meeting.

A motion was made, seconded, and unanimously Voted to approve and sign a request to MassHighway for permission to pass over State roads for the Memorial Day Parade on May 28<sup>th</sup>, 2007.

A motion was made, seconded, and unanimously Voted to approve and sign a request to MassHighway for permission to pass over State roads for the Fireman's Memorial Sunday Parade on June 10<sup>th</sup>, 2007.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$82,280.10.

Martha Hoar asked the Selectmen to allow the Manchester-Essex Conservation Trust to place one acrylic holder filled with Conservation Trust brochures in the Town Hall Lobby. There are two sizes: 1) 7 ¾" H x 6 ½" W x 3 ¼" D and 2) 10" H x 5" W x 8" D. The Selectmen stated that the lobby display area was reserved for government agencies, but that there was a display area just outside the front doors to the Town Hall where anyone from the general public could display information. Ms. Hoar said that she would ask the Trust to consider the Selectmen's suggestion.

Brendhan Zubricki presented his Town Administrator's Report for the period covering April 7<sup>th</sup> through April 20<sup>th</sup> regarding the following items:

Van Wyck Conservation Restriction – 10-acre Parcel: Mr. Zubricki reported that the Conservation Commission and Mr. Van Wyck's attorney have reached agreement regarding the acceptance of a 10-acre parcel by the Commission. The attorney will be forwarding the documents for signature by the Board and the Commission. The restriction will be reviewed by the Executive Office of Environmental Affairs after all the signatures have been obtained. Martha Hoar felt that the Department of Conservation Services might be helpful in getting Mr. Van Wyck to comply with certain requirements before transferring the property.

Suggestions for Use of New Senior Center: It is anticipated that the new center will be used by many different groups once it is completed. Some groups have already expressed concerns about others using the center. These concerns were reviewed by the Selectmen and it was decided to create a Senior Center Committee similar to the old Scout House Committee. The new committee will schedule and manage the use of the center so that all groups are accommodated. Mr. Zubricki said he would solicit advice from Warren Grant, the Chairman of the old Scout House Committee.

Chebacco Lake Beaver Management Task Force: Mr. Zubricki reported that he has scheduled a meeting with Wenham Town Administrator Jeff Chelgren, Hamilton Town Administrator Candace Wheeler, Representative Brad Hill, and Senator Bruce Tarr on Friday, May 11<sup>th</sup> at 10:00 a.m. in Mr. Zubricki's office to discuss the creation of the task force and ask for guidance based on their experience forming the Miles River Task Force. Mr. Zubricki hoped that one of the Selectmen would be able to attend and Selectman Randall said he would attend. It is proposed that the Essex membership of the task force

be composed of one Selectman, one Board of Health member, the Board of Health Administrator, one Conservation Commission member, and the Superintendent of Public Works. Mr. Zubricki has also discussed candidates for task force members with the Lake Association.

Cable I-Net Upgrade: The new contract that the cable company signed with the Town requires the cable company to pay \$20,000 to the Town for the purpose of upgrading the Cable I-Net switching equipment to a faster system. Mr. Zubricki has discovered that the faster system will not be able to provide segregation of signals. The old system does provide this feature which allows for a secure network. Also, the Town does not utilize the highest speed available on the present system and therefore would have no use for the newer faster system at this time. Town Counsel has suggested keeping the \$20,000 in escrow until such time as a newer system better suited to the Town's needs is available. The Selectmen agreed.

Signed AFSMCE Contract: Mr. Zubricki presented the previously approved American Federation of State, Municipal, and County Employees (AFSMCE) contract which has been signed by the union representatives. A motion was made, seconded, and unanimously Voted to approve and sign the AFSCME contract.

EPBA Successor Contract: Next, Mr. Zubricki presented the previously approved Essex Policeman's Benevolent Association's (EPBA) Contract to be signed by the Selectmen. A motion was made, seconded, and unanimously Voted to sign the EPBA Contract.

Draft Annual Town Meeting Motions: Mr. Zubricki reviewed the newest draft of the motions for the May 7<sup>th</sup> Annual Town Meeting.

The Selectmen were reminded that on Wednesday, April 25<sup>th</sup> from 7:00 to 9:00 p.m., the Essex Lions will host an informational meeting regarding the articles on the May 5<sup>th</sup> Town Meeting Warrant at the Essex Elementary School. The Selectmen's Assistant will provide copies of the Warrant for handout at the meeting.

Boston MPO Bicycle/Pedestrian Study: The Metropolitan Planning Organization has forwarded plans and a draft for making bicycle and pedestrian improvements in the Town center. They have requested the comments from the Selectmen be returned by April 27, 2007. The Selectmen asked Mr. Zubricki to coordinate the efforts of the MPO with the people who are organizing the Route 133 Project to insure that there are no conflicts. Mr. Zubricki will also update the MPO on the current TIP status of the Route 133 Reconstruction Project.

In other business, Mr. Zubricki reviewed a Dog Complaint that was recently received concerning a dog belonging to Kelly Hurlburt of 2 Hardy's Lane. The dog, a pit bull, had bitten the calf and broken the skin of Mr. Styles from Salisbury. The victim had decided not to pursue the complaint. The Selectmen decided that a letter should be sent to the owner of the dog advising her to take measures to prevent any future incidents with her dog and informing her that any future incident will result in a formal hearing regarding

the dog. The letter will be sent by regular mail and certified mail with a copy sent to the victim.

Mr. Zubricki reported that the cable taping of a discussion of Annual Town Meeting Warrant Articles has been scheduled for Wednesday, May 2<sup>nd</sup>, 2007. Selectman Randall, Finance Committee Chairman Gordon Martin, and Town Administrator Brendhan Zubricki will be discussing the articles. Mr. Zubricki asked those involved in the taping to get to the studio by 7:00 p.m. to prepare for the presentation. The taping will begin at 7:30 p.m.

Selectman Randall presented a list of candidates and discussed his recommendations for the membership of the Long-Term Planning Committee. After discussion, a motion was made, seconded, and unanimously Voted that the Long-Term Planning Committee consist of fourteen voting members, two alternate members, five ex-officio or non-voting members and one Selectman (the fifteenth voting member). A motion was made, seconded, and unanimously Voted that the following people would be appointed as members of the committee:

Voting members:

Maureen Appleyard	Edwin Howard
Westley Burnham	Peter Kellerman
John E. Corcoran	Susan Lufkin
Robert Coviello	Eamon McGilligan
Michael Dyer	George Marsh
Michael French	Andrew St. John
Tom Guertner	Robert Teel

Alternate members (Non-Voting members):

Tom Lang	Susie Talbot
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Ex-Officio members (Non-Voting members):

Wally Bruce	Gordon Martin
Rob Fitzgibbon	Peter Silva
Paul Goodwin	

Selectman (Voting member):

A. Raymond Randall, Jr.

The Selectmen asked that thank you letters be sent to all who had volunteered for membership on the committee as well as letters to those who were chosen. The final draft of the Charge for the Long-Term Planning Committee was reviewed and discussed. A motion was made, seconded, and unanimously Voted to adopt the following charge for the committee:

### **Town of Essex Long-Term Planning Committee (LTPC) Charge**

*Mission:*

To work toward specific outcomes supported by resident values and consistent with the community's heritage. To acknowledge that the success of our community will be contingent on a vision of where we want to be and how we shall get there. The work of the Committee will influence the life-style of this and future generations.

*Task:*

The Long-term Planning Committee is to draft a comprehensive set of recommendations to be presented to the Board of Selectmen. Recommendations made by the Committee should clarify a long-term vision (e.g. 25 years) and strategy for the Town while embracing the Town's history and culture.

The locus of the Committee's work should include, but not be limited to the economic, social, and environmental distinctions for the Town of Essex. The committee's work should identify the unique community character of the Town that promotes economic growth while maintaining and enhancing the character of the community.

Any plan should solicit a collaborative exchange of ideas from the Town of Essex Planning Board, Conservation Commission, Finance Committee, Historical Commission, Department of Public Works, Chamber of Commerce. Further, the LTPC should consider an efficient method to survey the residents concerns and range of values. The advantages of contracting a professional town-planner should also be considered and coordinated with the Board of Selectmen and the Finance Committee as the Committee's work progresses.

Recommendations should include distinct projects that implement the Committee's vision. When possible, the Committee should rank their suggestions and attach a capital cost to each project.

*Membership and Term of Service:*

The membership of the Long-Term Planning Committee includes fifteen (15) voting members appointed by the Town of Essex Board of Selectmen. Voting members shall serve a term of three (3) years, or at the discretion of the Board of Selectmen and one voting member must be a Selectman. The Selectmen shall also appoint two (2) alternate members (for three-year terms) and five (5) ex-officio members. Ex-officio members shall be the Chairman of the Essex Conservation Commission or the Commission's designee; the Chairman of the Essex Planning Board or the Planning Board's designee; the Chairman of the Essex Finance Committee or the Committee's designee; the Superintendent of Public Works or the Board of Public Works' designee; and the Chief of Police or his designee. Neither ex-officio members nor alternate members are voting members.

Mr. Zubricki gave Chairman Jones a letter from Sue Thorne responding to a letter that

had appeared in the Manchester Cricket. Chairman Jones said that he had already spoken to Ms. Thorne about the matter.

The Selectmen reviewed the MIIA applications for the renewal of Professional Liability coverage. A motion was made, seconded, and unanimously Voted to approve and sign the applications.

The State sponsored Safe Routes to School Program is organizing a Walk to School event from the Essex Police Station to the Essex Elementary School on Wednesday, May 2<sup>nd</sup>, starting at 7:50 a.m. The Selectmen and the Town Administrator were invited to attend.

Mr. Zubricki reported that at Selectman Randall's request he had researched the pre-qualification process and had emailed everyone the results.

The Selectmen reviewed a letter from Charlie Stefanini concerning local control of cable franchising. The Selectmen agreed to thank him for the information.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will be meeting at Tom Shea's on Tuesday, April 24<sup>th</sup>, at 8:00 a.m. Selectman Lynch, Selectman Randall, and Town Administrator Brendhan Zubricki will be attending.

Mr. Zubricki will be attending the Annual Municipal TIP Input Day in Boston on Thursday, April 26, 2007.

The Cape Ann Chamber of Commerce will be having their Evening Business Exchange at Pathways for Children, 29 Emerson Street, Gloucester on Tuesday, May 1<sup>st</sup>, at 5:30 – 7:30 p.m. No one will be able to attend.

Mr. Zubricki reminded the Selectmen that their meeting on Monday, May 7<sup>th</sup> is scheduled to begin at 6:00 p.m. in Room 11 at the Essex Elementary School and the Annual Town Meeting will begin at 7:30 p.m. in the gym.

Citing the need to move to Executive Session to discuss collective bargaining issues with the Teamsters Local 42, the Chairman entertained a motion to hold a Roll Call Vote. The motion was made, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session. Town Administrator Brendhan Zubricki was invited to attend.

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

Prepared by: \_\_\_\_\_

Attested by: \_\_\_\_\_