

Selectmen's Minutes

June 4, 2007

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

Also Present: Town Administrator Brendhan Zubricki

Chairman Lynch called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment. Jim Rynkowski of 14R County Road introduced himself to the Selectmen and said he would like to express his dissatisfaction with the Harbormaster's new Mooring Rules and Regulations. Chairman Lynch recused himself from the discussion since he is a neighbor of Mr. Rynkowski. Mr. Rynkowski told the Selectmen that he used to have a mooring up until 2001 when he lost it as the result of his divorce. Soon after that he moved back into town and requested that he be allowed to have his mooring back from Harbormaster Harrell and then from Harbormaster Silva. He has been put on the waiting list for a mooring. In the interim, he has been borrowing moorings from other people who are not using them. The new mooring rules and regulations do not allow people with moorings to lend them out to others for extended periods of time. Mr. Rynkowski asked the Selectmen to intercede with the Harbormaster on his behalf to request that the rules be relaxed to allow him to borrow an unused mooring from someone else. The Selectmen told Mr. Rynkowski that the Harbormaster has complete authority regarding the creation and enforcement of the Harbor Rules and Regulations and that any requests can only be granted by the Harbormaster.

There was no other public comment.

Police Chief Peter G. Silva appeared before the Selectmen, along with Thomas Shamshak, Justin Zwicker and James Romeos. Chief Silva introduced each of the men and detailed their previous accomplishments and achievements. Thomas Shamshak is presently a part-time police officer, and upon graduation from the full-time Police Academy, he will be a candidate for a full-time police officer appointment. Chief Silva told the Selectmen that he would like to recommend both Justin Zwicker and James Romeos for part-time police officer appointments. The Selectmen agreed with his recommendation. A motion was made, seconded, and unanimously Voted to appoint Justin Zwicker and James Romeos to the position of part-time police officer. The Selectmen signed the appointment cards and instructed the new appointees to see the Town Clerk to get sworn into office. The Selectmen agreed that they would appoint Mr. Shamshak as a full-time patrolman after completing the Academy.

Chief Peter G. Silva said that he had hoped Officer Lutes would present a demonstration of the new harbor mooring system. However, Officer Lutes has been recently incapacitated. Chief Silva said that all the existing moorings have been assigned coordinates using a global positioning system and he displayed a map of the harbor on his laptop computer showing all the currently recorded moorings. He showed how, with the new program, he could easily find owners or locate moorings. The Chief is very satisfied

with the progress he has made, and said he and his department will continue to update the system.

At 7:30 p.m. Mindy Trafton introduced herself to the Selectmen. Ms. Trafton is interested in applying for the Town's newly funded position of Dog Control Officer. She currently has a full-time job, but also serves as a part-time dog control officer in the Town of Rockport. She spoke about her previous experiences in Rockport and said that she would be able to pick dogs up in her vehicle and transport them if necessary. The Selectmen thanked her for her time and interest.

In their capacity as members of the Licensing Board, the Selectmen reviewed the following license requests:

One-Day Auction License:

- R.A. DiFillipo d/b/a R.A. DiFillipo Auctions for use on June 26, 2007, between the hours of 8:30 a.m. and 10:30 p.m., within the confines of 125 Main Street.

One-Day Entertainment License:

- Essex County Greenbelt's Art in the Barn for use on Friday, June 15th, 2007 between the hours of 6:00 – 9:00 p.m. within the confines of the grounds and barns at the Cox Reservation located at 82 Eastern Avenue.

One-Day Wine and Malt License:

- Essex County Greenbelt's Art in the Barn for use on Thursday, June 14th, 2007 between the hours of 5:00 – 8:00 p.m. within the confines of the grounds and barns at the Cox Reservation located at 82 Eastern Avenue.
- Essex County Greenbelt's Art in the Barn for use on Friday, June 15th, 2007 between the hours of 6:00 – 9:00 p.m. within the confines of the grounds and barns at the Cox Reservation located at 82 Eastern Avenue.
- Lawrence D. Woodman, Woodman's, Inc. for use on Friday, June 8th, 2007, between the hours of 12 noon and 10 p.m. within the confines of 125 Main Street.

Subsequently, a motion was made, seconded, and unanimously Voted to grant these licenses.

At 7:50 p.m., the second candidate for the position of Dog Control Officer, Rob Steach, introduced himself to the Selectmen. Mr. Steach is currently serving as the animal control person for Manchester-by-the-Sea, in addition to serving on their Fire Department and acting as one of their EMTs. He presented the Board with his resume and spoke about his past experience working with animals. The Board thanked him for his interest.

A motion was made, seconded, and unanimously Voted to sign the weekly warrant in the amount of \$486,611.86.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the May 21st, 2007 Board of Selectmen's meeting.

Mr. Zubricki reviewed two dog complaints regarding dogs belonging to Linda Burke of 12 Harry Homans Drive. It was agreed that a public hearing would be scheduled for the next Selectmen's meeting on June 18th at 7:30 p.m. to investigate the incidents. Mr. Zubricki presented drafts of letters to Linda Burke and the complainants: Anthony Dragonetti and Bonnie Amero, informing them of the hearing and inviting them to attend. Mr. Zubricki explained that he had suggested to Mrs. Burke that she restrain her dogs voluntarily until the hearing. A motion was made, seconded, and unanimously Voted to approve and sign the letters which would be sent by regular mail and certified, return receipt mail.

Mr. Zubricki presented a request from the Department of Public Works to transfer funds from their Ground Maintenance Fund to their Highway Maintenance Fund under the auspices of the Municipal Relief Act. This will enable them to make some needed repairs. A motion was made, seconded, and unanimously Voted to approve the transfer request.

It was reported that Ed Culverwell, the owner of Tom Shea's restaurant had reported that the Massachusetts Alcoholic Beverage Control Commission had transferred his alcohol license to Greenbow Corporation and had removed his name from their Daily Sheet that goes out to Liquor Wholesalers. As a result, he is now unable to buy or sell liquor. The restaurant is in the process of being sold to Greenbow Corporation and the final sale closing has not yet taken place due to a problem with the restaurant's Chapter 91 License. It had been the intention of both parties involved that Mr. Culverwell would operate the restaurant until the closing, at which time the new owner would take over the operation. After several calls to the ABCC, Mr. Zubricki was able to contact a senior official, who agreed to allow Mr. Culverwell to continue to sell liquor at the restaurant contingent upon Mr. Culverwell and the buyer submitting a letter to the ABCC requesting that the license be held at the ABCC until further notice and certifying that the property transaction had not closed, that no money has changed hands, that the seller has not surrendered the certificate of license to the buyer, and that the buyer has not yet assumed the license, ownership or operation of the property.

At 8:10 p.m., the final candidate for the position of Dog Control Officer, Amy Reilly, appeared before the Selectmen. Ms. Reilly is a resident of Essex and currently serves on the Planning Board. She spoke about her experience as a dog trainer and told the Selectmen that she had interned with a trainer on the West coast for a number of years, before going into business alone. During the interview, it was suggested that the Selectmen should put together a list of local professional dog trainers. The list could be offered to dog owners with problem dogs. After asking Ms. Reilly how she would handle certain hypothetical situations involving dogs, the Selectmen thanked Ms. Reilly for her time and interest.

The Selectmen discussed each of the three applicants for the part-time position of Dog Control Officer. It was agreed that all of the applicants were well-qualified; however, it was felt that Rob Steach would be the best choice for the position. A motion was made,

seconded, and unanimously Voted to appoint Rob Steach to the position of Dog Control Officer, effective July 1st, 2007.

Mr. Zubricki reported that the Planning Board had submitted two candidates for the open position on the Board of Public Works: Walter Rich, who is the incumbent, and William Levy. The Selectmen agreed to reappoint Walter Rich and a motion was made, seconded, and unanimously Voted to reappoint Walter Rich to the Board of Public Works.

The Selectmen reviewed a proposed cooperative agreement from U.S. Dept. of Interior regarding a Perennial Pepperweed Control Program for the Parker River National Wildlife Refuge. The Selectmen asked Mr. Zubricki to seek the opinion of Town Counsel.

A letter from the First Congregational Church of Essex requesting the use of Centennial Grove for a series of informal summer picnics was presented to the Selectmen for consideration. After a brief discussion, the Selectmen asked Mr. Zubricki to inform the church that anyone is free to use the Grove in small groups on a non-exclusive basis and to make sure that anyone parking at the Grove from out of town should park in the lower parking lot to avoid getting ticketed by the Police.

Mr. Zubricki presented a request from the Essex Historical Society and Shipbuilding Museum asking the Selectmen to endorse and partner with the Museum in encouraging people to support the Museum's Membership Drive. After some discussion, a motion was made, seconded, and unanimously Voted to approve the agreement as the Selectmen had rewritten it expressing support of the Society and Museum's endeavors to preserve the Town's rich cultural heritage.

Mr. Zubricki said that Tom Pallazola had contacted him to ask if the Junior Hornets might be allowed to use of the Field of Dreams for football practice. Mr. Zubricki said that Paul Goodwin, the Superintendent of the Department of Public Works, had informed him that he has no objection to the Hornets use of the field. It was also suggested that they could use the new middle field behind the Town Hall. The Selectmen agreed that the Hornets could use the fields, but would have to schedule their use around the Fall soccer schedule which takes precedence. The Hornets, like the soccer team, would be charged a once-a-season, \$10 per child user fee that would go to the Centennial Grove Revolving Fund to assist with Grove maintenance.

Brendhan Zubricki presented his Town Administrator's Report for the period covering May 19th through June 1st, regarding the following items:

Town Website Improvement: Mr. Zubricki reported that the town of Manchester is very happy with the vendor, Virtual Town Hall, which they chose to host and maintain their website. It cost them about \$5,500 for set-up and \$3,000 for annual maintenance. The Selectmen asked Mr. Zubricki to seek the Finance Committee's opinion about including the cost in the Town's regular operating budget.

Mr. Zubricki told the Selectmen that Andrew Briggs does not want to continue to serve on the Finance Committee. It was agreed that a thank you letter would be written to Andy.

Continuity of Operations Plan (COOP): Mr. Zubricki compared the benefits of establishing an emergency relocation site versus using an off-site storage company. Selectman Jones suggested establishing a reciprocal agreement with another town about 30 miles away for an ERS. Mr. Zubricki will explore that option and will report back.

Comstar Billing Agreement Renewal: Mr. Zubricki presented a renewal of the Comstar Billing Agreement for one-year. A motion was made, seconded, and unanimously Voted to approve and sign the Comstar one-year renewal contract.

MetroFuture Population and Employment Projections: Mr. Zubricki asked the Selectmen if they had any comments to forward to the Metropolitan Area Planning Council regarding the MAPC's 30-year population and employment projections for Essex. There were no comments.

The Selectmen were reminded that June 4th through June 8th is Small Business Week. Thursday, June 7th, 5:00 – 7:00 p.m. at the Village Restaurant, there will be a presentation of the Small Businessman of the Year Award to Ronald and Robin Pydynkowski of Cape Ann Tree Service. Chairman Mark Lynch and Selectman Randall will attend.

On Monday, June 4th @ 8:00 p.m. the School Building Committee will meet at the Manchester Essex Regional Middle/High School in Room 25.

On Tuesday, June 5th @ 7:30 p.m. the School Committee will meet at the Manchester Essex Regional Middle/High School in Room 25.

The Planning Board will meet on Wednesday, June 6th @ 7:00 p.m. at the Essex Fire Station.

On Tuesday, June 12th, from 5:00 – 7:00 p.m., the Cape Ann Chamber of Commerce Evening Business Exchange will meet at Carrigan Enterprises, the Sayward Street Condominiums, 27 Sayward Street, Gloucester.

The next Long-Term Planning Committee meeting is on Wednesday, June 27th at 7:00 p.m. at the Essex Fire Station.

Mr. Zubricki said that Dave Ferris of the Department of Environmental Protection has received the Selectmen's letter concerning Conomo Point and is in the process of reviewing it.

Rolf Madsen appeared before the Selectmen to express his interest in being appointed as an alternate member of the Board of Appeals. A motion was made, seconded, and

unanimously Voted to appoint Mr. Madsen as an alternate member of the Board of Appeals.

Citing the need to move to Executive Session to discuss certain real estate issues and pending legal matters, the Chairman entertained a motion to hold a Roll Call Vote. Chairman Lynch invited Mr. Madsen and Mr. Zubricki to attend the Executive Session and said that the Board would return to regular session later. 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 9:35 p.m.

It was agreed that a joint meeting of the Conomo Point Committee and the Board of Selectmen with Town Counsel would be scheduled in the near future.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Prepared by: _____

Attested by: _____