

Selectmen's Minutes

July 2, 2007

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

Also Present: Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham

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. Eleanor and Kirk Smith of 111 Conomo Point Road stated that they would like to express their dissatisfaction with the new Harbormaster's Rules and Regulations. Mr. Smith said that he has had a mooring at the point for the last 25 years, that his wife has had her own mooring for the last 15 years and that their daughter has also had a mooring for the last 10 years. The new regulations will only allow their family to have two moorings. The Smiths said that Harbormaster Silva has confirmed that under the new rules, each family will only be allowed to have two moorings and if additional moorings are desired for other family members, the family members' names will be added to the mooring waiting list. The Smiths pointed out that the written regulations say that there will be two moorings allowed per person and that is different from two per family or household. They also said that Susan Mears, who also lives at the point, has more than two moorings. The Selectmen informed the Smiths that under State law, the Harbormaster is entirely responsible for formulating and enforcing the Rules and Regulations and that the Selectmen have no jurisdiction over the Harbormaster. They thanked the Smiths for coming to the Board meeting and said that they would take the matter under advisement with the Harbormaster.

There was no other public comment.

Mr. Brendhan Zubricki presented his Town Administrator's Report for the period covering June 16th through June 29th, regarding the following items:

Senior Center Committee Charge: Mr. Zubricki said that the Senior Center Committee would like to have a charge and that he would be happy to draft a charge for the Selectmen's review based on the notes provided by Warren Grant regarding the operation of the old Scout House Committee. The Selectmen agreed to Mr. Zubricki's suggestion.

Potential Use of MERSD Telephone Broadcast System: Mr. Zubricki reported that he had looked into the system used by the school district and that it is not practical to borrow that system for Town of Essex needs. There are other similar systems available on the market, as well as other companies that could provide the same services for a fee. The Selectmen decided that they are not interested in exploring the idea at this time.

Conomo Point Seawall Repairs: Mr. Zubricki said that the Department of Public Works Superintendent had informed him that the Conomo Point Seawall is in immediate need of repair before it can deteriorate any further. Superintendent Goodwin said that because of the new fiscal year, he has money available to make the repairs. The repairs which were

unforeseen, will ultimately result in his budget being short at the end of the fiscal year. Mr. Zubricki said that the Superintendent had asked if the Selectmen would be in favor of including an article in the warrant for a Special Town Meeting this Fall or winter that would fund the repairs to the sea wall. The Selectmen had no objection to such an article being included.

Web Hosting Vendor Proposal: Mr. Zubricki reported that he has been in contact with a web hosting vendor. It would cost about \$3,995 to establish a web site with 5 users and about \$2,000 per year thereafter for web maintenance. Additional users could be added for a fee of \$150 per user per year. It was determined that it would initially cost about \$5,000 to set up and maintain the new web site for the first year. The Selectmen asked Mr. Zubricki to discuss funding at a Fall or winter Special Town Meeting with the Finance Committee which has previously been in favor of the idea.

Youth Commission Court Renovation Study: Mr. Zubricki presented a proposal from Graham Associates to perform a study of the existing tennis courts and surrounding area at Memorial Park. The Youth Commission had asked if the Selectmen would be in favor of allowing the Youth Commission to use money from their Essex Youth Commission Park Improvement Gift Fund to pay for the study. The Selectmen requested Mr. Zubricki to ask the members of the Youth Commission to attend their July 30th, 2007 meeting for further discussion of the project after he confirms with the Board of Public Works that they support the project.

Regulation of Parking/Launching on Front Beach: Mr. Zubricki said that he had further investigated the history of parking and boat launching restrictions at Front Beach. For many years now, parking and boat launching have been prohibited at Front Beach from June 1st through October 1st and the Police have put up the barrier and signs. Everyone has accepted the restrictions. This year, a resident placed his own barrier and no parking signs on Front Beach on the holiday weekend before June 1st. Some friction resulted from the premature placement of the unofficial barrier. After review, the Selectmen decided to keep the June 1st through October 1st dates and to ask Mr. Zubricki to inform the resident of that decision; and also, that it is the Police Department's duty to place the barrier and signs and not the resident's.

Pepperweed Control Cooperative Agreement: Mr. Zubricki reported that the U.S. Fish and Wildlife Service had responded to Town Counsel's request for changes in the Pepperweed Control Cooperative Agreement with a new simple permission slip to be signed by the Town. Before asking Town Counsel's opinion of the new slip, the Selectmen requested Mr. Zubricki to find out if and what other Towns had signed in order to participate in the same program.

Shanks Utility/Access Easement: Mr. Zubricki presented the finalized Easement Agreement between the Town and Mr. Timothy Shanks for the Selectmen's approval and signature. The Town Clerk, Sally Soucy, was present to witness the signatures and notarize the document. Mr. Zubricki said that he had a certified copy of the Town

Meeting Vote that would be recorded along with the Easement. A motion was made, seconded, and unanimously Voted to approve the Easement.

Use of Field of Dreams for Jr. Hornets Games: Mr. Zubricki reminded the Selectmen that they had previously agreed to grant the Junior Hornets use of the Field of Dreams for practice as long as their use did not interfere with the Soccer schedule. The construction of the new field in Manchester is being delayed due to discovery of peat on the site and it is anticipated that the field will not be ready for use in the Fall as previously thought. Mr. Zubricki reported that the Junior Hornets are now asking for permission to use the Field of Dreams for Sunday games as well and that the Selectmen put both approvals in writing. A motion was made, seconded, and unanimously Voted to approve the use of the Field of Dreams by the Junior Hornets for practice and Sunday games as long as the use does not conflict with the Soccer schedule or the Youth Summer Camp program and as long as the Junior Hornets agree to the same per head usage fees that are charged to the Soccer program. The Selectmen asked that the Junior Hornets confer with the Department of Public Works Superintendent about ways to avoid causing undue stress to the playing field.

Police Chief Silva appeared before the Board to introduce and recommend the appointment of two individuals for part-time employment: John Raymond to Assistant Harbormaster and Gregory Brown to Part-Time Police Officer. A motion was made, seconded, and unanimously Voted to approve the appointment of John Raymond to Assistant Harbormaster and Gregory Brown to Part-Time Police Officer pending both candidates passing their drug and alcohol testing.

Chief Silva stayed with Fire Engineer Dan Doucette to discuss the quality and the limitations of the present communication system that is used by the Dispatch Center, Fire Department vehicles, and Police Department vehicles. It was agreed by everyone that the Fire Engineer and the Police Chief will continue to work together to provide the most optimal solutions to any perceived communication problems.

The Selectmen informed Chief Silva, who is also the Town's Harbormaster, about their interview with Kirk and Eleanor Smith earlier in the evening concerning their loss of one of their moorings. The Chief said that he has talked to both the Smiths and Susan Mears. He said that he had misunderstood the Mears situation and had corrected it. The Mears now only have two moorings. He reported that under the new regulations a lot of people have lost moorings. It was his intent when he formulated the new regulations that each household or family be allowed two moorings. The Selectmen pointed out that the actual wording in the regulations may not reflect that intent and that he might want to refine the wording to avoid future problems. Mr. Zubricki agreed to call the Smiths to advise them that everyone will be treated equally and that the Mears situation has now been corrected.

Police Station Construction Grant Program: Mr. Zubricki reported that he further investigated the grant program. The program requires that the Town commit to 50% matching funds by November of this year. The entire program is only funded with \$2 million to be divided among all the successful applicants and our project is expected to

cost in \$3 to \$4 million range. Whatever is not funded by the grant would have to be borrowed by the Town. The Selectmen concluded that they are not in a position to pursue the grant and the Chief of Police did not have any suggestions for smaller projects at this time.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign this week's FY07 warrant in the amount of \$120,732.21.

A motion was also made, seconded, and unanimously Voted to approve and sign this week's FY08 warrant in the amount of \$695,746.23.

Paul and Beth Collins, along with Suzanne Audette their realtor, appeared before the Selectmen to discuss the transfer of the lease for the property that they are purchasing at 31 Middle Road from Eric and Kathleen Spunt. The Selectmen reminded the Collins' that based on past town meetings, there will be no renewal of the lease after December 31st, 2011. After a discussion, a motion was made, seconded, and unanimously Voted to approve and sign the transfer of the lease from Eric and Kathleen Spunt to Paul and Beth Collins.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the June 18th, 2007 Selectmen's meeting.

A motion was made, seconded and unanimously Voted to approve the rental of Centennial Grove by Margaret Nelson for a family picnic on Sunday, August 5th, 2007 between the hours of 11:00 a.m. and 3:00 p.m.

At 8:25, citing the need to discuss collective bargaining issues relative to the Teamsters, Chairman Lynch entertained a motion to move to Executive Session. The Chairman said that the Board would return to regular session later and invited Town Administrator Brendhan Zubricki and Police Chief Peter Silva to attend the Executive Session. The motion was moved, seconded, and per a unanimous Roll Call Vote the Board moved to Executive Session.

Per a unanimous Roll Call Vote, the Board returned to regular session at 8:45 p.m.

The Selectmen reviewed a letter from Deborah B. Blanchard of 85 Wood Drive regarding the poor condition of Wood Drive due to recent new construction that has caused significant damage to the road. Ms. Blanchard requested the Selectmen's help in returning the road to its original condition. Mr. Zubricki has forwarded the letter to the DPW Superintendent who has been talking to Ms. Blanchard. The Superintendent is also exploring various remedial options. The Selectmen asked Mr. Zubricki to tell Ms. Blanchard that they have forwarded her concerns to the Department of Public Works.

The Selectmen reviewed the following budgetary requests and took the following actions:

- A motion was made, seconded, and unanimously Voted to approve and sign a Line Item Transfer from Street Lighting to Dog Control Officer Expenses in the amount of \$700 for FY08.
- A motion was made, seconded, and unanimously Voted to approve a request for an Encumbrance in the amount of \$3,500 for picnic tables for Centennial Grove from money budgeted for Town Property Expenses.
- A motion was made, seconded, and unanimously Voted to approve a request for an Encumbrance in the amount of \$239.85 for the Shellfish Warden Deputy's Salary due to a late pay voucher from FY07.

The Selectmen discussed the Independent Living Center of the North Shore and Cape Ann's request that the Town of Essex proclaim July 26th, 2007 as "Americans with Disabilities Act Day". The Selectmen asked the Selectmen's Assistant to schedule an appointment with the ILCNSCA representative for the July 16th meeting at which time the Selectmen will vote to issue the proclamation.

Acting in their capacity as the Town's Licensing Board, a motion was made, seconded, and unanimously Voted to grant the following permits and licenses:

One-Day Auction Permit:

- Carl W. Stinson, Inc. for use on Thursday, July 19th, 2007, between the hours of 9:00 a.m. and 10:00 p.m., within the confines of 125 Main Street.

One-Day Wine and Malt License:

- Margaret Nelson, Nelson Family Picnic for use on Sunday, August 5th, 2007, between the hours of 11:00 a.m. and 3:00 p.m. within the confines of Centennial Grove.

Common Victualler's License:

- Greenbow Corporation, d/b/a Tom Shea's; David Brown, Manager, at 122 Main Street.

Mr. Zubricki said that he has recently talked with the executor of the Kamon estate and that the executor expected the property adjoining Memorial Park to be placed on the market in the near future for approximately \$325,000. Mr. Zubricki said that the executor was open to the Town's potential purchase of the property. Due to the fact that no funds are available at present to fund such a purchase and that it is a lengthy process to raise funds via a Town Meeting, the Selectmen asked Mr. Zubricki to convey their interest in the property, but to advise the executor that they could not make any commitments at this time and he should pursue his own interests.

Mr. Zubricki reported that the Massachusetts Area Planning Council is sponsoring a Leadership Dialogue with cities and towns. The MAPC has requested that a representative from both the Town's Planning Board and the Town's Board of Selectmen attend. The Selectmen asked Mr. Zubricki to ask Peter Phippen, the Town's MAPC representative, to attend the meeting in their stead.

Mr. Zubricki said he has been tracking electricity prices over the past year based on Electricity Supply Pricing Targets that the Selectmen had established in the past with a

view towards locking in a long-term contract. So far, the prices are still fluctuating and have not met the targets. Mr. Zubricki said he would continue to monitor the prices. He is also trying to get the new Senior Center added to our existing contract under the old rates.

Mr. Zubricki informed the Selectmen that the State had recently recommended an Amendment to the Section 125 Cafeteria Plan Document, based on recent information. Subsequently, a motion was made, seconded, and unanimously Voted to approve the Amendment to the Section 125 Cafeteria Plan Document.

The Selectmen were reminded to arrange a time to meet and take down Little League Fence at Centennial Grove.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:05 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.