

Selectmen's Minutes

July 16, 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. and announced that the Board would hear public comment. There was no public comment.

Anne White, the principal organizer of the Music Festival, appeared before the Board to speak about the plans for this year's event which will be their 14th year. The Cape Ann Chamber of Commerce sponsors the event. Ms. White has 17 bands lined up that will be donating their time. The Essex Boy Scouts, with adult supervision, will be assisting with parking and the Essex Lions Club will be running the food concession. Mercury Brewing of Ipswich will be providing beverages at a nominal cost. She has made arrangements for a police detail, two lifeguards, and an additional sanitation unit. Essex Radio and Sound will provide the sound for the entire event. Ms. White asked the Selectmen for their permission to hold the event at Centennial Grove and that the rental and licensing fees be waived, since all proceeds from admission fees will be turned over to the Town for the continued operation and maintenance of the Grove. A motion was made, seconded, and unanimously Voted to approve the use of the Grove for the Music Festival on Saturday, August 25th, 2007 from noon until 8:00 p.m. and to waive the associated fees.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the FY07 warrant in the amount of \$75,463.71.

A motion was made, seconded, and unanimously Voted to approve and sign the FY08 warrant in the amount of \$60,822.71.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the July 2nd, 2007 Selectmen's meeting.

After reviewing a letter from Fire Chief Richard Carter, a motion was made, seconded, and unanimously Voted to approve the appointment of David W. Barrett and Christopher Carson to the Essex Auxiliary Fire Department. The Selectmen duly signed the appointment cards.

Mr. Zubricki reported that the North Shore Home Consortium have sent a new revised Mutual Cooperation Agreement for the Selectmen's signature. Upon inspection, he has found that certain sections are substantially different from the Agreement signed in the past. A motion was made, seconded, and unanimously Voted to approve the new Agreement contingent upon Town Counsel's review and recommendation.

Jeff Soulard, the new chairman of the Finance Committee, appeared before the Board to recommend James F. Horrocks, a resident of Choate Street, be appointed to the Finance

Committee. Under the Town Bylaws, the Committee is allowed to have seven members and there are currently four. A motion was made, seconded, and unanimously Voted to appoint James F. Horrocks to the Finance Committee for a term of three years.

At 7:15 p.m. Chairman Lynch announced the Continuance of the Public Hearing regarding a liquor license for the restaurant at 112 Main Street owned by Susie Offenberger. Ms. Offenberger was present to update the Selectmen on the status of the property. She reported that the foundation repairs are currently 95% complete. She stated that she has two buyers who are very actively interested in purchasing the property and she is very optimistic that the situation will be resolved by year-end. She is considering running the restaurant jointly with one of the interested buyers. However, if the other interested buyer is successful in purchasing the property, she will not be part of the business operation. She asked that the Selectmen continue the hearing to a later date, at which time she will perhaps be in a better position to predict the future of the restaurant. A motion was made, seconded, and unanimously Voted to continue the hearing until September 24th, 2007 at 7:15 p.m. at the T.O.H.P. Burnham Public Library.

Chairman Lynch reported that he is unhappy to discover that the \$4,000 that was incorporated into the Planning Board's fiscal year 08 Budget for workshops regarding the Town's Zoning Bylaws would only fund one workshop not several. It is commonly acknowledged that the Town's Bylaws are "a mess" and contain gaps that are problematic. He said that the cost to fix the majority of the loopholes in the Bylaws had been estimated at around \$30,000. Chairman Lynch stated that he felt it would be more advantageous to spend the money to begin correcting the Bylaws. He asked Town Counsel Gregg Corbo, who was present, if it was possible and advisable for the work to be phased in over a period of time. Town Counsel said he would investigate the possibility which would also include a Bylaw review with other members of his firm.

The Selectmen also informed Attorney Corbo that Kopelman and Paige had sponsored a workshop on Chapter 40 B for the Town of Ipswich which had been very favorably received and asked him if the firm could put something together for them based on the specific needs of the Town of Essex. Town Counsel said he would see what could be arranged.

The Selectmen reviewed a letter from the Commonwealth of Massachusetts Department of Revenue Underground Storage Tank Program announcing that the Town's grant application in the amount of \$1,519.50 had been approved. In order to complete the grant process, it is necessary to complete and submit a signed Commonwealth of Massachusetts Standard Contract Form. A motion was made, seconded, and unanimously Voted to approve and sign the Standard Contract Form.

Mr. Zubricki reported that the contractor for the new Senior Center, Pope Industries, Inc., had requested a time extension of their original contract based on delays imposed by utility companies that were beyond Pope Industries' control. A motion was made, seconded, and unanimously Voted to approve and sign an extension of the contract with Pope Industries, Inc. for the Senior Center from June 30, 2007 to July 31, 2007.

The Selectmen reviewed a letter from Ed and Joyce Perkins strongly supporting Officer Michael French's candidacy for the vacant position of Sergeant on the Essex Police Force. The Selectmen asked Mr. Zubricki to send a letter to the Perkins' advising them of the process for selection of Sergeant. Chief Silva has developed a process that uses independent consultants to assist in candidate evaluation. The process also includes a written examination and an oral interview, as well as consideration of past service and educational background. They also asked Mr. Zubricki to request Chief Silva to appear before them prior to his making a formal recommendation on the appointment to acquaint them with the candidates and the results of his selection process.

The Selectmen were informed that Sylvester Freitas, Jr. is in the process of purchasing the stock in the S&F Corporation that operates JR's Route 22 restaurant. Because there is a transfer of stock, a new board of directors, and a pledge of the all alcoholic liquor license involved, the Massachusetts Alcoholic Beverage Control Commission requires that he provide them with certain documents in order to continue to have an alcohol license. To date he has furnished most of the documents. However, he still needs to provide a completed Form 997, a copy of the Certificate of Change that was filed with the State, a copy of the Pledge Agreement, a floor plan, proof of citizenship, and a commitment letter from his bank providing the financing for the purchase. Once those documents have been received, the Selectmen will schedule and publish a notice of a public hearing at least ten days prior to the date of the hearing. If, at the public hearing, the Selectmen approve the application, the documents will be forwarded to the ABCC for their review and approval.

In other business, the Selectmen signed the appointment cards for the members of the new Senior Center Committee who were previously appointed at the June 18th Selectmen's meeting.

After reviewing a letter from the Independent Living Center of the North Shore and Cape Ann a motion was made, seconded, and unanimously Voted to proclaim Thursday, July 26th, 2007 as Americans with Disabilities Act Day. Chairman Lynch signed the proclamation.

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

One Day Wine and Malt:

- Lawrence D. Woodman, Woodman's, Inc. for use on Thursday, July 19th, 2007, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Thursday, August 9th, 2007, between the hours of 12:00 noon and 10:00 p.m. with in the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Friday, August 10th, 2007, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.

- Lawrence D. Woodman, Woodman's Inc. for use on Friday, July 27th, 2007, between the hours of 2:00 p.m. and 6:00 p.m. within the confines of 125 Main Street.
- Michael Costello, Cape Ann Chamber of Commerce for use on Saturday, August 25th, 2007, between the hours of 12:00 noon and 8:00 p.m. within the confines of Centennial Grove.

One-Day Entertainment License:

- Michael Costello, Cape Ann Chamber of Commerce for use on Saturday, August 25th, 2007, between the hours of 12:00 noon and 8:00 p.m. within the confines of Centennial Grove.

One-Day Auction Permit:

- Michael March, d/b/a Blackwood March Antiques for use on Tuesday, August 7th, 2007 between the hours of 4:00 and 11:00 p.m. within the confines of 125 Main Street.

Brendhan Zubricki presented his Town Administrator's Report for the period covering June 30th through July 13th, regarding the following items:

Draft Senior Center Committee Charge: Mr. Zubricki reported that Warren Grant, the Chairman of the old Scout House Committee, had reviewed his draft of the charge for the new Senior Center and had suggested that paragraph 2 be removed and that two provisions be added to include the Committee's ability to formulate their own rules and forms and to prohibit any changes to the building. The Selectmen were in agreement regarding the suggested changes and a motion was made, seconded, and unanimously Voted to approve the new charge once those changes were made.

Citing the need to discuss real estate and recent litigation issues, the Chairman entertained a motion to move to Executive Session. Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, and Conomo Point Planning Committee Chairman Rolf Madsen were invited to attend. The Chairman said the Board would be returning to regular 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 9:25 p.m.

Teamsters Collective Bargaining: Mr. Zubricki announced that there had been a collective bargaining session with the Teamsters that morning and that he would prepare a report for the Selectmen's review and discussion at the July 30th Board of Selectmen's meeting. The next bargaining session is scheduled for August 8th at 7:30 a.m. at the Fire Station.

Purchase of Property Adjoining Memorial Park: Mr. Zubricki reported that the person responsible for the property will be listing the property for sale and that it is likely that the property will be sold before the Town has time to act. The Selectmen suggested that

the Youth Commission be informed of the availability of the property and Selectman Randall has made attempts to make that contact. He will continue that effort.

Dog Complaint: Mr. Zubricki reported that a dog complaint has been received regarding two bulldogs and a golden retriever on Wood Drive. Both the Police Department and the new Dog Control Officer, Rob Steach, had been contacted concerning the matter. The two bulldogs, belonging to Carl Coose, allegedly attacked a golden retriever belonging to Susan Ostrowski who was looking at a house for sale next door to Mr. Coose. During the attack, it was alleged that Mr. Coose did nothing to help the situation and repeatedly kicked the golden retriever as it lay on the ground bleeding. The golden retriever required surgery to its throat and stomach. Mr. Zubricki presented the Selectmen with letters to both parties citing the incident and requesting their presence at the July 30th Board of Selectmen's meeting for a formal public hearing at 7:10 p.m. in the T.O.H.P. Burnham Public Library. A motion was made, seconded, and unanimously Voted to approve and sign the letters that would be sent by regular mail and certified return receipt mail. Mr. Zubricki said that Rob Steach would be attending the hearing as well.

In another dog complaint matter, it was noted that Ms. Linda Burke had not met the deadline to erect a fence to contain her two dogs as requested by the Selectmen at the formal public hearing on June 18th. The Selectmen asked Mr. Zubricki to call her to find out her intentions regarding the matter.

Senior Center Update: Mr. Zubricki reported that he has scheduled a public hearing regarding the new Senior Center for July 26th at 2:00 p.m. in the Essex Fire Station. The Grant Consultant John Ryan will be attending to assist in answering any questions. Selectman Randall said that he would also be able to attend. It was suggested that there be an Open House scheduled for sometime in September to introduce the new building to the community. The event will be attended by legislators and other dignitaries who will officially open the building to the public.

Bicycle and Pedestrian Improvements in Town Centers: Mr. Zubricki presented the Selectmen with the official Bicycle and Pedestrian Improvements in Town Centers Report that has been published by the Boston Region Metropolitan Planning Organization. He said that the report does not reference that most of plan will be implemented by the State's Route 133 Reconstruction Project slated for next year and that he had so informed the representative of the Boston Metropolitan Planning Organization. The representative agreed to amend the report and asked Mr. Zubricki to ask the Selectmen if they would like a formal presentation of the report. The Selectmen were not interested.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will be meeting on Thursday, July 26th, 2007 at Periwinkles at 8:00 a.m.

Mr. Zubricki presented a letter to be signed authorizing participation in the Shannon grant program to benefit the Police Department. A motion was made, seconded, and

unanimously voted to authorize Mr. Zubricki to sign the letter as the Town's representative.

The Selectmen asked Mr. Zubricki to write a letter on their behalf to Police Chief Peter G. Silva congratulating him and his assistants on the acquisition and refurbishment of a new harbormaster boat at no cost to the Town. They also wished to express their thanks for his demonstration of the boat's abilities.

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

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.