

Selectmen's Minutes

July 30, 2007

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

Also Present: Town Administrator Brendhan Zubricki and 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. There was no one present from the public to offer any comment.

Robert Fitzgerald appeared before the Board as a representative from the Church of Jesus Christ of Latter Day Saints to request permission to use Centennial Grove on Saturday, August 18th, 2007 from 1:00 p.m. to 6:00 p.m. He also asked for a waiver of the associated fees in exchange for performing any painting, repair, or cleanup that may be needed or desired at the Grove. The Selectmen welcomed his offer. A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by Mr. Fitzgerald's church group on August 18th and to waive the fee in exchange for community service. Mr. Fitzgerald was asked to call Mr. Zubricki to discuss painting the beach barn or other structures at the Grove or Field of Dreams. The Selectmen agreed that materials for the project would be provided by the Town.

Mr. Brendhan Zubricki presented his Town Administrator's Report for the period covering July 14th through July 27th, regarding the following items:

Chebacco Task Force Update: Mr. Zubricki has been in contact with the Conservation Commission and they have asked the Selectmen to file a Request for Determination of Applicability regarding the removal of debris, vegetation, and beaver dams from the Alewife Brook between Chebacco Lake and the Essex River. This action is deemed necessary to allow the alewives access to the Lake and the River and to allow for proper drainage in the area. Mr. Zubricki presented the completed form to the Selectmen for their review and the Chairman's signature. A motion was made, seconded, and unanimously Voted to approve and sign the Request for Determination of Applicability.

Housing of Computer Resources/Personnel in an Emergency: Mr. Zubricki reported that he had visited the Town of Tewksbury and met with that Town's Information/Technology Officer. Tewksbury is about 40 miles away from Essex and would qualify as a far-site backup computer site in the event of an emergency. Tewksbury is interested in exploring a reciprocal agreement that would allow each town to store backup servers in the other town. In the event of an emergency, the unaffected town would provide two or three workstations, workspace, a telephone and an internet connection. The Selectmen agreed that Mr. Zubricki should continue to work with the Town of Tewksbury and Town Counsel to formulate a plan and agreement for further consideration by the Selectmen.

Dog Order Follow-up: Mr. Zubricki has spoken with Ms. Burke of Harry Homans Drive regarding the Selectmen's order to erect a fence to restrain her two dogs. Although the fence is not yet erected, Ms. Burke is working with Amy Reilly, a neighbor who is a dog trainer, to train the dogs. Ms. Reilly is also going to help with the installation of an electric fence and the additional work required to train the dogs to the fence. The dogs have been restrained and supervised since the dog hearing and have been leashed when off the property. A motion was made, seconded, and unanimously Voted to approve the electric fence and training of the dogs by Ms. Reilly as an alternate solution. Mr. Zubricki said he would send a letter to Ms. Burke and the related parties to inform them of their decision.

911 Training Reimbursement Grant: Mr. Zubricki presented an FY2007 Statewide Emergency Telecommunications Board Training Grant Reimbursement Form for the Selectmen's review and explained that it was necessary to return the completed form to the State in order to receive partial reimbursement for training received by members of the Town's Emergency Center. A motion was made, seconded, and unanimously Voted to designate and authorize the Chairman as the authorized officer of the contractor. Chairman Lynch signed the forms which were notarized by Assistant Town Clerk Dorothy M. Elwell.

At 7:10 p.m. Chairman Lynch entertained a motion to open a public hearing regarding two bulldogs owned by Carl Coose of 75 Wood Drive. The motion was moved, seconded, and unanimously Voted. Present for the hearing were Carl Coose, Mr. Coose's attorney Kevin James, Sharon Ostrovitz, Scott Galver, Robert Repucci, Janice Allen, Nancy Light, Suzanne Bowering, and Officer Steve Patten. The Chairman asked everyone interested in speaking at the hearing to raise their right hand and to solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth, and nothing but the truth. Everyone so swore. The Chairman asked if there was anyone to speak against the dogs. Ms. Ostrovitz said she had been looking at a house for sale on Harry Homans Drive with her golden retriever. The golden retriever had strayed onto Mr. Coose's property, and subsequently, had allegedly been attacked by his two English bulldogs. The golden retriever had allegedly suffered puncture wounds and has since acquired an infection. Ms. Ostrovitz presented photos of the puncture wounds, a letter recounting the incident and a report from her veterinarian for the Selectmen's review. The Selectmen also were furnished with a copy of the Dog Complaint filed with the Police Department. There were no other persons to speak against the dogs. The Chairman then asked if there was anyone to speak for the dogs. Mr. Coose then retold the incident. Mr. Coose's attorney handed out exhibits consisting of photos of the location where the incident took place, the dogs' vaccination report, and the police report. Mr. Coose said that he has an 8-foot fenced-in yard, an electric fence, and that his dogs have been trained and are not allowed off the property. Several of Mr. Coose's neighbors testified to the gentle behavior of his dogs with strangers, children, and other animals. After everyone wishing to speak had done so, a motion was made, seconded, and unanimously Voted to close the hearing. After consideration of the discussion, a motion was made, seconded, and unanimously Voted to order that no further restraint of the dogs was necessary, but that Beware of Dog signs be posted on all sides of the property.

Selectman Randall suggested that Mr. Coose might want to offer (as a voluntary action) to pay part or all of Ms. Ostrovitz's veterinarian bill. Those present for the hearing then left the meeting.

Kathy Pennoyer of the Essex Youth Commission and Jim Lewiecki, a member of a group of friends of the Youth Commission, appeared before the Board to discuss the tennis courts at Memorial Park. The Youth Commission presented a proposal from Graham Associates, Inc. offering their engineering, design, and planning services to study the tennis courts and execute a design plan for usable courts. Ms. Pennoyer and Mr. Lewiecki requested the Selectmen's approval to use a donation that was made to the Town for the tennis courts to pay for the work proposed by Graham Associates. A motion was made, seconded, and unanimously Voted to authorize and sign the Graham Associates proposal for the tennis court project.

In an unrelated matter, Ms. Pennoyer mentioned that a Level Three Sex Offender had been sighted in Town. The Youth Director has requested permission to send out warning letters to parents in the kid's backpacks who are attending the Youth Summer Program. It was agreed that the Youth Director should work with acting Police Chief Rob Gilardi and the Town Administrator to draft a letter and that the letter should be given to the parents by hand. Ms. Pennoyer and Mr. Lewiecki left the meeting.

Paul Rullo, the Chairman of the Board of Public Works, and Paul Goodwin, the Department of Public Works Superintendent appeared before the Board. Citing the need to discuss possible litigation, collective bargaining issues and real estate, the Chairman entertained a motion to move to Executive Session. Chairman Lynch stated that the Board would return to regular session and invited Paul Rullo, Paul Goodwin, and Brendhan Zubricki to attend the session. The motion was moved, seconded, and per a unanimous Roll Call Vote the Board moved to Executive Session at 8:15 p.m.

Per a unanimous Roll Call Vote, the Board returned to regular session at 8:40 p.m.

A motion was made, seconded, and unanimously Voted to approve and sign the updated Conomo Point Plan to be sent to David Ferris of the Massachusetts Department of Environmental Protection to fulfill that Department's guidance in their letter of July 11, 2007.

Potential Chapter 40b Seminar, Town Counsel: Mr. Zubricki reported that Kopelman and Paige, P.C. would be pleased to sponsor a Chapter 40b seminar at no cost to the Town. Town Counsel would be available in September or October. The Selectmen asked Mr. Zubricki to make arrangements to hold the seminar the week of October 22nd. It is hoped that members of the Board of Selectmen, the Planning Board, the Board of Health, the Board of Appeals, the Building Inspector, and the Conservation Commission will be able to attend.

In other business a motion was made, seconded, and unanimously Voted to sign the weekly warrant in the amount of \$830,318.83.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the July 16th, 2007 Selectmen's meeting.

The Selectmen reviewed and agreed to a proposed Board of Selectmen's meeting schedule for the remainder of the year.

Mr. Zubricki directed the Selectmen's attention to a recent article in the Beacon regarding the Group Insurance Commission. He said he is waiting for our insurance company, MIIA, to make an offer and provide more information about GIC.

A motion was made, seconded, and unanimously Voted to appoint Katrina Haskell as a new member of the Essex Youth Commission replacing Sheila Carter. The Selectmen signed her appointment card.

The Selectmen reviewed a letter from Ms. Audra Lissell, the Special Events Manager of the Special Olympics Massachusetts Group and a motion was made, seconded, and unanimously Voted to approve the request of the Special Olympics to pass over Essex roads on September 15th, 2007.

A motion was made, seconded, and unanimously Voted to appoint Daisy Nell Collinson as the Town's representative to the Board of Directors of the Cape Ann Regional Cable Television Access Corp. (CATV).

Mr. Zubricki presented the forms from the Massachusetts Emergency Management Agency that will allow the Town to be eligible for reimbursement of \$14,329.38 for damages from the April 2007 Nor'easter. A motion was made, seconded, and unanimously Voted to approve the signature of the Chairman on the forms.

The Senior Citizen's Club has asked Mr. Zubricki to ask that the Selectmen consider adding Gloria Story, the Chair of the Senior Citizen's Club, to the Senior Center Committee. The Council on Aging and the Friends of the Council on Aging are already represented on the Committee. A motion was made, seconded, and unanimously Voted to add Gloria Story to the Senior Center Committee.

Mr. Zubricki reported that the Senior Center is substantially completed. The final punch list for the contractor only amounts to approximately \$5,000. As a grant requirement it is now necessary to sign a Certificate of Substantial Completion for the Senior Center. A motion was made, seconded, and unanimously Voted that the Chairman sign the Certificate.

The Selectmen's Assistant reported that the 2007 rent that was due on April 1, 2007 for 138 Conomo Point Road (Judith Foley c/o Carrie Rafferty) has not been paid. She also reported unpaid taxes for 138 Conomo Point Road (Judith Foley) and 101 Conomo Point Road (Walter & Evelyn Mears). Certified letters had been sent at the beginning of July

and had elicited no response. The Selectmen agreed that Town Counsel should now be asked to take action.

Selectman Randall said he has been discussing the idea of hiring a professional planning consultant for Conomo Point. He has talked with people at the Metropolitan Area Planning Council and other consulting firms. They estimate that the cost to produce a conceptual design would be \$25,000 to \$75,000. Selectman Randall said that an outside consultant would have an unbiased opinion and be able to make recommendations based on professional knowledge of the planning process involved. Given the situation at Conomo Point, an unbiased professional consultant that could act as a mediator between the different factions would be advantageous to all sides. Funding may be available to offset the cost of hiring a planning consultant. It was decided to postpone a decision until the Conomo Point Planning Committee has indicated which direction it is going to take.

Acting in their capacity as overseers of Centennial Grove, a motion was made, seconded, and unanimously Voted to approve the request from Callie Doane to use Centennial Grove for her husband's 40th birthday party on Friday, August 17th, 2007, between the hours of 6:00 p.m. and 10:00 p.m. A motion was made, seconded, and unanimously Voted to approve the request of Sher Estes from the Mass Mudders, Inc. to use Centennial Grove for a pig roast fundraiser on Saturday, September 22nd, 2007, between the hours of 1:00 p.m. and 8:00 p.m.

Acting in their capacity as the Town's Licensing Board, a motion was made, seconded, and unanimously Voted to approve the following One-Day Wine and Malt Licenses:

- Callie Doane for use on Friday, August 17th, 2007, between the hours of 6:00 p.m. and 10:00 p.m. within the confines of Centennial Grove.
- Sher Estes from the Mass Mudders, Inc. for use on Saturday, September 22nd, 2007, between the hours of 1:00 p.m. and 8:00 p.m.
- Lawrence D. Woodman, Woodman's Inc. for use on Friday, August 31st, 2007 between the hours of 12:00 noon and 10:00 p.m.

A motion was made, seconded, and unanimously Voted to approve the following One-Day Entertainment Licenses:

- Callie Doane for use on Friday, August 17th, 2007, between the hours of 6:00 p.m. and 10:00 p.m. within the confines of Centennial Grove.
- Sher Estes from the Mass Mudders, Inc. for use on Saturday, September 22nd, 2007, between the hours of 1:00 p.m. and 8:00 p.m.

The Selectmen were reminded that the Playing Fields Committee will meet at 7:00 p.m. on Wednesday, August 1st, 2007 in Room 5 in the Manchester Town Hall.

The School Building Committee Meeting is on Monday, August 13, 2007 @ 7:00 p.m. in Modular Classroom 32 at Manchester Essex Regional Middle/High School. The School Committee Meeting is on Tuesday, August 14, 2007 @ 7:30 p.m. in Modular Classroom 32 at Manchester Essex Regional Middle/High School.

The Elder Service Plan of the North Shore, Inc. will celebrate the opening of their newest PACE site at 29A Emerson Avenue, Gloucester on Thursday, August 16, 2007 from 4:00 to 7:00 p.m. Senator Bruce Tarr will be the guest speaker. No one will be able to attend.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:25 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.