

## Selectmen's Minutes

March 10, 2008

Present: Chairman Mark Lynch, Selectman Jeffrey D. Jones, Selectman A. Raymond Randall, Jr., Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham and Gloucester Daily Times Reporter Patrick Anderson.

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.

Michael Matheson, a member of the Shellfish Advisory Board and a clammer, appeared before the Selectmen to tell them that he has talked to the other clammers about the proposed revisions to the Shellfish Rules and Regulations and that everyone is in favor of the changes. He also said that his Board would like to request the closing of the winter clam flats as of April 1<sup>st</sup>, 2008, and that they have no problem with the Selectmen waiving the application deadline for Essex clammers who may have missed it. The Selectmen thanked him for the information and Mr. Matheson left the meeting.

Richard Hersey next appeared before the Selectmen to comment on the proposed wind turbine article to be included on the Annual Town Meeting Warrant. He was concerned that the height limitation in the article might be too low to allow for the effective construction of the turbine. The Selectmen said that the article had not been finalized yet and that they would take it under advisement. Mr. Hersey left the meeting.

George Stavros, Jim Stavros, Mary Hickey, Lorraine Hardy-Wyatt and Linda Osburn appeared before the Selectmen. George Stavros enquired whether it was too late to remove the petition article concerning the proposed residential-agricultural district from the Annual Town Meeting Warrant. Selectman Jones recused himself from the discussion. The Stavros group believes that the article requires more research before it is placed before the Town for a vote. The Selectmen explained that since it is a petition article, it must be included in the Warrant. They said that residents will be able to comment freely on the article at the Town Meeting and that the article could be amended on the floor of the Town Meeting. The Stavros group left the meeting.

Scott Dunsmore and Michael D. Pascucci appeared before the Selectmen to request that the Selectmen waive the filing deadline for a Commercial Clamming License for each of them. A motion was made, seconded, and unanimously Voted to waive the filing deadline for both Scott Dunsmore and Michael D. Pascucci. Mr. Dunsmore and Mr. Pascucci left the meeting. The Selectmen reviewed a letter from Holly Riehl of John Wise Avenue requesting a waiver of the deadline for filing for a Student Clamming Permit for her son Cooper Riehl due to illness. A motion was made, seconded, and unanimously Voted to waive the deadline for Cooper Riehl.

At 7:15 p.m., the Chairman announced the continuance of the public hearing for the restaurant owned by Susie Offenberger at 112 Main Street. There was no one in attendance to offer any comment. Consequently the Chairman entertained a motion to continue the hearing to Monday, June 16<sup>th</sup>, 2008 at 7:15 p.m. The motion was moved, seconded, and unanimously Voted.

Mr. Zubricki presented his Town Administrator's Report for the period covering February 23<sup>rd</sup> through March 7<sup>th</sup>, regarding the following items:

Route 133 Reconstruction Project Seawall: Mr. Zubricki said that he has informed the concerned residents about the reasons regarding the proposed new construction of the seawall and they are in agreement. However, they suggested that some of the old granite from the existing seawall be salvaged and used to create seating at Woodman's Beach. MassHighway has agreed to consider the idea. Mr. Zubricki said that the old granite is the property of the MassHighway Department to do with as they wish.

Route 133 Reconstruction Project Preferences: Mr. Zubricki said that a representative from MassHighway has approached him to ask the Town's preferences regarding the Reconstruction Project. MassHighway will be installing steel sheeting and pilings while rebuilding the roadway and the seawall and prefer to perform the work at night, if possible. The Selectmen were in agreement that night work would cause the least amount of disturbance to the townspeople and the businesses. Mr. Zubricki said that MassHighway also wanted permission to close one lane of traffic from time to time and to completely close off the sidewalk in certain areas. The Selectmen favored closing one lane of traffic at a time, performing the work only during weekdays, and never closing sidewalks. The Selectmen agreed to pass this information along to the members of the Essex Division of the Cape Ann Chamber of Commerce at their next meeting.

Use of DPW Summer Employee for Grove Work: Mr. Zubricki said that he has spoken with the Department of Public Works Superintendent about the possibility of sharing a DPW Summer Employee to help with Centennial Grove tasks. The employee would be paid from the Grove Revolving Fund for time spent working at the Grove. The Superintendent was in favor of exploring the idea. It was agreed that Mr. Zubricki and the Selectmen's Assistant would draft a list of possible duties to be performed by the summer employee. The list will be reviewed by the Selectmen at a future meeting. Selectman Jones said that he had reminded JR Freitas of his agreement to repair the broken pavilion wall at the Grove.

MassHighway Legal Documents, Route 133 Reconstruction Project: Mr. Zubricki said that Town Counsel has reviewed the easement documents requested by MassHighway in connection with the Route 133 Reconstruction Project and has opined that it is appropriate for the Town to sign the documents. Consequently, the following motions were made:

- A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Right of Entry for parcel number 1-TE-66, a piece of land on Main Street between the Legion Hall and the White Elephant.
- A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Right of Entry for parcel number 1-TE-12, a piece of land on Main Street between the Legion Hall and the Hearse House.
- A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Land Damage Agreement for parcel number 1-W-1,

- a piece of land on Main Street between Perkins Marine and the restaurant at 122 Main Street.
- A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Land Damage Agreement for parcel number 1-D-1, a piece of land on Main Street across the street from Woodman's restaurant known as Woodman's Beach.
  - A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Right of Entry for parcel number 1-TE-30, a piece of land on Main Street across the street from Woodman's restaurant known as Woodman's Beach.
  - A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Right of Entry for parcel number 1-TE-31, a piece of land on Main Street across the street from Woodman's restaurant known as Woodman's Beach.

Rhonda Savoie of Main Street appeared before the Selectmen. During one of the winter snow storms, a snow plow had collided with her parked car on Burnham Court at 3:00 a.m. The Police informed her of the accident later that morning and it was determined that her car was no longer operable. The Town immediately arranged through the Town's insurance company to provide a rental car for her use. She contacted her insurance company who agreed to give her a sum of money that was less than what she still owes on the car. She next contacted the Town's insurance company who said they were in agreement with her insurance company on the sum of money. Ms. Savoie expressed great dissatisfaction with the way she has been treated by the insurance companies, the Department of Public Works and the Board of Selectmen. She said she has no money to sue the Town. She asked the Selectmen to reimburse her for some of her costs relating to the accident. Chairman Lynch said that he was sympathetic to her situation, but that the matter was in the hands of the Town's insurance company and the Selectmen could not do anything more for her. Ms. Savoie left the meeting still very unhappy.

Police Chief Silva and Sergeant Francis came before the Selectmen to introduce Thomas Sampson as a candidate for the position of Part-Time Patrolman. Mr. Sampson was joined by his wife Julie and his daughter Rebecca. Mr. Sampson is highly recommended from a variety of sources and has completed basic reserve and full-time academy training. A motion was made, seconded, and unanimously Voted to approve the appointment of Thomas Sampson to the position of Part-Time Patrolman pending successful completion of a drug and medical screen. The Selectmen congratulated Mr. Sampson on his pending appointment and Mr. Sampson and family left the meeting.

Chief Silva presented the Selectmen with a copy of the revisions made to the Harbor Regulations which have been reviewed by Town Counsel. The revisions will become effective after the Annual Town Meeting.

Chief Silva said that he had been informed of Town Counsel's reservations concerning the possible risks versus the potential benefits of the Shannon Grant. He said that he hoped that the Selectmen would reconsider and sign the Memorandum of Understanding.

He said that the Shannon Grant would be a good thing for the Town and would not be exposing the patrolmen to any more risk than they now face every day. Sergeant Francis said that he has spent many hours working with Patrolman Ryan towards implementing this multi-directional program to help children in the schools should Essex be successful in qualifying for the grant. There was no question in his mind that this would be a helpful tool for the Department. Reverend Art MacDonald was also present and he said he has worked very hard to get Essex included in the program. The Shannon Grant usually does not consider small towns. Of the ten communities being considered, Essex is the only one that has not signed the MOU. The Selectmen asked Mr. Zubricki to check with the Town's insurance carrier on whether or not the patrolmen are covered when they respond to another community's request for assistance. The Selectmen agreed to reconsider their position on signing the MOU based on Mr. Zubricki's findings.

Chief Silva presented the Selectmen with documents to be signed that would enable the Town to be reimbursed for the purchase of bullet-proof vests. A motion was made, seconded, and unanimously Voted to approve and sign the paperwork. The Town Clerk was requested to witness the signing. Afterwards, the Chief, the Sergeant, the Town Clerk and Reverend MacDonald left the meeting.

Members of the Finance Committee (Chairman Jeff Soulard, James Horrocks, Mark McKenna, and Gordon Martin), the Town Accountant Roxanne Tieri, and the Town Treasurer/Collector Virginia Boutchie appeared to discuss the FY2009 proposed budget.

Finance Chairman Soulard distributed handouts of the proposed FY09 budget and a summary of the anticipated cuts to the original budget requests. Based on the anticipated cuts, he said the Finance Committee was able to bring in the FY09 budget just under the Proposition 2 ½ limit. He then reviewed the underlying assumptions and each of the budget cuts in detail with the Selectmen, citing the reasons for making the cuts. The primary revisions made were to the Police budget, the Harbormaster's budget, and the Youth Commission's budget. Regarding the Youth Commission budget, the Finance Committee recommended that the Youth Director's salary and benefits be supported solely by the Youth Enterprise Fund and not the General Fund. The Board of Selectmen agreed. The Committee has also eliminated a DPW request for funding of a bobcat, a Board of Selectmen's request for funding for backup computer facility equipment and funding for a city/town planner. Chairman Soulard said that these three items would be at the top of his list to fund if money becomes available in the fall. The Selectmen were in agreement with the Finance Committee on the proposed budget and it is hoped that the Finance Booklet can be ready to be sent to the printer during the last week of March. The Finance Committee, the Town Accountant, and the Town Treasurer/Collector left the meeting.

Annual Town Meeting Warrant: Mr. Zubricki reviewed the current draft of the proposed warrant, dated 3/10/2008, based on the latest requests that he has received for articles to be included. Some of the articles will now be deleted from the warrant based on the Finance Committee's proposed budget. After some discussion, during which Selectman Jones abstained from the discussions of Conomo Point and the Residential-Agricultural

District, a motion was made, seconded, and unanimously Voted to include the selected articles in the Annual Town Meeting Warrant subject to Town Counsel's review. The Selectmen also reserved the right to arrange the order of the articles at a future meeting. A further motion was made, seconded, and unanimously Voted to close the Warrant.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$90,166.63.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the February 25<sup>th</sup>, 2008 Selectmen's Open Meeting and the February 25<sup>th</sup> Executive Session. A motion was also made to approve and sign the minutes for the March 5<sup>th</sup>, 2008 Selectmen's Open Meeting and the March 5<sup>th</sup>, 2008 Executive Session.

The Selectmen reviewed a letter from the Town Accountant advising that she had obtained three quotes for actuarial services and requesting that the Selectmen approve the lowest quote from Primoris Benefit Advisors. A motion was made, seconded, and unanimously Voted to approve and sign the proposal from Primoris Benefit Advisors to provide actuarial services to the Town to develop a plan to implement the mandated Government Accounting Standards Board (GASB) Statement #45 which concerns "Other Post Employment Benefit Costs".

The Selectmen considered the request from the Shellfish Advisory Board regarding the closing of the winter clam flats on April 1<sup>st</sup>, 2008. A motion was made, seconded, and unanimously Voted to close the winter clam flats effective April 1<sup>st</sup>, 2008.

Mr. Zubricki presented a letter from Robert Cameron expressing interest in becoming a member of the Council on Aging. Mr. Cameron has made his interest known to the Council on Aging Chairman, but since nothing has happened, he is now asking the Selectmen to consider him for appointment. Selectman Randall said that he will be meeting with the COA on Tuesday and will discuss the matter with them at that time.

A motion was made, seconded, and unanimously Voted to approve the following applications for clamming permits:

**Commercial Clamming Permits:**

Kenneth Amero	Robert Amero	Mark Anasoulis
William Appeltofft	Brian Ball	Jonathan R. Bishop
Michael Burns	Stephen Congdon	Kelly Corrao
Daniel Doane	James Dunn	Scott Dunsmore
Peter A. Ferriero	Shane Fraser	Michael T. French
Scott G. Hamlen	Jason Heath	Russell Hemeon
Mark A. Jordan	William J. Knovak	Michael Kopanon
Glenn Koper	Daniel A. Lane	Mark R. Lane
Wayne Leveille	Robert W. MacIntyre	Dan Marshall
Peter C. Marshall	Shane Matthews	Chris Maxfield
William J. Mitchell, Jr.	Lisa A. Norris	Herbert S. Nunes

Kevin Oyer  
Glenn Pike  
Mark Ross  
Glenn R. Towne  
Keith R. Woodman

Michael Pascucci  
Thomas W. Prentiss  
Wayne Savoie  
Glen Vickery  
Kyle W. Woodman

Robert Perrigo  
Edward David Puhl  
John R. Symonds  
Peter F. Wilson

Senior Clamming Permits:

Roger M. Ball  
Dennis Henderson

Albert J. Beaulier  
Russell Jordan

Robert E. Doane  
Leonard A. Woodman

Student Clamming Permits:

Justin Burke  
Christopher Jordan  
Thomas Mansfield  
Cody D. Sousa

Benn Ferriero  
Stephen Kopanon  
Corey Pierro  
Charles Storey

Cody Ferriero  
Kameron Leveille  
Richard Pierro  
Matthew Taliadoros

The Selectmen were reminded of the following meetings:

- The Conomo Point Planning Committee will meet at 7:30 p.m. on Wednesday, March 12<sup>th</sup>, 2008 in the T.O.H.P. Burnham Library.
- There will be a sign dedication ceremony in front of the Town Hall on Saturday, March 15<sup>th</sup>, 2008 starting around 12:00 noon. Chairman Lynch and Selectman Randall are planning to attend.
- The Cape Ann Breakfast Club will meet on Tuesday, March 18<sup>th</sup> at 7:30 a.m. at the Gloucester House Restaurant. Chairman Lynch and Selectman Randall will attend. Selectman Jones and Town Administrator will be attending a Teamsters bargaining session.
- The School Committee will meet on Tuesday, March 18<sup>th</sup>, 2008 at 7:30 p.m. in Manchester.
- The Essex Division of the Cape Ann Chamber of Commerce will meet at 8:00 a.m. on March 20<sup>th</sup>, 2008 at Tom Shea's. BZ will be unable to attend.
- The Personnel Board will meet at 7:30 a.m. in the T.O.H.P. Burnham Library on Monday, March 24<sup>th</sup>.
- The next Board of Selectmen's meeting is on Monday, March 24<sup>th</sup> in the T.O.H.P. Burnham Library at 7:00 p.m.
- The Long Term Planning Committee will meet on Tuesday, March 25<sup>th</sup> at 4:00 p.m. in the Senior Center.
- The Cape Ann Report will be taped in Gloucester at 7:00 p.m. on Wednesday, April 30<sup>th</sup> with Town Administrator Brendhan Zubricki, Chairman Lynch and Finance Chairman Jeff Soulard.

Chairman Lynch and Selectman Randall expressed an interest in conducting an open forum to discuss the article concerning the proposed residential-agricultural district on the north side of town prior to the Annual Town Meeting. They asked Mr. Zubricki to see if the Senior Center would be available on a Saturday in April starting around 9:00 a.m.

Citing the need to discuss matters relative to litigation, collective bargaining, and contract negotiations, Chairman Lynch entertained a motion for the Board to move to Executive Session. He said that the Board would not be returning to Open Session and asked Town Administrator Brendhan Zubricki to attend. Gloucester Times Reporter Patrick Anderson left the meeting. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 9:55 p.m.

There being no further 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.