

## Selectmen's Minutes

April 28, 2008

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

Annie Cameron, a member of the Youth Commission, a School Committee representative and a resident of Pickering Street, appeared before the Board. She said that she wanted the Selectmen to consider looking into the regionalization of services. She said that many other towns are exploring the sharing of certain necessary services in an effort to reduce the strain on already burdened fiscal budgets. Chairman Lynch said that the Massachusetts Municipal Association is sponsoring a workshop in mid-May at Holy Cross to address the subject. He has been meeting regularly with officials from other towns to discuss mutual needs and solutions.

Ms. Cameron said that the second item that she wanted to mention was the need for a more unified organization of town government. Presently, there are several boards and committees that are completely self-governing. The Town Administrator has no authority over anyone and while some of the boards and committees report to the Selectmen, many of them do not. The Selectmen said that they have explored the idea of a Town Manager in the past, but that a special charter needs to be adopted by the Town at town meeting to implement the process to create that position. They agreed to consider the idea again at a future time. Annie Cameron left the meeting.

Dave Peterson, whose dog had been killed by a dog belonging to his neighbors, the Ramseys, on Rocky Hill Road, appeared before the Board. He wanted to inform the Selectmen that members of the Ramsey family have threatened his wife and his son at different times. He has reported the incidents to the Police and filed a report. He wanted the Selectmen to be aware of the Ramseys' continuing ill will and he hoped they would take that into consideration when they make their final decision regarding the litigation that the Town has initiated against the Ramseys to protect the neighborhood from their dogs.

Steve Hemeon and Bill Clarke (for his son, Kyle Clarke) appeared before the Board to request a waiver of the clamming permit application deadline. A motion was made, seconded, and unanimously Voted to waive the application deadline for Mr. Hemeon and for Mr. Clarke's son. The Selectmen signed the application papers and both men left to present their applications to the Town Clerk.

Michael March, who resides at 3 Southern Avenue next to the William Allen property, came before the Selectmen. Mr. March had sent a letter to the Selectmen expressing concern about health and safety issues created by the condition of the Allen property. The Selectmen had responded with a letter acknowledging Mr. March's concern and cataloguing their history over the past years in dealing with the on-going clean-up of the Allen property. To date, the court appointed receiver has run out of money to continue the clean-up process. Town Counsel is presently seeking permission from the court to sell other properties owned by Mr. Allen in an effort to fund the completion of the clean-up. Mr. March said that he is unhappy about the fact that it is taking years to resolve this

issue. It was noted that although the receiver has removed an enormous number of artifacts from the site, Mr. Allen has steadily been returning items to the property. Mr. March said that in spite of the fire that had occurred on the property a few weeks ago, he has noticed that there continues to be black smoke issuing from the chimney that caught on fire. He wondered if the Fire Department had inspected the heating system to make sure that it is safe to operate and up to code. The Selectmen sympathized with Mr. March, but said that they are currently doing all that can be done to deal with the situation. Mr. March will be sending a formal complaint about the smoke to the Board of Health and will copy the Board of Selectmen. Mr. March thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering April 5<sup>th</sup> through April 25<sup>th</sup> regarding the following items:

Memorandum to Youth Commission: Mr. Zubricki presented a letter from the Youth Commission responding to the letter sent to them earlier by the Selectmen inquiring about the status of the youth program. The letter cited several areas of progress since their last meeting with the Selectmen. The Selectmen asked Mr. Zubricki to find out if the Commission has finished writing the new job description for the Youth Director's position. The description will have to be approved by the Personnel Board. In a related matter, the Selectmen reviewed a letter and attached resume from Jessica Yurwitz requesting an appointment to the Youth Commission. A motion was made, seconded, and unanimously Voted to approve the appointment of Ms. Yurwitz to the Commission.

Potential Donation of Marine Cleats – Route 133 Project: Mr. Zubricki said that an Essex business owner has offered two very large marine cleats that could be attached to the new seawall that will be built as a result of the Route 133 Reconstruction Project. The Selectmen asked Mr. Zubricki to solicit the opinions of Mass Highway and the Enhancement Committee as to the feasibility and/or appropriateness of the idea.

Painting of Legion Hall: Mr. Zubricki said that he has spoken with the Essex Historical Society and Shipbuilding Museum regarding the completion of the exterior painting of the Legion Hall which is leased from the Town by the Museum. He said that the Museum has currently placed the project on the back burner, since there are more pressing matters concerning the Legion Hall and the nearby Hearse House. They hope to eventually get the entire building painted once the other matters are resolved. The Selectmen asked Mr. Zubricki to inform the concerned citizen who had written a letter requesting an update on the status of the painting.

Evaluation of Town Hall Grounds, Essex Enhancement Committee: The Selectmen reviewed a list of items that the Enhancement Committee has submitted at the request of Selectman Randall concerning the appearance of the Town Hall. It was decided to ask the members of the Enhancement Committee at the meeting of the Essex Division of the Cape Ann Chamber of Commerce on Tuesday to submit an estimate of the cost of supplies, labor, etc. needed to complete the proposal.

At 7:30 p.m., a group representing persons opposed to the design and current placement in front of the Town Hall of the donated sign from the Manchester Essex Rotary met with the Selectmen. Those present from the group included Bill Holton, Sara Richards, Mike

Gerhardt, Beth Sivo, and Beth Cairns. Also present were Patrick Anderson from the Gloucester Daily Times and Dave Peterson from the Manchester Essex Rotary Club. Mike Gerhardt said that 109 signatures had been gathered on a petition against the sign. The group asked the Selectmen to consider a different location for the sign. Two possible locations suggested were the town's transfer station and the land owned by Mrs. Paglia where the old spar pit used to be on Main Street. The group requested that the sign be removed and stored until a new location could be agreed upon. Mr. Holton said that the group was willing to help the Selectmen with the relocation and maintenance at a new location in any way that they could, including help with the changing of the notices. It was mentioned that they had spoken unofficially with the Board of Public Works about placement at the transfer station and that the BPW appeared to be receptive to the idea. Mr. Peterson spoke for the Rotary Club and said that they had wanted to do something special to help the Town of Essex and had welcomed the suggestion of a much needed event sign to replace the crude sandwich board currently used by the Youth Commission. He said that the Town was welcome to place the sign where ever it felt was the best place. Chairman Lynch asked the group for their opinion about placing the sign in front of the Fire Station. The group was also against that location and Mr. Zubricki feared that it might hamper vision of oncoming traffic for departing fire engines. The Selectmen asked Mr. Zubricki to talk to the Board of Public Works regarding the possible placement of the sign at the transfer station. The group and Mr. Peterson left the meeting.

Approval of Enterprise Fund Budgets: Mr. Zubricki asked the Selectmen to consider approval of the Enterprise Fund Budgets. It was hoped that a flyer could be distributed on the night of town meeting detailing the monetary articles on the warrant and citing approvals by the Selectmen, the Finance Committee, etc. After review, a motion was made, seconded, and unanimously Voted to approve the Enterprise Fund Budgets as printed in the annual Finance Committee Report.

Production of Custom Betterment Revenue Reports: Mr. Zubricki reported on his progress to create an ongoing analysis matrix that will enable the Town to track and forecast revenue from principal and interest betterment payments. The analysis will be used to determine any surplus funds that may be available that could be used by the Board of Public Works. Mr. Zubricki has been working with the Treasurer and an outside software vendor to create and fine-tune the analysis. The analysis tool will be re-run in each new fiscal year in order to track actual figures versus predictions.

Final Draft Annual Town Meeting Motions: Mr. Zubricki presented the Selectmen with the final draft of the town meeting motions. He said that there are a few articles that still need to have a presenter assigned for town meeting. He reported that he and the Finance Committee are working on a handout that will list the monetary amounts to be discussed at town meeting.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer in the amount of \$250 from the Reserve Fund to Town Meeting Expense to fund the sound system for the second night of Town Meeting in the gymnasium.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 7<sup>th</sup>, 2008 Selectmen's Open Meeting. A motion was also made, seconded, and unanimously Voted to approve and sign the minutes for the April 7<sup>th</sup>, 2008 Selectmen's Executive Session.

The Selectmen reviewed a letter to MassHighway requesting permission to hold the annual Memorial Day Parade on Monday, May 26<sup>th</sup>, 2008, beginning at approximately 9:00 a.m. A motion was made, seconded, and unanimously Voted to approve the signature by the Chairman on the letter.

After review, a motion was also made, seconded, and unanimously Voted to sign the letter to Mass Highway requesting permission to hold the annual Fireman's Memorial Sunday Parade on Sunday, June 8<sup>th</sup>, 2008, beginning at 8:45 a.m.

The Selectmen considered a letter from Rob Fitzgibbon suggesting the availability of pro bono planning services from the Essex County Community Foundation. Mr. Fitzgibbon said that the Planning Board has utilized the Foundation's services in the past. Mr. Zubricki has talked to Sue Moses, the planner who works for the Foundation, and she has said that she would be able to provide the Town with limited technical support only.

The Selectmen's Assistant presented an estimate for cleaning of the first and second floor windows of the Town Hall from All American Window & Gutter Cleaning. A motion was made, seconded, and unanimously Voted to award the project to All American and to approve payment from the Luther Burnham Fund.

The Selectmen reviewed a letter from the Assistant Attorney General regarding the naming of a liaison person between the Town and the AG's office. A motion was made, seconded, and unanimously Voted to name Mr. Zubricki as the liaison person.

A letter from Chief Silva informed the Selectmen that he intends to send Officer Shamshak and Officer Zwicker to the Police Academy, consecutively. Chief Silva is recommending the appointment of both officers to fill the final two open positions of full-time patrolman, following their graduation and requested a meeting with the Selectmen and Officer Zwicker to discuss his new position. A motion was made, seconded, and unanimously Voted to approve the appointments pending each candidate's successful graduation from the academy. The Selectmen asked Mr. Zubricki to ask Chief Silva to schedule an appointment with Officer Zwicker for their May 19<sup>th</sup> Board of Selectmen's meeting.

Michael Jordan appeared before the Selectmen with his brother to request the waiver of the clamming license application deadline for his brother who has recently returned to the United States after a divorce. Mr. Jordan's brother has maintained Essex as his official place of residence while he was outside the US. A motion was made, seconded, and unanimously Voted to waive the deadline for Mr. Jordan.

A motion was made, seconded, and unanimously Voted to approve the following licenses:

One Day Wine and Malt License:

- Lawrence D. Woodman, Woodman's Inc., for use on Friday, May 16<sup>th</sup>, 2008 between the hours of 12:00 noon and 9:30 p.m. within the confines of 125 Main Street.

One Day Auction Permit:

- Michael March, Blackwood March Antiques, for use on Wednesday, May 21<sup>st</sup>, 2008 between the hours of 4:00 and 11:00 p.m. within the confines of 125 Main Street.

Fuel and Gas Storage Permit:

- Nieberle's Service Station, Ernie's Service Station for the underground storage of 14,000 gallons gasoline at 8 Main Street.
- Wheelworks, Inc., Gaybrook Garage for the underground storage of 16,000 gallons gasoline at 152 Western Avenue.
- Charles E. Holden, Holden Essex Realty Trust for above-ground storage of 90,000 gallons of propane gas and 100 gallons of methanol alcohol at Lot #9, Scot's Way.
- Edwin C. Perkins, Perkins Marine, Inc. for the above-ground storage of 7,500 gallons gasoline and 2,500 gallons diesel at 82 Main Street.
- Chanty, Inc., Richdale for the underground storage of 24,000 gallons gasoline at 156 Main Street.

Paraffin Storage Permit:

- Glass Dimensions, Inc. for the inside, above-ground storage of liquid paraffin. Up to 7,000 gallons of bulk storage plus finished goods inventory of bottled paraffin at 197 Western Avenue.

Gravel Pit License:

- Curlew Cove Realty Trust to operate a gravel pit at 53-57 and Rear John Wise Avenue.

The Selectmen were reminded that the Essex Division meeting of the Cape Ann Chamber of Commerce will meet on Tuesday, April 29<sup>th</sup>, 2008 at 8:00 a.m. at JR's Route 22 restaurant.

Mr. Zubricki said that the Chairman of the Finance Committee, one Selectman and himself will be meeting this week with Sinikka Nogelo of Comcast to film a review of the articles to be voted on at the coming Annual Town Meeting.

The next Board of Selectmen's meeting will begin at 6:30 p.m. in the lounge at the Essex Elementary School and will be followed by the Annual Town Meeting on Monday, May 5<sup>th</sup>.

There will be a ceremonial signing of a Memorandum Of Understanding for the Essex TRIAD Group at the Senior Center on Monday, May 12<sup>th</sup>, 2008 at 10:30 a.m. Selectman Randall is planning on representing the Selectmen at the signing.

The next collective bargaining session with the Teamsters is scheduled for Thursday, May 15<sup>th</sup> at 7:30 a.m.

Citing the need to discuss certain ongoing litigation and contract negotiations, the Chairman entertained a motion to move to Executive Session. He said that the Board

would not be returning to Open Session and invited Town Administrator Brendhan Zubricki to attend. The motion was made, seconded, and per a unanimous Roll Call Vote the Board moved to Executive Session at 8:07 p.m.

The Board returned to Open Session at 8:25 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.