

Selectmen's Minutes

September 14, 2009

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, Selectman A. Raymond Randall, Jr., Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library on Martin Street and announced that the Board would hear Public Comment. No one offered any comments.

Brendhan Zubricki presented his Town Administrator's Report for the period covering August 22nd, 2009 through September 11th, 2009, regarding the following items:

Planning Board Discussion Relative to Southern Conomo Point Subdivision: Mr. Zubricki reported that some questions had arisen at a recent meeting of the Selectmen with the Planning Board to discuss aspects of the proposed subdivision of southern Conomo Point. Mr. Zubricki will ask Town Counsel whether the Zoning Board of Appeals needs to render a finding before the proposed subdivision plan can be approved. Mr. Zubricki will also ask Counsel whether State Law specifies a minimum requirement per lot for road frontage, area, etc. It was agreed that a list of non-conforming lots would be useful. Other questions raised at the joint meeting were "What happens to the peripheral land that is not included in the individual subdivision plans?" and "Will it be necessary to create a Right of Way to access Robbins Island?". Mr. Zubricki said that some Conomo Point tenants have expressed concern that the proposed subdivision plan has added land from non-leased lots to some of the leased lots, and not others, in an attempt to create lots that are more conforming. It was agreed that the current proposed subdivision plan is for discussion purposes only and the subdivision lines may be adjusted at a later date if necessary. Also, it is not possible to get septic system or wastewater approval under Title 5 until the lots have been transferred to individual owners since the Town's holdings exceed 10,000 gallons per day. A joint meeting with the Board of Health, the Department of Environmental Protection, and the Board of Selectmen to discuss permitted septic and wastewater solutions for the area may be advisable. Selectman Lynch reported that the Appraisal Report has been completed and has been distributed to everyone. The Selectmen will be meeting with the Planning Board again on October 7th to continue the subdivision/bylaw discussion. The Selectmen's Assistant will post the Selectmen for the meeting once the Planning Board determines the time and the place it will be held.

Summer Program Board of Directors and Grove Cottage: Mr. Zubricki reported that the administrative audit of the Summer Youth Program has been completed and that they are in the process of completing an official Summer Youth Program Policies and Procedures Handbook. Once completed, it will be sent to Russell Harnish for a final review. Now that the administrative side of the Summer Program is under control, the next step will be to audit the site where the summer program is held.

Mr. Zubricki asked the Selectmen if they are still interested in creating a Board of Directors, assisted by the Youth Director, to oversee the Summer Program and said that he has the name of one person who had volunteered last March. The Selectmen asked Mr. Zubricki to contact Joyce Hersey and Russell Harnish (both of whom have extensive experience in the management of youth day camps) to solicit information regarding the benefits a Board of Directors might bring to the operation of the Summer Program. When that information is obtained, a charge can be written and a list of desirable qualifications drawn up for the candidates for the new Board.

The rented storage container for Youth Commission supplies and other items has been moved from the Elementary School to Centennial Grove. The Selectmen asked Mr. Zubricki to ask the Youth Director to prepare a list, for their review, of the items in the container, including the Youth Commission items stored on the stage at the Town Hall. They asked that the list be annotated to show which items should be kept, which items will be returned to the Grove Cottage, and which items will be thrown out. The Selectmen would like to get rid of the rented storage container as soon as possible since it is unsightly and takes up a large amount of space.

The Selectmen were in agreement that Mr. Zubricki should meet with the Youth Director to discuss her annual evaluation which is now due.

Town Clerk Search Committee Meeting: Mr. Zubricki presented a list of six interview questions that had been prepared by the Town Search Committee at their last meeting. Because the list had been emailed to all the members for the Committee, as well as one person who is no longer a member of the Committee and who is now a candidate, the Selectmen asked Mr. Zubricki to inform the Chair of the Committee that the Committee would either have to create new questions or distribute these questions to all of the other candidates in advance of their interviews. The Selectmen also said that they would still like the Committee to create a matrix to be used during the interview process. The matrix should be in the form of a table, listing specific job skills that can be rated using a scale of 1-to-5. Mr. Zubricki said that he would convey the Selectmen's requests to the Committee Chair.

Route 133 Reconstruction Project Update: Mr. Zubricki reported that he had attended a meeting with MassHighway, Selectman Lynch, and certain other interested parties regarding treatment of the intersection at the corner of Martin Street and Route 133. There is a site visit scheduled for next week. On a related matter, the Merchants' Group and businesses in the reconstruction area are not in favor of all traffic on Route 133 being detoured around the work zone by way of Apple Street.

At 7:30 p.m., Sibhita Mahabier-Sheehy from National Grid, Paul Russell, and Deputy Town Clerk Dorothy Elwell joined the Selectmen. The Chairman entertained a motion to open a Public Hearing regarding a proposed underground conduit on Island Road. The motion was moved, seconded, and unanimously Voted to open the hearing. The National Grid representative explained that they would like permission to construct an underground conduit approximately 38 feet in length, running from a utility pole on

Island Road, on Town land, to privately owned land. The conduit will provide utilities to three new house lots. Mr. Zubricki read a letter in support of the project that was written by Attorney John Guerin who is representing the Barred Rock LLC, a direct abutter. Mr. Russell, also an abutter, said that he was present to also speak in favor of the request. The Chairman asked for any additional comments. There were none. A motion was made, seconded, and unanimously Voted to close the hearing. A motion was made, seconded, and unanimously Voted to approve the request to construct an underground conduit on Island Road. Dorothy Elwell witnessed the Selectmen's signature on the documents with the Town Seal. Ms. Mahabier-Sheehy, Ms. Elwell, and Mr. Russell left the meeting.

Chairman Jones entertained a motion to approve the weekly warrant. The motion was moved, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$99,515.52.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the August 24th, 2009, Selectmen's Open Meeting and the August 24th, 2009, Selectmen's Executive Session.

The Selectmen considered the recommendation by the Conservation Commission to appoint Joseph Ahearn to fill the vacancy on that Commission and a motion was made, seconded, and unanimously Voted to approve Mr. Ahearn's appointment. The Selectmen signed the appointment card.

The Selectmen read a recommendation and request from Fire Chief Daniel M. Doucette to appoint Christopher Grant, Anthony Dragonetti, Jr., and Matthew Mcgrath to the Auxiliary Fire Department. A motion was made, seconded, and unanimously Voted to appoint Mr. Grant, Mr. Dragonetti, and Mr. Mcgrath to the Auxiliary Fire Department and the Selectmen signed the appointment cards.

The Selectmen signed a congratulatory letter to Justin Zwicker upon the event of his graduation from the MBTA Transit Police Academy on September 23rd, 2009.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on a Proclamation announcing "United Nations Day" on October 24th, 2009.

The Selectmen reviewed a letter to the Metropolitan Area Planning Council notifying them of the Town's intent to participate in the Southern Essex Coalition's Senator Charles E. Shannon, Jr. Community Safety Initiative for the 2010 funding cycle. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the letter of support for 2010 Shannon Grant Program.

Mr. Zubricki reported that he had discussed the fact that two groups have requested permission to have their fundraising events pass over Essex roads on the same day: Sunday, September 20th, 2009. Chief Silva does not believe that the two events on the same day will present any problems. A motion was made, seconded, and unanimously Voted to approve the request on behalf of Special Olympics Massachusetts to pass over

Essex roads for their rescheduled bicycle Ride with Champions benefit ride on Sunday, September 20th, 2009. And, a motion was made, seconded, and unanimously Voted to approve the request by the Cure for Cleavage Committee, Inc. to pass over Essex roads for the Second Annual Breast Cancer Fundraising Motorcycle Run on Sunday, September 20th, 2009.

The Selectmen reviewed a letter from the North Shore United Way requesting permission to erect a United Way Thermometer on Town Hall property on the left side of the driveway in late October. The Selectmen agreed that they prefer the thermometer to be placed on the right side of the Town Hall by the Library. A motion was made, seconded, and unanimously Voted to grant permission to North Shore United Way to place their thermometer on the Library-side of the Town Hall.

The Selectmen considered several letters from citizens regarding their appreciation for the ability to utilize the Council on Aging van for transportation.

A motion was made, seconded, and unanimously Voted to accept the resignation of Ms. Julie DePaolis from the Town Building Committee.

The Selectmen decided that they would like to hold the next Quarterly Coordination Meeting on Monday, October 26th, 2009, at the Senior Center on Pickering Street. They asked Mr. Zubricki to inform Mike Dyer, the Chairman of the Long Term Planning Committee, that the Selectmen are also willing to meet with representatives from that Committee after the Quarterly Meeting to review the Committee's progress on their completed Village Initiative.

A Special Town Meeting is anticipated for early November, once free cash is certified. Mr. Zubricki will begin preparing a list of potential articles for the STM for review at the next Selectmen's meeting.

Lisa O'Donnell, the Chair of the Town Building Committee, and Robert Coviello and Stuart Pratt, members of the Town Building Committee, appeared before the Selectmen to discuss the Committee's recommendation based on the charge given the Committee by the Selectmen. Chair O'Donnell said that she hoped that the Selectmen had had time to review the draft of the Committee's preliminary recommendation which she had distributed earlier. She said the initial Committee members have worked with the newly appointed Committee members so that all the members of the Committee were able to move forward as one cohesive unit with the research. The Committee has made site visits to other towns, viewed the existing conditions of the Town buildings, and reviewed the needs of the Fire Department, the Police Department, the Library, and the Town Offices. The Committee has also solicited advice from professionals regarding different aspects of the town building project. The Committee has now prepared a recommendation of what it views as a ten-year plan and that plan is supported by all the Committee members. The plan proposes that a new Police/Fire building be built adjacent to the Spring Street cemetery with vehicle access from John Wise Avenue and Spring Street. When the building has been completed and the Police & Fire have been moved, the Committee

recommends that the existing Fire Station be torn down and a new building constructed on that site to house the Town offices and the Library. Once that building is completed and the offices and Library are installed, the existing Town Hall may be sold to a contractor for development.

The Committee would like to hire a professional consultant to provide them with a feasibility study and a cost estimate for the three sites involved in their plan. They estimate that it will cost about \$50,000 to \$60,000 for the study and estimate. Everyone agreed that public education concerning the options explored by the Committee and the reasons why they have decided to recommend the plan that they ultimately created is important. A motion was made, seconded, and unanimously Voted at direct the Town Building Committee to prepare a Request For Qualifications that can be released prior to the next Annual Town Meeting seeking interested firms to prepare a feasibility and cost analysis for the Committee's proposed plan. Once the cost of the study is known, it will be possible to ask for funding for the study at the ATM. The Selectmen thanked the Town Building Committee for their efforts. Mr. Coviello, Ms. O'Donnell, and Mr. Pratt left the meeting.

Centennial Grove Restoration and Final Inspection: Mr. Zubricki presented the Restoration Punch List for Centennial Grove and the Field Dreams that he had drafted for the Selectmen's review. The Selectmen approved the list with no additions. They asked Mr. Zubricki to arrange for the Youth Director to have a key to the storage container.

Off-Site Storage/Digitization for Historic and Archived Public Records: Mr. Zubricki said that he had made a site visit to a storage facility in Essex to see if it would meet the Town's needs for off-site storage of documents. The Selectmen asked Mr. Zubricki to determine the amount of space that is needed to store items from the Town Hall basement and balcony and to get an estimate of the cost to the Town for storage of those items. The estimate should also include supplies, such as cabinets, so that the items can be stored in an organized and useable manner. The items first need to be moved to a dry, insulated, climate-controlled place to stop their deterioration. Eventually, when funds permit, the documents may be digitized and archived for better public access.

Cape Ann Chamber of Commerce Essex Division Meeting: Mr. Zubricki reported that he and Selectman Lynch had attended the last Essex Division of the Cape Ann Chamber of Commerce meeting at which Mr. Zubricki and Selectman Lynch had presented an update on various Town-related items to those present. The Chamber would like the assistance of a professional planner to help them implement the recommendations that Carolyn Britt and the Long Term Planning Committee have devised for the downtown/causeway area. The Selectmen agreed that a Request for Proposals should be prepared, contingent on obtaining funding at Town Meeting, after they have reviewed the findings of the Long Term Planning Committee and Carolyn Britt.

Next Iteration of Continuity of Operations Plan (COOP): Mr. Zubricki distributed the newest revision of the Continuity of Operations Plan to the Selectmen and briefly reviewed the most recent changes. He has been working on determining and organizing

the list of personnel necessary during an emergency situation. He asked the Selectmen to think about establishing a chain of succession and delegation so that a unified and cogent response can be implemented during an emergency. Mr. Zubricki agreed to check with Town Counsel regarding the necessary procedures for creating a designated emergency situation chain of succession and delegation.

Mr. Zubricki reported that he has continued to advertise on the website for new members for the Personnel Board, but so far, no one has come forward. Currently, the Selectmen have assumed the duties of the Personnel Board due to lack of adequate membership. There are no items of business that need to be taken care of presently and Mr. Zubricki will make a note to discuss Personnel Board business at least quarterly at the Selectmen's meetings until a full membership to the Personnel Board can be found and appointed. The minimum requirement is at least two members and Mark Osburn is already on the Board, so only one more person is needed.

Chairman Jones asked Selectman Lynch and Selectman Randall for their comments on the recent ABCC decision regarding The Farm. Selectman Lynch said that he must disclose that his daughter is employed by The Farm as an ice cream server and that she may have a direct financial interest in the Board's consideration of this matter. Selectman Lynch wished to publicly disclose this potential conflict of interest on the record and stated that the fact that his daughter is employed by The Farm will not in any way affect his vote of this matter.

Selectman Randall also announced that he must disclose that his step-daughter is employed by The Farm as a wait-person and that she may have a direct financial interest in the Board's consideration of this matter. Selectman Randall said he would like to publicly disclose this potential conflict of interest on the record and stated that the fact that his step-daughter is employed by The Farm will not in any way affect his vote of this matter.

Chairman Jones said that because of the Disclosures just made, he found that the Board would be unable to discuss this matter because it will lack the number of members required to conduct business if Selectman Lynch and Selectman Randall are disqualified due to the potential financial interests of their immediate family members. Therefore, because the Board of Selectmen is the only body of the Town that can vote on this matter, Chairman Jones moved that the Board invoke the Rule of Necessity and allow Selectman Lynch and Selectman Randall to participate in this matter. The motion was seconded and Voted unanimously.

The Selectmen discussed the recent decision by the ABCC. No one has heard whether The Farm will be appealing the ABCC decision. Mr. Zubricki reported that he has had an inquiry from the Pizza restaurant, which is an abutter of The Farm, about whether permission is needed to stay open until 2:00 a.m. The public hearing regarding The Farm's request to serve alcohol in the fenced area behind their restaurant has been continued to September 28th.

In other business, a motion was made, seconded, and unanimously Voted to approve the following requests for licenses and permits:

Auction Permit:

- Robert E. Landry, d/b/a L.A. Landry Antiques for use on Tuesday, September 22, 2009, between the hours of 3:00 p.m. and 8:00 p.m. within the confines of 125 Main Street.
- Richard A. DiFillipo, d/b/a R.A. DiFillipo Antiques for use on Tuesday, October 6, 2009, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.

One-Day Entertainment License:

- Tia Schlaikjer, Essex Shipbuilding Museum, for use on Saturday, September 19th, 2009, between the hours of 10:00 a.m. and 4:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One-Day Wine and Malt License:

- Timothy Lane, the Essex Fire Company, for use on Saturday, October 3, 2009, between the hours of 1:00 and 5:00 p.m. within the confines of Lufkin Marina on Dodge Street contingent upon the Fire Company's acquisition of a liability insurance binder in the amount of \$1,000,000 to the Town of Essex and the hiring of a police detail for the day of the event.

A motion was made, seconded, and unanimously Voted to waive the application fee for the One-Day Wine and Malt License for the Fire Department's benefit fund-raiser for Kevin Sousa on October 3rd, 2009.

The Selectmen were reminded that the next Board of Selectmen's meeting will be held on Monday, September 28th, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

At 9:00 p.m., citing the need to discuss the value of real property, the Chairman entertained a motion to move to Executive Session. He said that the Board would not be returning to Open Session and asked Mr. Zubricki to attend. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board move to Executive Session.

The Board returned to Open Session at 9:20 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.