

Selectmen's Minutes

October 19, 2009

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

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.

Annie Cameron, a resident of Pickering Street, said that she had attended the public forum that was held last week to discuss the Essex Housing Authority's decision to open the Pickering Street access road to Chebacco Terrace. She reported that Chebacco Terrace residents and Pickering Street residents had attended, as well as representatives from the Police and Fire Departments. She said that the forum had raised several questions and she distributed a list of her questions and concerns to the Selectmen for their review. The Selectmen advised Annie to talk to the Building Inspector, the Police Chief and the Fire Chief about her safety concerns. They asked that she keep the Town Administrator updated as to her progress in discovering answers to her questions. Ms. Cameron thanked the Selectmen and left the meeting.

Paula Filias, the owner of an apartment complex across the street from The Farm restaurant, appeared before the Selectmen to inform them that she has lost three tenants so far due to noise from the restaurant. The Farm has a weekday entertainment license for live and/or recorded music and plays music until after midnight. She said that she has spent a great deal of time carefully selecting the tenants of her apartment complex and good tenants are not easily replaced. There is also the loss of income from the vacant apartment until a suitable tenant is found. Mrs. Filias made an appointment to see the Selectmen on November 16th at 7:30 p.m. to discuss the matter again and left the meeting.

The Board of Assessors, (Richard Cairns, Barry Ewing, and Kurt Wilhelm), appeared before the Selectmen to discuss the possibility of including an article on the November Special Town Meeting Warrant to fund the first year of a four-year project to remap the Town. Mr. Cairns said that the Department of Revenue has informed them that they will not accept the listing of any property on Map 42 after the year 2013. Properties listed on Map 42 are all properties with unknown locations. Mr. Cairns believes that with current technology, a remapping of the Town will resolve the locations of many of the properties listed on Map 42. The last time that the Town was mapped was in the 1960's. Cartographic Associates has been helping the Town with its mapping for many years and has estimated that the remapping would cost about \$100,000 which could be spread over a four-year period. The Selectmen agreed to include an article to seek funding for the first year's remapping work on the STM warrant. Richard Cairns and Barry Ewing left the meeting.

Chairman Jones read a recommendation from the Historical Commission requesting the appointment of Richard Southgate of 85 Western Avenue to the Commission. A motion was made, seconded, and unanimously Voted to appoint Mr. Southgate to the Historical Commission. Kurt Wilhelm left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering October 3rd, 2009 through October 16th, 2009, regarding the following items:

FY10 Wage & Salary Scale Modification: In preparation for the conversion of the Town Clerk's position from an elected to an appointed official, Mr. Zubricki said that the Selectmen, acting in their capacity as the Personnel Board, needed to vote on some administrative changes. A motion was made, seconded, and unanimously Voted to change the current designation "Town Clerk" to "Elected Town Clerk". A motion was made, seconded, and unanimously Voted to create a new appointed official position named "Appointed Town Clerk" with an annual salary range of \$43,000 to \$53,000.

Town Clerk Search Committee Update: Mr. Zubricki presented a "Town Clerk Interview Skills Grading Grid" that had been prepared by the Town Clerk Search Committee to use in evaluating candidates for the position. The Grid lists seven skills that a successful candidate should possess. The Selectmen approved the Grid for use during the interviews.

Mr. Zubricki informed the Selectmen that the current Town Clerk has offered to serve as a volunteer Assistant Town Clerk after she retires to assist in the transition process. A motion was made, seconded, and unanimously Voted to accept the Town Clerk's offer.

The TC Search Committee has also requested that the job opening be posted on the Massachusetts Town Clerks Association website. The Selectmen agreed to the request.

Route 133 Construction Questions: Mr. Zubricki said that he had reviewed the Selectmen's questions with MassHighway's resident engineer for the Route 133 project. The existing road signs can be altered in a professional manner to reflect any changes to the daily working hours. The old utility poles will be removed once the wires have been transferred to the temporary poles across the street. The engineer said that it is possible to perform any of the work that needs to be done at night. The Selectmen asked Mr. Zubricki to request that MassHighway do as much of the construction at night as possible to alleviate the strain on the local businesses during the daytime and to provide the Selectmen with a list of activities that the contractor proposes.

Proposed Amendment to Agreement with Horsley Witten: Mr. Zubricki reported that Horsley Witten has submitted an amendment to their original agreement to cover additional work in connection with the Conomo Point project. A motion was made, seconded, and unanimously Voted to approve the amendment to the Horsley Witten Group contract subject to an appropriation for funding it at the Special Town Meeting in November.

Annual Insurance Coverage Review: Mr. Zubricki reported that he had recently met with the Town's insurance representative to review the Town's property and casualty insurance, the police and fire accident insurance, and the workers' compensation insurance. The representative said that the Town could purchase flood and earthquake insurance for \$479 per year. Additionally, it would be possible to increase the coverage on certain eligible items on the Town's special property schedule from the cash value to the replacement cost for \$1,168 per year. A motion was made, seconded, and unanimously Voted to purchase the flood and earthquake insurance and to increase the coverage on eligible items to replacement cost. However, the Selectmen decided to keep the Police and Fire accident coverage the same as it is at present. Mr. Zubricki said that the insurance company is planning on performing a Town building evaluation in the near future.

Conomo Point Planning Assistance Update: Mr. Zubricki reported that Carolyn Britt and her Associates have proposed to help the Town with the planning for northern Conomo Point. The Associates have experience conducting public informational forums. The Selectmen are interested in reviewing a detailed proposal from Ms. Britt if \$25,000 in funding is appropriated at the upcoming Special Town Meeting.

Pedestrian License, Village Restaurant: Mr. Zubricki presented a signed pedestrian license which he has received from Kevin Ricci. The license allows pedestrians to pass over land owned by the Village Restaurant when traveling from the municipal parking lot behind the post office. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the pedestrian license.

Seaport Bond Bill Public Access Grant: Mr. Zubricki affirmed that more likely than not there will be no money available to fund the Town's project until after July of 2011. However, if one of the currently funded projects does not proceed, the state may choose to use that money to fund other projects on their list and the Town could be chosen to fill that gap.

Mr. Zubricki continues to work toward an agreement with the concerned parties that would leave the temporary utility poles in place longer or even permanently in the event the Town's downtown waterfront development project is funded under the Seaport Bond Bill.

Massachusetts Downtown Initiative (MDI) Grant: Mr. Zubricki reviewed the grants that Carolyn Britt has suggested might be useful to the Long Term Planning Committee and the Town. The Selectmen are in favor of pursuing only one grant at this time. They would like any extra hours remaining in Ms. Britt's contract to be allocated to working with the Planning Board. The Selectmen agreed that the LTPC should choose a focus area within the Massachusetts Downtown Initiative grant program in conjunction with Ms. Britt.

Selectman Lynch said that he would like the Selectmen to meet jointly with the Planning Board in two to four weeks time to continue their discussion regarding the proposed Conomo Point subdivision.

It was reported that a license to the Town to use a small portion of land on the causeway as a mini-park is still under consideration by the Paglia heirs.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$57,239.11 and, further, to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the warrant pursuant to subsection (d) of said Section.

At 8:00 p.m., members of the Finance Committee (Jeffrey Soulard, Ed Lafferty, Karen Birch, Gordon Martin, Mark McKenna, and Roxanne Tieri) appeared before the Selectmen to discuss each of the proposed articles for the Special Town Meeting Warrant. At the end of the discussion, the Finance Committee members left.

A motion was made, seconded, and unanimously Voted to include the articles as they appear on the draft warrant dated October 19, 2009, which is attached hereto. A motion was made, seconded, and unanimously Voted to close the warrant. And, a motion was made, seconded, and unanimously Voted to sign the warrant.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the October 5th, 2009, Selectmen's Open Meeting and the October 5th, 2009, Selectmen's Executive Session.

The Selectmen reviewed a request from Tom Guertner to close Periwinkle's Restaurant for cleaning and minor renovations from November 9th through November 19th. A motion was made, seconded, and unanimously Voted to approve Mr. Guertner's request to close Periwinkle's from November 9th through November 19th.

The Selectmen reviewed a reply from the Essex Housing Authority to their letter requesting that the Housing Authority consider closing the Pickering Street entrance to Chebacco Terrace. The entrance was closed until about a year ago to all traffic except emergency vehicles.

The Selectmen signed a congratulatory letter to the Board of Health regarding their successful production of the first Youth Triathlon.

The Selectmen reviewed a letter from the Massachusetts Collectors and Treasurers Association announcing that Virginia Boutchie, the Town Treasurer/Tax Collector, has been awarded the designation of Certified MA Municipal Collector. The Selectmen signed a letter of congratulation to Ms. Boutchie.

A motion was made, seconded, and unanimously Voted to approve a request from the Essex Youth Director to use Town Hall grounds for the Annual Holiday Festival on Thursday, December 3rd from 6:00-7:00 p.m. and on Friday, December 4th, from 5:30 to 7:30 p.m.

A motion was made, seconded, and unanimously Voted to approve a request from the Lions to pass over Essex roads during the Annual Turkey Trot on Sunday, November 22.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the Standard Contract Form for the Massachusetts Cultural Council FY2010 Local Cultural Council Allocation of funds in the maximum amount of \$4,000.

Mr. Zubricki said he had received a suggestion that the Town Building Committee also research a location for a community center. After some discussion, the Selectmen asked Mr. Zubricki to speak to the person who made the suggestion and obtain a list of proposed uses for a community center, proposed space requirements, and examples from other communities with a center.

A motion was made, seconded, and unanimously Voted to approve the following request for a One-Day Wine and Malt License:

- Robert Hastings, The Cape Ann Chamber of Commerce for use on Saturday, October 24, 2009, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of Shepherd Memorial Park (Rain Date – Sunday, October 25).

The next Board of Selectmen's meeting will be held on Monday, October 26th, 2009, at 7:00 p.m. at the Senior Center.

The Annual Essex Clamfest will be held on Saturday, October 24, 2009 at Shepherd Memorial Park.

The Cape Ann Caucus will take place on Friday, November 20, 2009 at 7:30 a.m. at the Manchester-by-the-Sea American Legion, 14 Church Street.

It was agreed that the Playing Fields Committee will meet with the Selectmen on November 16th, at 8:30 p.m.

Mr. Zubricki reported that Police Chief Silva has requested permission to prepare a commendation for the rescue team involved in the rescue of two people from a car in the river on October 11, 2009. The Selectmen were in favor of Chief Silva's request.

Mr. Zubricki said that he has received a solicitation whereby the Town could receive credits or rebates by listing links to certain items for sale on the Town's website. The Selectmen were not interested in the idea.

The Selectmen agreed not change the policy of providing free parking stickers for Conomo Point to Gloucester clammers.

At 9:30 p.m., citing the need to discuss the value of real property, collective bargaining, and strategy with respect to litigation, 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 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.

2009
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, November 9, 2009 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to add to the amount of money appropriated under Article 1 of the November 3, 2008 Special Town Meeting to allow the Town's consultant to complete the implementation of a subdivision planning process at Conomo Point pursuant to Article 14 of the Annual Town Meeting held May 5, 2008 and the Town's Request for Proposals for those services dated August 25, 2008, reporting to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of hiring a consultant to conduct a recreational and residential planning study regarding future land use options for the portion of Conomo Point north of Robbins Island Road; said consultant to report to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of purchasing a police cruiser for the Police Department to replace one of the existing police cruisers and to authorize the Board of Selectmen to dispose of the vehicle replaced by the new cruiser by sale or trade and to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to defray a portion of the cost of replacing the existing Council on Aging van – said sum to be combined with funds from private grant writing efforts to reach the actual cost of the vehicle – and to authorize the Board of Selectmen to dispose of the vehicle replaced by the new van by sale or trade and to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for aerial photography, global positioning work, deed/survey research, and any other work necessary to revise and update the Town's Assessors' maps; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to authorize the Town to become a member of the North Shore Agricultural and Technical School District in accordance with Ch. 463 of the Acts of 2004 (as amended); or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town's Stabilization Fund; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to increase the Fire Training Salaries line in the Fire Department budget for fiscal year 2010; or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to amend the Wage & Salary Scale for fiscal year 2010 by renaming the "Town Clerk" title in the "Elected Officials" section to "Elected Town Clerk" and by adding to the "Appointed Officials" section the title of "Appointed Town Clerk" with an annual salary range of \$43,000 - \$53,000; and to increase the Town Clerk Salary line in the Town Clerk budget by a sum of money for fiscal year 2010; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of unpaid bills from a past fiscal year; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 19th day of October, two thousand nine.

Jeffrey D. Jones, Chairman

Attest: _____
Constable

Mark W. Lynch

Date: _____

A. Raymond Randall, Jr.

BOARD OF SELECTMEN
TOWN OF ESSEX