

Selectmen's Minutes

January 25, 2010

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.

Also Present: Board of Appeals Chair Ed Perkins, Board of Assessors Chair Richard Cairns, Board of Public Works Chair Paul Rullo, Board of Public Works Member Scott DeWitt, Board of Public Works Member Walter Rich, Superintendent of Public Works Paul Goodwin, Cape Ann Chamber of Commerce Essex Division and Long Term Planning Committee Member Sue Lufkin, Conomo Point Planning Committee Member James Witham, Council on Aging Chair Robert Cameron, Finance Committee Chair Jeffrey Soulard, Finance Committee Member Karen Birch, Finance Committee Member Ed Lafferty, Finance Committee Member Gordon Martin, Finance Committee Member Mark McKenna, Finance Committee Member Richard Ross, Fire Chief Daniel Doucette, Deputy Fire Chief Paul Doucette, Deputy Fire Chief Ramie Reader, Gloucester Daily Times Reporter Jonathan Phelps, Historical Commission Chair Kurt Wilhelm, Library Board & Town Building Committee Member Beth Cairns, Librarian Deborah French, Long Term Planning Committee Member & Historical Commission Member Robert Coviello, Planning Board Co-Chair Andrew St. John, Planning Board & Town Building Committee Member Juergen Dietrich, Police Chief Peter Silva, School Committee Member Susan Coviello, Town Accountant Roxanne Tieri, Town Building Committee Chair Lisa O'Donnell, Town Building Committee Member Stuart Pratt, Treasurer/Tax Collector Virginia Boutchie, Annie Cameron, and Brendan O'Donoghue.

Chairman Jones called the meeting to order at 7:00 p.m. in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comments.

Mr. Zubricki presented his Town Administrator's Report for the period covering January 9th, 2010 through January 22nd, 2010 regarding the following items:

Final Planning Report, Community Investment Associates: Mr. Zubricki reported that he has received no further comments from the Planning Board regarding Carolyn Britt's final report. The Selectmen did not have any further comments on the attachments or the report. Mr. Zubricki will inform Carolyn Britt so that she may complete the report and have it bound.

Village Initiative Plan Implementation Proposal: Mr. Zubricki said that Carolyn Britt has suggested waiting to hear if the Town is awarded the grant application that it has applied for before proceeding with planning the projects for the Village Initiative. The grant results are expected to be released sometime within the next week.

Selectmen's FY11 Budget Request: Mr. Zubricki said that he has spoken to Chief Silva regarding the desirability of creating a budget item in FY11 for auxiliary officer wages. The Chief is still working on the exact job description for the new position and has decided that it is more advantageous to use the label Special Police Officer rather than Auxiliary Police Officer. The rate is expected to be the same as that for a part-time police

officer. The Chief has asked for additional time to complete the description before instituting a new budget item.

Mr. Zubricki reported that the Town Accountant has informed him that the Youth Director Retirement Benefit budget item is included as part of the General Fund rather than as part of the Youth Enterprise Fund. The retirement budgets for the Water Department and the Sewer Department are included in the corresponding Water and Sewer Enterprise Funds, not the General Fund. A motion was made, seconded, and unanimously Voted to move the Youth Director Retirement Benefit to the Youth Enterprise Fund, keeping consistent with the policy that is already in place for the Sewer and Water Department.

Now that everyone has submitted their budget requests for FY2011 (except for the school) the Selectmen will wait for the Finance Committee's review and comments.

Mr. Zubricki said that he has been gathering information regarding the Centennial Grove Cottage at the request of the Finance Committee and the Selectmen. The Board of Public Works plows Centennial Grove Road past the Water Filtration Plant and up to the second parking lot. They would be agreeable to plowing the road to the start of the driveway for the cottage. The cottage is up to code, handicapped accessible, and can be lived in. Mr. Zubricki has been working with the Police Department to establish an address for the cottage. Past addresses have simply been "Centennial Grove Road" or "Crow Island". The official address is now 55 Centennial Grove Road. The telephone company requires a property to be listed with 911 before they will install a phone line.

Draft Annual Town Meeting Warrant: Mr. Zubricki briefly reviewed each of the suggested articles to be included in the warrant for the upcoming Annual Town Meeting in May.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$628,470.26.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 11th, 2010, Selectmen's Open Meeting and the Selectmen's January 11th, 2010, Executive Session.

A motion was made, seconded, and unanimously Voted to approve a line item transfer in the amount of \$800 from Selectmen's Sick Leave Buyback to Selectmen's Temporary Clerical.

A motion was made, seconded, and unanimously Voted to ratify a line item transfer in the amount of \$400.00 from the Selectmen's Telephone to the Shellfish Truck/Fuel/Mileage. Another motion was made, seconded, and unanimously Voted to ratify a line item transfer in the amount of \$1,100.00 from Town Property Expense to Shellfish Truck/Fuel/Mileage.

The Selectmen reviewed a memo from the Shellfish Advisory Commission regarding the duties outlined in the job description for the Shellfish Constable. The Selectmen asked Mr. Zubricki to coordinate a meeting between Chairman Jones, the Shellfish Constable, the Shellfish Advisory Commission Chair and himself to discuss their suggestions.

The Selectmen reviewed a letter from the Board of Public Works regarding a request to transfer \$5,000.00 into the snow and ice budget to pay for overtime. A motion was made, seconded, and unanimously Voted to approve the request and forward it to the Finance Committee.

Mr. Zubricki drew the Selectmen's attention to the recent memorandum received from Kopelman and Paige discussing the extensive changes to the Open Meeting Law that will become effective on July 1, 2010. While at the Massachusetts Municipal Association's Annual meeting last week, Mr. Zubricki had attended a seminar discussing the changes and Mr. Zubricki gave the Selectmen additional summaries of the changes that had been prepared by the MMA. Selectman Lynch asked Mr. Zubricki to prepare a bulleted list of the changes for easier understanding that can be forwarded to the Town's boards and committees.

The Selectmen read a note of thanks and appreciation for the way they had conducted the recent public hearing investigating noise complaints against The Farm on Western Avenue.

A motion was made, seconded, and unanimously Voted to approve the following requests for permits and license renewals:

Antiques License Renewal:

- Edna I. Goudreault, d/b/a Essex Antiques & Interiors at 235 John Wise Avenue.

Auction Permit:

- Frank Kaminski, d/b/a Kaminski Auctions, for use on Saturday, February 20th, 2010, between the hours of 10:00 a.m. and 6:00 p.m. within the confines of 127 R Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Sunday, February 21st, 2010, between the hours of 10:00 a.m. and 6:00 p.m. within the confines of 127 R Main Street.

Common Victualler's License Renewal:

- James Roumeliotis, Manager, DVR Corp., d/b/a Cape Ann Pizza and Subs at 65 Eastern Avenue.
- Dimitrios Tegos, Manager, d/b/a Essex Pizza & Restaurant at 235 Western Avenue

The Selectmen were reminded that the next Board of Selectmen's meeting will be held on Monday, February 8th, at 7:00 p.m. in the T.O.H.P. Burnham Public Library.

Mr. Zubricki presented a renewal Business Associate Agreement Between the Town of Essex Fire Department and Comstar, Inc. for the Selectmen's review. The renewal

agreement is the same as the old agreement except for the addition of some changes made to comply with the recent changes to the HIPAA Regulations. The agreement has been reviewed by Town Counsel. A motion was made, seconded, and unanimously Voted to approve the renewal agreement with Comstar and the Chairman signed the agreement.

At 7:30 p.m., Finance Committee Chair Jeffrey Soulard began the Department Head Quarterly Meeting update with a review of the Finance Committee's progress with the FY2011 budget to date. Mr. Soulard reported that based on the budget requests that have been received from the departments, adjustments for cost of living increases and contractual agreements, and capital requests, the budget is about \$435,000 over proposition 2 ½ for the year. If the capital requests are significantly cut back, the budget is still over by about \$245,000. Mr. Soulard said that providing additional services to different groups in Town would be great, but that as a small Town, Essex is going to have to look into sharing at least some services with other Towns in an effort to cut back on costs. He said that the quality of the services might not be as high as if the services were not shared, but that at least the services would be available. He said that this year looks bad, but next year looks worse. The Finance Committee's goal this year will be to work with departments to discover ways to cut back or save money through efficiencies.

School District Budget Discussion Meeting: School Committee member Susan Coviello said that the Committee had started out with a level funded budget that was a 9.2% increase over the past year. They have since managed to cut 5%, partly by utilizing about \$800,000 of reserves. The School Committee will continue to work towards lowering the increase.

Historical Commission Chairman Kurt Wilhelm spoke next about the Commission's proposed article that will be included in the Annual Town Meeting warrant regarding the creation of a demolition bylaw. As presently drafted, the bylaw would allow concerned parties to delay the demolition of a building deemed to be historically significant by up to 12 months. The delay would provide time to work out alternatives to the demolition or to at least document the building before its destruction. Mr. Wilhelm said that most of the other towns that have a similar bylaw only have a delay of 6 months. The Historical Commission is of the opinion that 12 months is a more realistic time period to accomplish the desired goal. The proposed article is currently being reviewed by the Planning Board, the Selectmen, and eventually Town Counsel. Mr. Zubricki agreed to check with Town Counsel to see if a public hearing is required. The Commission has been active in soliciting Community Preservation Funds for repair of the Hearse House and in trying to save and move the Railroad Freight House to provide a future home for the Essex Hand Tub.

Co-Chair of the Planning Board Andrew St. John spoke next about the Board's recent work on the bylaws. The Planning Board will have several articles on the Annual Town Meeting warrant and they would like to have the support of the Town boards and Departments for all of the articles. He said their work falls into three categories. The first category includes the reformatting of the existing bylaws so that they follow the pattern established by the majority of cities and towns in Massachusetts. The bylaws will not be

changed, only rearranged in a more logical sequence. The second category encompasses the definitions contained or missing in the bylaws. Existing definitions will be more clearly defined and missing definitions will be added. The third category deals with the amendment of the bylaws to facilitate the sub-division of the southern portion of Conomo Point.

Selectman Lynch continued the discussion regarding the proposed bylaw amendment for Conomo Point. He said that there is a draft of the proposed amendment on the website for people to review. The sub-division cannot be approved until the proposed bylaw amendment has been approved. Areas of concern include seasonality, cisterns, expansion of premises, and commercial use. There will be a series of one-to-three public hearings starting on February 17th to discuss the many aspects included in this proposed amendment to the bylaws.

Andrew St. John said that the Planning Board is ready to have the Planning Board bylaw changes reviewed by Town Counsel. However, the Conomo Point Bylaw Amendment is not yet ready to be reviewed by Counsel.

The Selectmen reviewed the Proposed Scope of Services from Community Investment Associates to offer assistance to the Essex Planning Board with the Presentation of Warrant Articles. There is funding available from previous funding that was approved and not used for past work. A motion was made, seconded, and unanimously Voted to approve and sign the Scope of Services proposed by Community Investment Associates.

Chair of the Town Building Committee Lisa O'Donnell presented a Power Point illustrated talk about the inception of the Town Building Committee and the paths they had pursued to eventually arrive at their current recommendation of a solution to the Town's building needs. The Building Committee is recommending a ten-year plan that would begin with the construction of a new public safety building to house the Fire Department and the Police Department on John Wise Avenue. Once that building is complete and occupied, the old Fire Station will be demolished and a new building erected on its site to house the Town Offices and the Library. When that building is completed and occupied, the Town will advertise for a third party to take over the care and rehabilitation of the historic Town Hall. Ideas for a re-use of the Town Hall could include senior or affordable housing. Chair O'Donnell said that since the Town Hall will not be available for at least another ten years, no contractor wants to waste time now on a proposal for a project that is ten years or more in the future. Now that the Committee believes that they have a solution, they would like to engage a professional firm to perform a feasibility study to test the various aspects of their recommendations to make sure that they make sense, are doable, are affordable, and are realistic. The study would be structured so that it could be stopped or redirected if any point of the original premise is discovered to be not feasible.

Discussion followed regarding the amount of money that would be needed for the feasibility study. Juergen Dietrichson presented an analysis regarding current rates for similar work in the industry. A motion was made, seconded, and unanimously Voted to

budget \$50,000 for the study. Even though \$50,000 is low for a study of this complexity, it was felt that firms would be interested in bidding on the study in the hopes that later they would get the larger design contract.

Ed Perkins, Chair of the Board of Appeals, said that he has studied the Planning Board's proposed changes to the zoning bylaws, except for the one regarding the subdivision of Conomo Point. He is in agreement with the recommendations.

Andrew St. John asked everyone to come to the informational hearings and the Annual Town Meeting and support the changes to the bylaws. In addition to the hearings, it was suggested that the Planning Board meet with the various Town boards and committees, as well as the Chamber of Commerce, to discuss the proposed bylaw changes.

Robert Cameron, the Chairman of the Council on Aging, asked everyone to make sure that they check with the Selectmen's Assistant or the Council on Aging Clerk to schedule use of the Senior Center. This will avoid the conflicts that have occurred in the past.

Chairman Jones said that he would like to recognize the great job performed by the Board of Public Works over the weekend in dealing with the water main break. Those present agreed and added that the BPW also does a great job in dealing with snow removal.

Everyone left the meeting except for the Selectmen, the Town Administrator, the Superintendent of Public Works, the Board of Public Works, and the Selectmen's Assistant.

At 9:09 p.m., citing the need to discuss pending litigation, collective bargaining, and the deployment of security devices, Chairman Jones entertained a motion to move to Executive Session. He said that the Board would not be returning to Open Session and invited the Town Administrator, the Superintendent, and the Board of Public Works to attend. The motion was moved and seconded, and per a unanimous Roll Call Vote by both Boards, the Boards moved to Executive Session.

The Board of Selectmen returned to Open Session at 9:38 p.m. The Superintendent and the Board of Public Works had previously left during the Executive Session. 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.