

Selectmen's Minutes

February 22, 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: Daniel Mayer, Robert Fitzgerald, Keith Woodman, Leonard Woodman, Dean Rossi, Scott Dunsmore, Jim Haskell, Richard Tofuri, Susan Coviello, Jeffrey Soulard, and Richard Ross.

The Chairman called the meeting to order at 7:00 p.m. and announced that the Board would hear Public Comment. No one offered any comment.

Phillip MacDougall, Steven MacDougall, and Mike Jacobs came before the Board to each request a waiver of the residency requirement for a commercial clamming permit. They have been living in Essex since December 1, 2009. After some discussion between the Selectmen and the Shellfish Advisory Board, the Selectmen decided to take the matter under advisement pending Mr. Zubricki's discussion with Town Counsel and a call to the City of Gloucester to discuss the residency reciprocity agreement.

Everyone left the meeting except for School Committee member Susan Coviello, Finance Committee Chair Jeffrey Soulard, Fin Com member Richard Ross, and Dan Mayer.

Latest FY11 Operating Budget Revision: The Selectmen have received notification from Manchester that although the School Committee has agreed to a budget for FY2011 with an increase of 4%, they now want to change the funding sources and increase the funding. A meeting has been scheduled in Manchester on Tuesday, February 23rd, to discuss the matter with the Manchester Board of Selectmen. Consequently, an emergency meeting of the Essex Board of Selectmen has been posted so that they may attend this discussion of the school budget. Mr. Soulard and Mr. Ross will also be attending from the Finance Committee. The Finance Committee has worked hard to balance the proposed budget and is very close to being successful. Any increase in the school budget over the agreed to 4% will likely result in an over-ride for Essex. Discussion followed regarding how the increase may or may not be characterized along with associated legal issues.

Susan, Jeff, and Richard left the meeting.

The Selectmen reviewed Mr. Mayer's request for a transfer of lease for a Conomo Point property located at 101 Conomo Point Road (Map 19, Lot 102) from Walter & Evelyn Mears to Dan Mayer. The Selectmen had previously discussed the request with Mr. Mayer and had advised him that the leases will be expiring in December 2011 and that the leases are not expected to be renewed. The Selectmen signed the paperwork and Mr. Mayer left the meeting.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$555,049.62.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the February 8th, 2010, Selectmen's Open Meeting and the Selectmen's February 8th, 2010, Executive Session.

The Selectmen reviewed a letter of appreciation to Daisy Nell for her representation of the Town on the Cape Ann TV Board. Ms. Nell has submitted her resignation from the Board, effective in May 2010.

The Selectmen signed an appointment card for Brian O'Donoghue to the Town Building Committee. The appointment was voted at a previous Selectmen's meeting.

A motion was made, seconded, and unanimously Voted to proclaim July 26, 2010 as ADA Day. The Selectmen signed the proclamation.

Mr. Zubricki presented his Town Administrator's Report for the period covering February 6th through February 19th, 2010 regarding the following items:

Shellfish Constable Work Plan: Mr. Zubricki reviewed a standard work plan and operating procedure for the Essex Shellfish Constable that he had drafted as a result of his recent meeting with the Shellfish Advisory Commission Chair, the Shellfish Constable and Selectman Chairman Jones. The Selectmen said that they would discuss implementation of the plan at their next meeting and asked Mr. Zubricki to share the draft document with the Shellfish Constable and the Shellfish Advisory Commission Chairman.

Youth Commission Community Survey: Selectman Lynch reviewed a list of questions he had prepared for a Youth Commission Community Survey. A couple more questions were suggested. Mr. Zubricki will place the survey on the Town's website. It will also be placed on the Manchester/Essex School telephone network if possible and in school children's backpacks. It is expected that the survey will be ready to go out by March 15th.

Specification of New Server and Client Systems: Mr. Zubricki reported that the new computer system for the new Town Clerk was delivered today. The current system for the Town Clerk is over ten years old and has not been replaced until now since the retiring Town Clerk had her own non-computer procedures. Mr. Zubricki has also been working towards choosing the components of a new replacement server. He is currently negotiating a price with Unifund to install and transfer their software from the old system to the new server. Mr. Zubricki's current estimate for the hardware, software, and installation assistance from Unifund is approximately \$13,000. He said that the Finance Committee is discussing whether the server will be funded from the Reserve Fund or from Line Item Transfers. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to sign either a Reserve Fund Transfer or several Line Item

Transfers up to \$11,000 to fund the new server. Other funding will come from the Technology fund.

Google Community WiFi Trials: Mr. Zubricki said that it has come to his attention that Google will be providing a few select communities with free public WiFi service as part of a research and testing process for Google's new product. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to prepare and submit an application to Google for the Town.

Village Initiative Plan Technical Planning Assistance: The Selectmen reviewed a request from the Long Term Planning Committee to partially fund planning assistance for some of the projects set forward in the Committee's Village Initiative Plan. The Selectmen agreed that despite their strong endorsement of the Committee and its Village Initiative Plan, funding will have to wait for Free Cash and a Special Town Meeting in the Fall.

Boy Scout Camporee: Mr. Zubricki reported that he had asked Warren Grant to provide a reference for the group that is requesting to hold a Boy Scout Camporee at Centennial Grove in May. Warren Grant said that he would have no concerns about letting the group use the Grove. The group will supply additional sanitary facilities and will arrange for parking at some remote location. People and provisions, etc. will be dropped at the site and picked up later. The group will get a permit for campfires from the Fire Department. They will not be using the playing fields. Following the discussion, a motion was made, seconded, and unanimously Voted to grant permission to the group to use Centennial Grove on May 14, 15, and 16, for their Camporee and to waive the customary rental fee in lieu of the group's cleaning up the nature trail at the Grove.

Discretion of the Dog Officer: Mr. Zubricki said that the Dog Control Officer is pleased to know that she may exercise discretion when enforcing the dog control bylaws on a case by case basis. Mr. Zubricki is preparing a recommendation to be incorporated into the Town's wage and salary scale for compensation for the care and lodging of stray dogs. The expenses will be paid out of a special revolving fund which will be replenished by the owners of the dogs when the dogs are retrieved. Mr. Zubricki will have Town Counsel review his recommendation once it is complete.

Draft Annual Town Meeting Warrant: Mr. Zubricki distributed the latest draft of the Annual Town Meeting Warrant and reviewed each of the articles now included. Town Counsel has advised that the zoning articles be placed in a certain order on the warrant.

Selectman Randall reported that there are no fatal deed restrictions on the Centennial Grove Cottage. He said that the cottage could be valued at between \$650,000 and \$1,000,000. It was suggested that the Town should hire a professional appraiser to prepare a valuation of the property. The estimated cost to hire the appraiser would be about \$500 to \$750. A motion was made, seconded, and unanimously Voted to hire a professional appraiser and to pay for the service out of the Grove Revolving Fund.

Selectman Randall will suggest the name of an appraiser. If the Grove Cottage were to be sold, the sale proceeds could be used to upgrade the other amenities at the Grove.

Alcohol Awareness Training: Mr. Zubricki said that the Alcoholic Beverage Control Commission does not provide or offer regular training sessions to restaurant and/or package store owners. The Chief of Police will be sponsoring a training program this summer, but it will not be given on an annual basis. The Selectmen are considering making attendance at annual training workshops offered by the Chief a condition of the annual license renewal process.

Annual Legal Update: The Selectmen agreed to schedule Kopelman and Paige to present an update of the Town's legal matters on April 12th at 7:30 p.m.

Each of the Selectmen has completed the analysis of the candidates that were interviewed for the position of Town Clerk. It was unanimously agreed that the top candidate is Patricia Brown. A motion was made, seconded, and unanimously Voted to offer the position, which includes a 36.5 hour work week, standard benefits, and annual compensation starting at \$49,000, to Patricia Brown, contingent upon good references and a successful drug and medical screen. Mr. Zubricki will proceed with checking her references and the drafting of the offertory letter.

A motion was made, seconded, and unanimously Voted to sign an updated Memorandum of Understanding for the Response Team as recommended by Police Chief Silva. The MOU is the same as the last one, except that the names of the participants have been updated.

A motion was made to approve the following requests for permits and license renewals:

Auction Permit:

- Frank Kaminski, d/b/a Kaminski Auctions, for use on Saturday, March 27th, 2010, between the hours of 10:00 a.m. and 7:00 p.m., within the confines of 127 R Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Sunday, March 28th, 2010, between the hours of 10:00 a.m. and 7:00 p.m., within the confines of 127 R Main Street.

Class II License Renewal:

- Cape Ann Auto Body, Stephen Pascucci, Manager, at 19 Grove Street

Common Victualler's License Renewal:

- Down River Ice Cream Corporation, Amy Ahearn, Manager, at 241 John Wise Avenue

The Selectmen were reminded that the Cape Ann Chamber of Commerce will hold an Evening Business Exchange on Wednesday, February 24, from 5:00 p.m. to 7:00 p.m. at Sudbay Family Automotive at 88 Causeway Street in Gloucester.

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

A motion was made, seconded, and unanimously Voted to approve and sign four letters of recognition and appreciation to retiring members of the Fire Department: Richard Carter, Roger Ball, Jack Good and Blake Story.

Mr. Zubricki said that he has received a complaint that a political party meeting was listed on the Town's website calendar. Certain Town buildings are made available to responsible local public groups for meeting and group names are listed on the calendars on the website so people are able to know when a building is available as a meeting place. The Selectmen are in agreement that it is useful and not promotional to list when a group is using a facility.

Mr. Zubricki reminded the Selectmen that they are still working on preparing his employee evaluation.

At 8:23 p.m., citing the need to discuss the value of real estate, litigation, collective bargaining, and the deployment of security devices, the Chairman entertained a motion to move to Executive Session. He stated that the Board would not be returning to Open Session and invited 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 8:47 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.