

Selectmen's Minutes

March 8, 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: Cathy Ingaharro, Jim Haskell, Richard O'Leary, James Genest, Dean Rossi, Robert Fitzgerald, Phillip MacDougall, Steven MacDougall, Michael Jacobs and two other members of the public.

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.

The Selectmen reviewed requests for waivers of the deadline for receiving clamming permit applications from James Genest, Stephen Hartley, James Haskell and Richard O'Leary. A motion was made, seconded, and unanimously Voted to approve all four requests for waivers.

Mr. Zubricki reminded the Selectmen that Michael Matheson, a former Essex resident, will finally be eligible to obtain a Gloucester clamming license on July 1, 2010. A motion was made, seconded, and unanimously Voted to approve his request for a clamming permit for the period April 1 through June 30, 2010.

Shellfish Advisory Commission Chairman Robert Fitzgerald said that the Commission would like to recommend that the Selectmen vote to close the winter clam flats for the season on Sunday, March 21st, 2010. The Selectmen agreed and a motion was made, seconded, and unanimously Voted to close the winter clam flats, effective at midnight on Sunday, March 21st, 2010.

The Selectmen and Commission members Fitzgerald, Rossi and Haskell discussed the concept of establishing a revolving fund through the collection of a \$50.00 surcharge on each commercial clamming license to pay for the cost of reseedling materials such as nets, buoys, and seed clams. It was agreed that Mr. Zubricki will consult Town Counsel about the correct procedures for creating a surcharge and establishing the fund. It is hoped that the new surcharge can be implemented for the 2011 season. They also discussed requiring commercial shellfish license applicants to either pay an additional \$100 per year or to perform specific conservation/enhancement/ predator control tasks as defined by the Shellfish Constable to help with the reseedling project before a license is granted or renewed. This would be a fair way of making everyone contribute towards a project that will benefit everyone. The Selectmen agreed to consider these ideas and discuss them at a later date. Mr. Zubricki will also discuss financial testing of the proposed fees with Town Counsel. Mr. Fitzgerald, Mr. Rossi, Mr. Haskell, Mr. O'Leary, and Mr. Genest left the meeting.

Phillip MacDougall, Steven MacDougall, and Michael Jacobs came before the Selectmen to request that the one-year Essex residency requirement for a clamming permit be waived. They have been residing in Essex since December 1, 2009. At the last Selectmen's meeting Mr. Jacobs had read a letter from the Division of Marine Fisheries stating that town residency requirements for clamming permits are illegal in certain cases. Mr. Zubricki said that he has verified with Town Counsel that the Town is within its

rights to set a residency requirement. He also verified with the Gloucester Shellfish Constable that Mr. Jacobs, and both Mr. MacDougalls will be allowed Gloucester shellfish permits until they meet the Essex residency requirement. Consequently, finding no evidence of hardship, a motion was made, seconded, and unanimously Voted to deny the requests for waivers of the one-year residency requirement. Mr. Zubricki told them to see the Town Clerk to request a refund of their application fees. A member of the Gloucester Shellfish Advisory Commission who was present said that it is illegal to enforce the residency requirement. The group said that they would be hiring a lawyer. Mr. MacDougall, Mr. Jacobs, Mr. MacDougall, the Gloucester Shellfish Advisory Commission member, and one other member of the public left the meeting.

Cathy Ingaharro said that her sister has applied for a new Antiques License and that she would like to answer any questions that the Selectmen may have since her sister was unable to be present at the meeting. The Selectmen had no questions and a motion was made, seconded, and unanimously Voted to approve an Antiques License for Mary Jane Ringwood, d/b/a Memory Lane Antiques & Collectibles @ 147 Main Street. Ms. Ingaharro thanked the Selectmen and left the meeting.

A motion was made, seconded, and unanimously Voted to approve the following two auction permits:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Antiques, for use on Tuesday, March 30, 2010, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.
- Robert Landry, d/b/a Landry Antiques, for use on Tuesday, April 13, 2010, between the hours of 2:00 and 9:00 p.m. within the confines of 125 Main Street.

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

Commercial Clamming Permits:

Stephen Aiello	Ronald Gallant	Charles A. McNeil
Kenneth Amero	Jeff Goodreault	Shepherd D. Means
Robert A. Amero	Scott G. Hamlen	Bruce Mello
William O. Appeltofft	Donald T. Hatch	George E. Mullin
Brian Ball	Jason Heath	Herbert S. Nunes
Artan Bila	Ronald A. Hemeon	Keith Painter
Richard Buczko	Russell Hemeon	Michael Pascucci
Michael Burns	Steve Hemeon	Richard Pascucci
Sheila L. Carter	Matthew Jacobs	William M. Pascucci
Kelly Corrao	Mark A. Jordan	Robert Perrigo
Salvatore A. Corrao	Michael J. Jordan	Glenn R. Pike
Eric Corwin	Michael Kopanon	Shelly A. Piper
Daniel Doane	Daniel A. Lane	Thomas W. Prentiss
David Doane	Edward G. Lane	Scott E. Reed
James Dunn	Judson A. Lane	Mark Ross
Scott Dunsmore	Mark R. Lane	Paul Ross

David Earl
Charlene J. Farelli
Benn Ferriero
Peter A. Ferriero
William Fitts
James P. Fitzgerald
James Fitzgerald
Michael Fitzgerald
Robert Fitzgerald
Robert Fitzgerald, Jr.
Shane Fraser
Jeff Fraser, Jr.
Michael T. French

Matthew E. Lane
Michael T. Lane
Ryan R. LaRochelle
Wayne Leveille
Brian Loebelenz
Dale Scott Lowry
John MacDonald
Rocco Manzi
Dan Marshall
Peter C. Marshall
Timothy J. Marshall
Shane Matthews
Chris Maxfield

Dean Rossi
Brent Roundy
Wayne Savoie
Sefton Earl
Nicholas Silva
Richard Tofuri
Mark Whitman
Peter F. Wilson
Chris Wilt
Keith R. Woodman
Kyle Woodman

Senior Clamming Permits:

Albert J. Beaulier
Norman A. Burnham
William P. Burns
Robert E. Doane

Dennis Henderson
James E. Henderson
Russell Jordan
George E. Lane

Eugene A. Melanson
Everett E. Reed
George L. Thompson
Leonard A. Woodman

Student Clamming Permits:

Craig Carter
Kevin Carter
Nick Congdon
Matthew N. Corwin
Robert Fagan
Cody Ferriero
Nathan Ferriero

Christopher Jordan
Timothy Jordan
Kameron Leveille
Michael Loebelenz
Christopher McNeil
Andrew Randall
Ian Richards

Cooper Riehl
Charles Storey
Kevin Tofuri
Alex Walder
Erik Walder

Mr. Zubricki presented his Town Administrator's Report for the period covering February 20th, 2010 through March 5th, 2010 regarding the following items:

Pocket Park Technical Assistance: Mr. Zubricki said that Carolyn Britt of Community Investment Associates has submitted an estimate for planning the pocket parks. Mr. Robert Coviello had contacted Mr. Zubricki about modifying the proposal to standardize the Village Initiative projects. The total amount would likely be less than \$10,000. The Selectmen are in favor of funding this project since there is not enough funding available at this time for the Town building feasibility study.

Essex Youth Commission Survey: Mr. Zubricki reported that the EYC survey has been made available on the Town's website and in paper form at several sites. It has been advertised in the local newspaper, on the Town website and in school backpacks. To date, there has been one survey completed on line and one paper survey delivered to Mr. Zubricki's office. The Selectmen noted the recent article in the Gloucester Daily Times regarding the survey. A motion was made, seconded, and unanimously Voted to authorize only Mr. Zubricki as the official press spokesperson regarding Youth

Commission activities. The Youth Director will be requested to refer any future inquiries to Mr. Zubricki.

Town Building Committee Meeting: Mr. Zubricki reported that the Town Building Committee had received 69 requests for the information package regarding the recently published requests for quotations on the feasibility study for replacement Town building facilities. Eleven companies subsequently submitted proposals which they have agreed to honor through December 31st, 2010. Although there will be no funding available for the study at the Annual Town Meeting in May, the Committee is planning on making a presentation to residents regarding their findings. It is hoped that there will be money available in the fall to fund the study. The Selectmen are in favor of the informational presentation at the ATM, after which the article for funding the study will be postponed until fall.

Summer Program Physical Audit: Mr. Zubricki reminded the Selectmen that last year Mr. Harnish performed an administrative audit of the Youth Commission's Summer Program and that Mr. Harnish has agreed to perform an audit of the facilities this year. The Selectmen are in agreement that the summer program will be held at Centennial Grove, but that the program will not be using the Grove Cottage as part of their facilities. In the event of inclement weather or anticipated inclement weather, the day's activities will be moved to the Essex Elementary School.

Building Inspector Reports: In the interest of better communication between departments, it was agreed that it would be very useful if the Building Inspector would issue a monthly report regarding the status of each building permit. A motion was made, seconded, and unanimously Voted to ask the Building Inspector to begin issuing monthly reports to the Selectmen.

Shellfish Constable Work Plan: The latest draft of the daily work plan for the Shellfish Constable has been reviewed by the Selectmen, as well as, the Shellfish Constable and the Shellfish Advisory Commission. All comments have previously been incorporated into the plan. A motion was made, seconded, and unanimously Voted to approve the plan as presently drafted. Mr. Zubricki will review the finalized plan with the Constable.

Town Clerk Position: Mr. Zubricki reported that the applicant chosen by the Board to fill the position of Town Clerk has declined the opportunity. The Selectmen will now review the remaining applications that were filed before proceeding with the selection of another person for the position.

Formation of Insurance Advisory Committee (IAC): Mr. Zubricki said that all three unions have agreed to consider the formation of an Insurance Advisory Committee. All the seats on such a committee are to be filled with union members with the exception of one seat that would be filled by a retiree chosen by the Selectmen. Mr. Zubricki asked the Selectmen to consider suggesting names of retired persons who may be appropriate for the non-union seat.

Route 133 Project Construction Hours for Coming Season: Mr. Zubricki reminded the Selectmen that last year they had considered changing the project's construction hours from 7:00 - 3:30 p.m. to 6:00 - 2:30 p.m. A motion was made, seconded, and unanimously Voted to request MassHighway to alter the work day hours to begin at 6:00 a.m. and end at 2:30 p.m.

Appraisal of Grove Cottage: Mr. Zubricki reported that the appraiser who is evaluating the Grove Cottage has reminded him that the real estate market is currently very depressed. Usually, appraisals are based on sales from the prior year; and, since the past year's activity has been only half that of each of the two preceding years, it will affect the appraisal value adversely. Mr. Zubricki reviewed the appraisal parameters of the cottage property which may include a deed restriction prohibiting future subdivision of the property and the construction of just one, single-family house with associated outbuildings. The Board agreed to delay the appraisal until the market improves

Proposed Public Safety Building Site Preliminary Analysis: Mr. Zubricki recently conducted a site visit to the property on John Wise Avenue that is being considered for a new public safety building with representatives from the Conservation Commission, the Town Building Committee, the Planning Board, and the Appeals Board. The consensus of the visit was that there is sufficient area available for a town building. However, it was agreed that the wetland area should be delineated and flagged to facilitate future discussions at Town Meeting and with professionals who will be assisting with the development of the site. Mr. Zubricki said that the flagging is estimated to cost about \$650 plus the cost of plotting the wetland lines on a plan, which could be funded from Town Property Expense. A preliminary site walk with a wetlands biologist has indicated that wetland will likely not prevent development of the site. A motion was made, seconded, and unanimously Voted to approve hiring a firm to flag the wetland areas at the site.

Historic Records Preservation: Mr. Zubricki said that the Historic Records Preservation project that was begun a couple of years ago has managed to stabilize the environment where the records are stored in the vault in the basement of the Town Hall. However, there is still a lot of work to be done to complete the project. Although the estimated cost of completing the project is about \$8,000. There is only about \$4,700 left in the budget that was set aside by the Town for this type of work. The Selectmen agreed and a motion was made, seconded, and unanimously Voted to authorize the use of the remaining money to move forward with the project to the extent possible.

Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed the newest draft of the articles proposed for the Annual Town Meeting Warrant.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$103,487.76. Chairman Jones abstained from voting and signing the warrant.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the February 22nd, 2010, Selectmen's Open Meeting and the Selectmen's February 22nd, 2010, Executive Session.

The Selectmen reviewed a request from the Essex Historical Society and Shipbuilding Museum. A motion was made, seconded, and unanimously Voted to approve the request for a permit to use Town land to erect a boat building exhibit for one year contingent upon the Society obtaining a certificate of liability insurance naming the Town as beneficiary, if possible. The Society has provided a check in the amount of \$500.00 made out to the Town that will be refunded to the Society upon removal of the exhibit and restoration of the site to its present condition.

The Board of Health has requested use of Centennial Grove for their 2nd Annual Youth Triathlon on August 7th, 2010. A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove for the Triathlon on 8/7/2010.

The Selectmen considered a request from the American Lung Association and a motion was made, seconded, and unanimously Voted to grant permission to the American Lung Association to pass over Essex roads during their fundraiser planned to take place on Saturday and Sunday, June 26 and June 27, 2010.

The Selectmen discussed a newsletter from Cape Ann Tree Service about the possible presence of extremely destructive insects in Town. They asked Mr. Zubricki to contact Cape Ann Tree Service and request suggestions regarding Town-owned areas.

The Selectmen reviewed two letters from residents of Conomo Point who do not lease Town land regarding the proposed future subdivision of the Point.

Mr. Zubricki said that Chief Silva has requested permission to begin discussion of the renewal of the Manchester Lockup Agreement with the Manchester Police Chief. A motion was made, seconded, and unanimously Voted to authorize the Chief to begin negotiations.

The Selectmen said that they were in agreement with the comments regarding the fiscal year 2009 audit responses.

Mr. Zubricki reported that Manchester Essex Little League will be providing two portable scoreboards, a lightning detection alert system, two sets of aluminum bleachers, tarpaulins for the field, a batting cage, as well as new removable fencing for the Field of Dreams at Centennial Grove. The Selectmen were pleased with MELL's choices.

Mr. Zubricki said that the Youth Director has requested the use of the Grove Cottage for a May 21st MRPA meeting and a motion was made, seconded, and unanimously Voted to grant permission to use the Grove Cottage for the MRPA meeting.

The Selectmen reviewed an invitation to the Eagle Scout Court of Honor for Yuri Klypka-Simpson on Saturday, April 10, 2010 at 11:00 a.m. at the First Universalist

Church in Essex and signed a congratulatory letter to Mr. Klypka-Simpson for his achievement.

The Selectmen reviewed and signed a congratulatory letter to Danny White for also achieving the rank of Eagle Scout. His court of honor will be held on Saturday, March 20, 2010.

The next Board of Selectmen's meeting will be held on Monday, March 22nd, at 7:00 p.m. in the T.O.H.P. Burnham Public Library.

The Cape Ann Chamber of Commerce will hold an Evening Business Exchange on Wednesday, March 24, from 5:00 to 7:00 p.m. at the former Carnegie Library at 18 Jewett Street in Rockport.

Finance Committee Chairman Jeff Soulard and Finance Committee members Ed Lafferty, Gordon Martin, and Richard Ross appeared before the Selectmen to report on the status of the proposed FY2011 budget. The budget is now balanced and the Town will not need an over-ride this year. However, next year will more likely than not require one. Committee members and the Selectmen discussed the proposed Annual Town Meeting Warrant.

The Finance Committee members left the meeting.

At 8:55 p.m., citing the need to discuss the value of real property and collective bargaining, the Chairman entertained a motion to move to Executive Session. The Chairman announced that the Board would not be returning to Open Session and invited Mr. Zubricki to attend the Executive Session. 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 9:20 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.