

Selectmen's Minutes

April 26, 2010

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

Also Present: Salem resident Francis Burnham; Main Street antiques store owner Ed Howard; Western Avenue restaurant owner Bradley Atkinson; Board of Appeals member Ed Perkins; Board of Health Agent Elaine Wozny; Gloucester Board of Health Agent Jack Vondras; Board of Health member Marlene Sanders; Board of Health Public Nurse Kim Paskalis; Board of Public Works Chairman Paul Rullo; Board of Public Works Superintendent Paul Goodwin; Chamber of Commerce Chair, Long Term Planning Committee member and Enhancement Committee member Sue Lufkin; Council on Aging Chairman Robert Cameron; Finance Committee Chairman Jeff Soulard and members: Karen Birch and Richard Ross; Fire Chief Dan Doucette; Long Term Planning Committee member and Merchants' Association member Robert Coviello; Open Space Committee Chair Julie Scofield; Planning Board Chair and Conomo Point Planning Committee member Kim Drake; Police Chief Peter G. Silva; School Committee member Susan Coviello; Shellfish Advisory Commission member Leonard Woodman; Town Accountant Roxanne Tieri; Town Building Committee Chair Lisa O'Donnell; Town Moderator Rolf Madsen; and, Treasurer/Collector Virginia Boutchie.

Chairman Jones called the meeting to order at 7:00 p.m. in the Senior Center on Pickering Street and announced that the Board would hear Public Comment. Francis Burnham came before the Selectmen and presented the Selectmen with handouts citing certain Town bylaws pertaining to the enforcement of Town zoning/health requirements that he believes affect William Allen's Southern Avenue property. Mr. Burnham announced that the Board of Health had made a mistake and said that he would talk to the Building Inspector about Mr. Allen's options regarding the property. The Chairman reminded Mr. Burnham that the property is currently under the control of a court appointed receiver who does not report to the Selectmen. Mr. Burnham thanked the Selectmen for their time and left the meeting.

Ed Howard and Leonard Woodman came before the Selectmen to voice their concerns regarding the elimination of parking spaces at the corner of Martin and Main Streets as part of the ongoing Mass Department of Transportation's Route 133 Reconstruction Project. Town merchants, the Selectmen, and Mr. Zubricki have been meeting over the past two years with Mass DOT's representatives and engineers to discuss various aspects of the project and met again on April 26th at the site to discuss the feasibility of replacing the proposed grassed-in area with either parallel parking or pull-in parking. Mass DOT has continued to explain that the options for the site are constrained by federal and state safety laws and guidelines which prohibit parallel or pull-in parking at this location in addition to safety and cost concerns. After some discussion, a motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to draft a letter from the Selectmen to Congressman Tierney requesting his assistance in exploring the issues further. The Selectmen stated that they will send the letter as a courtesy, but if the idea is again turned down, they will accept that decision as final. Mr. Woodman and Mr. Howard thanked the Selectmen for their efforts and left the meeting.

The Chairman introduced the Board of Health Agent from Gloucester, Jack Vondras, and the Essex Board of Health Agent Elaine Wozny to those present. Mr. Vondras and Ms. Wozny presented a power point slide show about this past year's Influenza Vaccine Distribution Program. Four communities had worked together as the Cape Ann Emergency Planning Team to pool resources and provide care and information for the residents of Cape Ann. Health Agent Wozny went on to describe the success of last year's first Youth Triathlon that was sponsored by the Essex Board of Health and the plans for this year's repeat event. The Selectmen thanked Ms. Wozny and Mr. Vondras for an excellent presentation. Mr. Vondras left the meeting.

Jeffrey Soulard, Chairman of the Finance Committee, led off the Department Head meeting with a status report regarding the proposed budget for FY2011. Thanks to hard work by all the committees and departments, the Town will be able to avoid an over-ride for another year. However, an over-ride will likely be necessary in FY2012.

Chair of the Planning Board, Kim Drake, reported that her board was able to utilize the services of a professional planner during the last year to reformat and reorganize the Town's existing bylaws to make the bylaws easier to understand and use. The Planning Board also worked with the planner and the Conomo Point Planning Committee to address the future needs of Conomo Point after 2011. The Planning Board will be presenting the reformatting of the bylaws for approval at the May Annual Town Meeting. However, the Planning Board felt it was premature to ask for a Town vote on a zoning bylaw amendment to facilitate sub-division of Conomo Point. Various zoning bylaw definition amendments will also be considered by Town Meeting.

School Committee member Susan Coviello said that she had just come from Manchester, where the School Committee had received the Volunteer of the Year Award. The Committee has managed to finalize the school budget for FY2011 with only a 4% increase by using most of their reserves and hard work. She reported that there still remain a few things to be finished at the new middle high school, but that the Committee had managed to have the building completed on time and on budget. The school construction has been 40% funded by the State.

Selectman Lynch joined the meeting.

Fire Chief Dan Doucette said that the Fire Department was able to obtain some of their much needed equipment through grants and special funding. Everyone present praised the great job that the Fire Department does. Sue Lufkin said that the Lufkin family was especially grateful to the Fire Department and the Police Department for help with a family emergency last week.

It was noted that Board of Public Works member Walter Rich has decided not to seek reappointment when his term runs out at the end of June. Mr. Rich was recommended by the Planning Board for appointment by the Selectmen, so it will be the Planning Board's responsibility to provide the Selectmen with the name(s) of a proposed replacement candidate.

Lisa O'Donnell, Town Building Committee Chair, reported that her Committee has selected Reinhardt Associates as the finalist to perform the feasibility study of the proposed new Town buildings plan. The firm is agreeable to working with the Town on a pro bono basis until the project is hopefully funded at a Special Town Meeting in the fall from Free Cash.

Concluding the Department Head segment of the Selectmen's meeting, Treasurer/Collector Virginia Boutchie announced that the Town has recently has its bond rating upgraded from A+ Stable Outlook to AA+ Stable Outlook. The upgrade was the result of a due-diligence conference call with Standard & Poors, the Town Accountant, the Town Administrator, and the Treasurer/Collector.

Citing the need to discuss the value of real property and collective bargaining, the Chairman entertained a motion to move to Executive Session. He said that the Board would be returning to Open Session and invited Chief Silva and Town Administrator Zubricki to attend. Everyone else left the meeting. The motion was made and seconded, and, per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 9:02 p.m. Chief Silva had previously left the meeting during the Executive Session.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$599,105.26.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 12th, 2010, Selectmen's Open Meeting and the Selectmen's April 12th, 2010, Executive Session. A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 13th, 2010, Selectmen's Open Meeting and the Selectmen's April 13th, 2010, Executive Session.

Mr. Zubricki presented his Town Administrator's Report for the period covering April 10th, 2010 through April 23rd, 2010 regarding the following items:

Town Building Committee Designer Evaluations: Mr. Zubricki suggested that a contract should be drafted for the proposed feasibility study. A motion was made, seconded and unanimously Voted to proceed with the drafting of a contract between the Town and Reinhardt Associates for a feasibility study of new Town buildings contingent upon funding at a fall Special Town Meeting after a cost proposal is submitted and approved.

Route 133 Reconstruction Project Update: Mr. Zubricki reported that the sub-contractor who is placing the pilings for the Route 133 Reconstruction Project will only have his equipment on site for two months. He said that the probability of getting all the paperwork, permitting, and funding done in time to utilize the sub-contractor to also install pilings for a future boardwalk is slim to none. It has been suggested that the

boardwalk could be installed using an alternative bracket method instead of pilings. Mr. Zubricki will continue to explore both options.

Mr. Zubricki said that Mass DOT is proceeding towards agreeing to increase the roadbed elevation in the area of the Fortune Palace restaurant. Mass DOT has also determined that it will be cheaper for them to make minor adjustments to keep the temporary utility poles permanently where they are now instead of moving them back to their original position. Mass DOT has also informed Mr. Zubricki that they will be working on the seawall during the night.

Regional Dispatch Center Draft Agreement: Mr. Zubricki reported that some towns that have agreed to join together for the Regional Dispatch Center have been discussing having the agreement reviewed by one lawyer for all the towns. So far, most towns have agreed to the idea, except for Hamilton, which has not been reached for a comment as yet. Mr. Zubricki will contact Kopelman and Paige once there is 100% agreement.

Lightning Protection System, Folsom Pavilion: Mr. Zubricki has received an estimate of \$2,500 for installation of a lightning protection system at the Folsom Pavilion at Centennial Grove. A motion was made, seconded, and unanimously Voted to approve the installation and fund it from the Centennial Grove Revolving Fund.

Further Discussion Relative to Draft Town Meeting Motions: Mr. Zubricki reviewed the latest draft of the Town Meeting Motions.

The Selectmen agreed that the present Town Clerk should stay until the end of this fiscal year, if possible, to help with training her replacement.

In other business, the Selectmen reviewed a proposed change to the shellfish regulations that would limit the number of commercial shellfishing licenses to 94, excluding senior, student, and hardship licenses. The change was initially recommended by the Shellfish Advisory Commission and Mr. Zubricki has reviewed the request with Town Counsel. Now that the proposed change has been drafted into regulatory language, the Selectmen asked Mr. Zubricki to solicit final comments from the Advisory Commission before the Selectmen vote on the change.

The Selectmen reviewed an advance release of a new book of historical Essex photos. The publishers have asked to have a link to purchase the book on the Town website in exchange for use of the photos contained in the book. After consideration, a motion was made, seconded, and unanimously Voted to deny the request for the link on the Town website.

Mr. Zubricki reported that he had recently met with Dana King, the organizer of the Essex Music Festival, to discuss some questions. Mr. King has asked to extend the usual hours of the festival until 10:15 p.m. The Selectmen agreed that that was a reasonable request. Mr. King would also like to use the Grove Cottage as a performance area for some of the musicians in case of rain. The Selectmen denied the request to use the

cottage. Mr. King also asked if the outfield could be used for parking. The Selectmen also denied that request, since there is an irrigation system installed there that could be damaged.

Mr. Zubricki reported that when the new fence was installed at the Field of Dreams, the main irrigation pipe was pierced. Manchester Essex Little League has assumed responsibility for the mishap and will pay for the repairs to the system.

A motion was made, seconded, and unanimously Voted to approve the annual license to the Conomo Point Association to attach ramps and floats to the stone pier and the Farnsworth Pier at Conomo Point.

The Selectmen reviewed the municipal election information for the Boston region of the Metropolitan Planning Organization. A motion was made, seconded, and unanimously Voted to vote for William Scanlon. The ballot was marked and signed by the Chairman.

The Selectmen reviewed a letter from Edward Rogers about a real estate tax abatement request that was not responded to by the Assessors. Mr. Zubricki reported that the Assessors have responded to the request and there is no need for additional action.

The Selectmen looked at a copy of a Right of Way Notice to the Manchester Essex Conservation Trust from 14 Essex residents asserting that the Trust is obstructing their right of way and/or easements over the Old Road to Manchester and/or Rocky Hill Road (formerly known as Conomo Drive) and giving notice that the obstructions may be removed. Mr. Zubricki said that this issue has come up in the past and that Town Counsel has opined that the matter needs to be resolved between the parties involved. The Town has no jurisdiction in this matter.

The Selectmen considered a request from the Church of Jesus Christ of Latter Day Saints to use Centennial Grove and the Field of Dreams on Saturday, August 14th for their annual summer outing. A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove on August 14th by the Church and to waive the rental fee in exchange for having the Church members paint the dugouts at Centennial Grove.

A motion was made, seconded, and unanimously Voted to approve the following licenses:

Common Victualler's License Renewal:

- Essex River Cruises & Charters, Clifford Amero, Manager, at 35 Dodge Street

Gravel Pit License Renewal:

- Curlew Cove Realty Trust, David J. Lane, at 53 – 57 John Wise Avenue

One-Day Wine and Malt License:

- Josh McCann, Bartime Bartenders, for use on Sunday, May 30, 2010, between the hours of 3:30 and 9:30 p.m. within the confines of the Essex Conference and Recreation Center at 1 Conomo Point Road.

Selectman Randall will present the pre-Town Meeting Special for Cape Ann TV on Wednesday, April 28th, starting at 7:00 p.m. in Gloucester along with Chairman Jones and Town Administrator Zubricki.

The next Board of Selectmen's meeting will be held on Monday, May 3rd, at 6:30 p.m. in the Teachers Lounge at the Essex Elementary School.

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.