

Selectmen's Minutes

May 17, 2010

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

Also Present: Francis Burnham, Keith Woodman, Cliff Ageloff, Jim Haskell, Jake Pascucci, William Knovak, Steve Hartley, Ed Lane, Tony Ciaramitaro, Marilyn Klypka-Simpson and several commercial clammers.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. Francis Burnham stepped forward and informed the Selectmen that they had to appoint a board to resolve a problem regarding the William Allen property on Southern Avenue. He distributed copies of the Massachusetts General Law supporting his assertion. The Chairman reminded Mr. Burnham that there is a court appointed receiver who is in charge of the property, not the Selectmen. Mr. Burnham left the meeting.

Keith Woodman and Jim Haskell, members of the Shellfish Advisory Commission, came before the Selectmen to discuss implementing more stringent controls regarding evidence of residency for all commercial shellfish license holders. The Selectmen said that they will work with the new Town Clerk to develop a list of acceptable documents and a more stringent protocol to use for proving residency.

Mr. Zubricki reviewed the recent proposed changes to the Town's shellfishing regulations which include a new limitation on the number of annual commercial licenses issued. These changes had been recommended by the Shellfish Advisory Commission. A motion was made, seconded, and unanimously Voted to approve the revised regulations and these regulations will become effective on May 21st, 2010.

Resignation letters from Dean Rossi and Scott Dunsmore of the Shellfish Advisory Commission were acknowledged.

Parking at Conomo Point was discussed. A motion was made, seconded, and unanimously Voted to reaffirm that only individuals with valid Essex stickers that were issued for this year may park at all public Conomo Point locations, and that Gloucester clammers with a valid Essex sticker may only park their rigs at Clammers' Beach and nowhere else at the Point.

There was some discussion of the recent confiscation of small clams from two clammers and it was announced that the Selectmen will hold a formal hearing regarding the matter at 7:30 p.m. on June 7th. The Selectmen said that any threatening conduct should be reported to the Police and will be handled by that department.

Tony Ciaramitaro requested that the Selectmen waive the application filing deadline for a student commercial clamming license for his son, Troy Ciaramitaro, of 57 Western Avenue. A motion was made, seconded, and unanimously Voted to waive the deadline and the Selectmen signed the application.

Keith Woodman, Jim Haskell, Ed Lane, William Knovak, Steve Hartley, Jake Pascucci, Tony Ciaramitaro, and the rest of the people interested in shellfishing left the meeting.

Cliff Ageloff presented the Selectmen with a letter of interest in being appointed to serve on the Conomo Point Planning Committee and asked that the Selectmen consider him if any vacancies on that committee arise. The Selectmen thanked Mr. Ageloff and he left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering May 1st, 2010 through May 14th, 2010 regarding the following items:

Main/Martin Parking Design: Mr. Zubricki reviewed a letter to the District Highway Director of the Massachusetts Department of Transportation requesting a change in the design of the parking at the intersection of Main and Martin Street. A motion was made, seconded, and unanimously Voted to approve and sign the letter. It was agreed that the Board would await a response from Mass DOT before sending a letter to Congressman Tierney requesting his assistance with the change.

Pocket Park Planning and Design Proposal: Mr. Zubricki outlined Carolyn Britt's proposal to assist with coordination of the Chamber of Commerce, the Conservation Commission, the local merchants, and abutters during the design and implementation of the proposed pocket parks. Mr. Zubricki is waiting for Ms. Britt to clarify some aspects of her proposal before presenting it for approval to the Selectmen.

At 7:30 p.m., Jessie Yurwitz came before the Selectmen to speak about her suggestions for curricular enhancements to the Summer Youth Program and staff development initiatives. Ms. Yurwitz cited several books that provide additional information and discussion of the improvements to the program that she is recommending. The Selectmen asked Mr. Zubricki to locate an individual to provide Summer Program staff training from a list of individuals that Ms. Yurwitz had suggested. The Selectmen thanked Ms. Yurwitz for her comments and she left the meeting.

Mr. Zubricki resumed his Town Administrator's report:

Future Boardwalk Support Design: Mr. Zubricki has continued his research into the permits that the Town will need to construct a boardwalk along the Essex River. Among the permits required, is a Chapter 91 License from the State. Mr. Zubricki was told by the State that it will take at least four months to acquire a Chapter 91 License and the process usually takes much longer than that. The Mass DOT contractor working on the seawall only expects to have his equipment on site for another 2 months at the most. Therefore, it is most unlikely that the Town will be able to utilize that contractor for installation of pilings while his equipment is on site for the Route 133 Reconstruction Project. As an alternative to placing pilings to support the boardwalk, it is also being recommended that the seawall be equipped with bracket receivers into which supports can be fitted to hold the future suspended boardwalk. The current design for the seawall would have to be

modified to provide structural support for the brackets and Selectman O'Donnell volunteered to provide a sketch of the modification needed so that discussion of the request can begin with Mass DOT. Currently, there is no funding for the boardwalk.

Board of Public Works members Paul Rullo, Walter Rich, and Scott DeWitt and BPW Superintendent Paul Goodwin joined the meeting to watch a presentation by John Craig about the environmental and the financial benefits of the WasteZero® System. The proposed system would augment the Town's present system for the disposal of solid waste while saving the Town a substantial amount of money.

At 8:50 p.m., citing the need to discuss pending litigation and collective bargaining, the Chairman entertained a motion to move to Executive Session. He stated that the Board would be returning to Open Session and invited Paul Rullo, Walter Rich, Scott DeWitt, Paul Goodwin, Susan Beckman, and Mr. Zubricki to attend. Everyone else left the meeting. 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 9:25 p.m. Paul Rullo, Walter Rich, Scott DeWitt, Paul Goodwin, and Susan Beckman had left during the Executive Session.

Mr. Zubricki again resumed his Town Administrator's report regarding the following:

Utility Pole Relocations, Route 133 Project: Mr. Zubricki is continuing to work with Mass DOT and National Grid regarding the final location of utility poles that have been moved to accommodate the Route 133 Reconstruction Project. He said that it appears that the poles, with some modifications, will be allowed to remain on the southern side of Main Street. However, abutters will need to assent to the granting of easements.

Route 133 Reconstruction Project Schedule Update: Mr. Zubricki said that the local merchants' group had been told that work on the roadway was going to start in the spring and have wondered why it hasn't started yet. Mr. Zubricki has tried to reach the contractor for comment, but as yet, has been unsuccessful.

On a related topic, Selectman O'Donnell suggested the utilization of informal get-togethers to promote a more friendly working relationship between the Town, Mass DOT personnel and their contractors. Mr. Zubricki said that he would contact the Essex Division of the Chamber of Commerce and Mass DOT about arranging a casual breakfast meeting or coffee hour.

Roadbed Elevation Update: Mr. Zubricki reported that Mass DOT is considering raising the roadbed as requested. The cost would be paid by Mass DOT and the abutters would be required to sign "Hold Harmless" agreements with Mass DOT, and potentially, to modify aspects of their own properties.

Town Building Feasibility Study Cost Proposal: Mr. Zubricki reported that a cost proposal in the amount of \$47,500 has been received from Reinhardt Associates for the Town building feasibility study. A motion was made, seconded, and unanimously Voted to accept the cost proposal from Reinhardt Associates subject to appropriation of funds. A second motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to begin drafting a contract with Town Counsel between the Town and Reinhardt Associates, again, subject to appropriation of funds.

Field of Dreams Maintenance: Mr. Zubricki said that Manchester Essex Little League has agreed to pay for Field of Dreams maintenance and MELL has asked if they could deduct the cost of the maintenance from the fee that they are usually charged for the use of the field. The Town has paid for the cost of the field maintenance in the past. A motion was made, seconded, and unanimously Voted to approve the deduction of the maintenance cost from the field usage fees. MELL has finished repairing the old bleachers at the field and would like to install skids on the new, lighter-weight bleachers so that they can be transported around the field to locations where they are most needed. They would like to keep the old bleachers where they are now. MELL would also like to bring electricity to the small outbuilding at the site. A motion was made, seconded, and unanimously Voted to approve each of MELL's requests.

A tarp disappeared from the ball field last week and prompted inquiries about installing a gate at the Grove. Neither the Police Chief nor the BPW Superintendent is in favor of installing a gate. The tarp has since been returned. Mr. Zubricki agreed to find out if the sign is still posted at the Grove that states that the Grove closes at night.

Proposed Finance Committee Survey: Mr. Zubricki distributed a proposed Town-wide survey drafted by the Finance Committee regarding the budgeting process. The Selectmen will review it for discussion at their next regular meeting.

Joint Legal Review of Regional Dispatch Center Agreement: Mr. Zubricki said that the proposed Regional Dispatch Center has decided to engage Kopelman and Paige, P.C. to assist them. After some discussion it was Voted that it is determined, pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7(a) and (b), that Kopelman and Paige, P.C., has disclosed its representation of the Essex County Sheriff's Office, and of the Towns of Amesbury, Essex, Swampscott and Topsfield ("Towns") as Town Counsel, and that the Essex County Sheriff's Office ("Office") is engaging Kopelman and Paige, P.C. to represent the Office with regard to review of the Agreement for the Joint Provision of Public Safety Communications Dispatch and Operations Services (the "Agreement"), a matter in which the Towns have an interest, all as described more fully in a May 12, 2010 letter to the Board of Selectmen. It is further determined that the Office consents to Kopelman and Paige, P.C.'s representation of the Office with regard to the Agreement, and that Kopelman and Paige, P.C. will not be materially limited in its capacity as Town Counsel by its responsibilities to the Office. The Selectmen signed the determination letter.

Emergency Generator for Essex Elementary School: Now that the Board of Public Works has a new generator, they have suggested that the old one (which is worth about \$200,000) be installed at the Essex Elementary School which has no generator. The installation would cost about \$20,000 and could be shared between the Town and the School District. The generator would be installed during the summer when the school building is usually refurbished before classes start again in the fall. It was agreed that the idea should be discussed with the Finance Committee.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$55,790.83.

A motion was made, seconded, and unanimously Voted to approve a request by the Department of Public Works to an MGL Chapter 44, Section 33B transfer of \$1,000 from Water Part-time Labor to Water Office Supplies.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the May 3rd, 2010, Selectmen's Open Meeting and the Selectmen's May 3rd, 2010, Executive Session.

A motion was made, seconded, and unanimously Voted to approve a request from Martha Mazzarino to replace her shed at her leased property on Conomo Point. The Selectmen initialed her building permit.

The Selectmen reviewed a letter from a Gloucester resident regarding his concerns for Conomo Point.

A motion was made, seconded, and unanimously Voted to approve the renewal proposal for Police and Fire Injured on Duty Insurance.

A motion was made, seconded, and unanimously Voted to approve the renewal proposal for Workers' Compensation Insurance and Property and Liability Insurance coverage.

A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by Amy Blondin for a wedding party on Saturday, June 12th, between the hours of 10:00 a.m. and 6:00 p.m.

A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by Tim Hunt, Aces & Eights, for their annual summer outing on Saturday, July 10, 2010, between the hours of 11:00 a.m. and 6:00 p.m.

A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by the Cub Scouts Pack 100 for their end of season campfire on Friday, May 28th, between the hours of 5:00 and 8:00 p.m. and to waive the rental fee.

A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by the Italian Community Center for their annual outing between the hours of 12:00 noon and 7:00 p.m. on Saturday, August 21, 2010.

A motion was made, seconded, and unanimously Voted to increase the Fire Department permit fees to \$50 at the recommendation of the Fire Department pursuant to M.G.L. Chapter 148 § 10A.

A motion was made, seconded, and unanimously Voted to approve a request to pass over Essex and State roads during the annual Memorial Day Parade on Monday, May 31st, 2010, beginning about 9:00 a.m. The Selectmen reviewed an invitation from the Memorial Day Committee to walk in the parade.

A motion was made, seconded, and unanimously Voted to approve a request to pass over Essex and State roads during the annual Fireman's Memorial Sunday Parade on Sunday, June 13th, 2010, beginning about 8:45 a.m.

A motion was made, seconded, and unanimously Voted to appoint Mark Gagnon to the position of Special Police Officer (switching from the previous designation of Auxiliary Police Officer).

A motion was made, seconded, and unanimously Voted to appoint Sally Soucy to the position of Assistant Town Clerk through the end of FY2010. It was agreed that she would keep the same work hours as previously and that she would use that time to catch up on recording past vital records and other administrative work.

Sally's retirement party is being planned for June 2nd, from 3:30 to 6:30 p.m. at the Village Restaurant. At that time the Selectmen will present a framed proclamation naming June 19th, 2010 as Sally Lord Soucy Day. It will be announced that the nature trails at Centennial Grove will be named the Sally Lord Soucy Nature Trails and there will be a dedication and ribbon cutting on June 19th at Centennial Grove. The Grove Cottage will be open that day for tours as part of the celebration.

It was suggested that Bob Tyack might be interested in being appointed as the Town Surveyor of Bark and Lumber. Mr. Zubricki said that he would research the history of the appointments of Town Pound Keeper and the Surveyor of Bark and Lumber.

It was agreed that a request from Senior Care to submit the name of a Town resident as a candidate for the Myra L. Herrick Outstanding Older American Award and the Rosemary F. Kerry Community Service Award would be forwarded to the Council on Aging.

The Selectmen reviewed a letter from the City of Gloucester regarding expansion of offshore oil drilling and decided to take no action on it.

Mr. Zubricki said that the Youth Director has asked for a letter of recommendation and that Town Counsel has advised against it. The Town has never issued a letter of recommendation for anyone. The Selectmen asked Mr. Zubricki to speak to the Youth Director about continuing her employment and benefits through the end of the summer program. Both Selectman Randall and Selectman Jones have spoken privately with the Youth Director about the Annual Town Meeting vote to only fund the summer program.

It was agreed that a letter of interest from Caroline Woodman regarding an appointment to the Long Term Planning Committee would be forwarded to the LTPC's Chair, Michael Dyer.

Selectman O'Donnell agreed to act as the Selectmen's liaison to the Long Term Planning Committee.

Mr. Zubricki reported that Taintor & Associates held their first public forum last Saturday and that two more are planned in June and July.

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

One-Day Wine and Malt Special License:

- Woodman's Inc., Stephen B. Woodman, manager, for use on Saturday, June 19, 2010, between the hours of 12:00 noon and 10:00 p.m. within the confines of the tent area at 125 R Main Street.
- Essex County Greenbelt Association for use on Thursday, June 10, 2010, between the hours of 5:00 and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt Association for use on Friday, June 11, 2010, between the hours of 6:00 and 8:30 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Italian Community Center, Bob Pieroni, for use on Saturday, August 21, 2010, between the hours of 12:00 noon and 7:00 p.m. within the confines of Centennial Grove.
- Tim Hunt, Aces & Eights, for use on Saturday, July 10, 2010, between the hours of 11:00 a.m. and 6:00 p.m. within the confines of Centennial Grove.
- Woodman's Inc., Stephen B. Woodman, manager, for use on Sunday, May 30, 2010, between the hours of 12:00 noon and 10:00 p.m. within the confines of the tented area of 121 Main Street.

One-Day Entertainment License:

- Amy Blondin Wedding, Christine Wojnar, for use on Saturday, June 12, 2010, between the hours of 12:00 noon and 6:00 p.m. within the confines of Centennial Grove.

- Essex County Greenbelt Association for use on Friday, June 11, 2010, between the hours of 5:00 and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Italian Community Center, Bob Pieroni, for use on Saturday, August 21, 2010, between the hours of 12:00 noon and 7:00 p.m. within the confines of Centennial Grove.
- Tim Hunt, Aces & Eights, for use on Saturday, July 10, 2010, between the hours of 11:00 a.m. and 6:00 p.m. within the confines of Centennial Grove.

The Essex Division of the Cape Ann Chamber of Commerce will meet on Wednesday, May 19th, at 8:00 a.m. at Woodman's Lobster Pool on Main Street. Selectman Randall and Mr. Zubricki will attend.

The Town Building Committee will hold their public forum on Monday, May 24th, at the Fire Station.

Essex Senior Recognition Night sponsored by the Essex Lions Club will be on Thursday, May 27, 2010, at 6:00 p.m. at the American Legion Hall, 37 School Street in Hamilton. Tickets are \$20.00 each.

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

A motion was made, seconded, and unanimously Voted to reorganize the Board of Selectmen and appoint A. Raymond Randall, Jr. as the new chairman.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:45 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____