

Selectmen's Minutes
T.O.H.P. Burnham Public Library

June 21, 2010

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa O'Donnell, Town Administrator Brendhan Zubricki, Finance Committee Chair Jeff Soulard, and Selectmen's Assistant Pamela J. Witham, as well as several members of the public.

At 7:00 p.m., the Chairman called the meeting to order and announced that the Board would hear Public Comment.

Justine Kane, a Youth Commission summer program counselor, came before the Selectmen to speak in favor of the summer program's use of the Grove Cottage, the Grove Garage, and the Cottage grounds. She was followed by Ronald Hemeon, Diane Corrao, Genevieve Guerin, Ivan Muise, Karen Bell, and Tom Prentiss, who all spoke advocating the use of the cottage for the summer program and also using it for special functions like weddings. The Chairman thanked everyone for their comments and said that the Board would take the matter under advisement. The Cottage Group left the meeting.

Noah Goldstein, co-owner of the Farm, and Ryan Cox, the Farm's attorney, appeared before the Selectmen to review a request for a pledge of the Farm's liquor license to the bank that is financing the Farm's mortgage to buy the property at 233 Western Avenue. The paperwork was in order and a motion was made, seconded, and unanimously Voted to grant the request for a pledge of license. The Selectmen signed the forms which will now be forwarded to the Alcoholic Beverage Control Commission for their approval. Noah and Ryan thanked the Selectmen and left the meeting.

Ed Perkins, the owner of Perkins Marine on Main Street, came before the Selectmen and said that it has been brought to his attention that there is a fatal flaw in the design plans that Mass Highway is using for the new seawall. He said that the foundation base for the wall is above the mean low water mark and has hot roll steel pilings that will be sitting on a bed of gravel that is not contained. Based on the current design, it is estimated that the new seawall will only last ten to fifteen years before it is rusted away and undermined by the continuous ebb and flow of the tides. Mr. Perkins has discussed the current plans with Mass Highway's clerk of the works for the project, Brian, and the contractor. Both the contractor and the clerk agree with Mr. Perkins. Possible solutions to the design flaw are placing concrete around the piles in plastic sleeves at least three to six feet below the mean low water mark or encasing the entire subsurface area in concrete. After some discussion, a motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to draft a letter to the head of Mass Highway describing the Selectmen's concerns about the seawall design. A further motion was made, seconded, unanimously Voted to authorize Selectman O'Donnell to confer with Mass Highway regarding the necessary design elements to incorporate in the seawall to provide for the future construction of a boardwalk. Mr. Perkins left the meeting.

Sam Cleaves, from the Metropolitan Area Planning Council, came by to review the Hazard Mitigation Plan designed for Essex. MAPC has been working with various town

officials at the regional and local levels for the past three years to develop plans for each town which are designed to prevent or reduce losses or injuries resulting from natural hazards such as flooding, storms, earthquakes, etc. by identifying critical sites and risks in the towns. Once the areas are identified and assessed, measures can be developed and implemented to soften or avoid the problems. A town needs to have an approved plan in place to be able to qualify for certain grants and assistance. Once the plan is approved by the town, it is forwarded to MEMA for comment and approval; and then to FEMA for comment and approval. After approval by both groups, the plan is adopted by the town, making the town eligible for grants. The Town may or may not choose to begin implementation of the suggested mitigation measures. Five years after the plan is adopted by the town, MAPC representatives will come back to the town to update the plan where needed. Mr. Cleaves agreed to send the latest draft of the plan for Essex to Mr. Zubricki for review by the Selectmen. The Selectmen thanked Mr. Cleaves for his time and he left the meeting.

Jim Lewiecki, Lynne Ann Hagar, Kathy Pennoyer, and Kathy Irwin from the ad hoc Essex Parks Improvement Committee, along with Jim and Katrina Haskell and Robert Coviello joined the Selectmen to discuss the status of the proposed tennis court project behind Town Hall. Mr. Lewiecki said the Committee has had a feasibility study done, along with construction-ready design plans. The Committee has gotten Conservation Commission approval and Department of Environmental Protection approval for their plan which includes two tennis courts, a basketball court, a parking area and finishes off the remaining area. The Committee has generated the money needed to finance their progress to date and are seeking support and guidance from the Selectmen to move the project forward. Discussion followed concerning the advantages/disadvantages of private funding vs. town funding. It was agreed that the Selectmen would issue a letter of support for the Committee's project that can be used by the Committee as a marketing tool to raise funds for the project. The Committee said that they will work on breaking the project up into smaller pieces that can be implemented over time as funding permits. The Selectmen suggested that the Committee be showcased at the next regularly scheduled Department Head Quarterly Meeting to be held in October in the hopes of enlisting the resources and goodwill of other departments to help with their project. The group thanked the Selectmen and left the meeting.

The Selectmen discussed a proposal to install a generator left over from the old high school at the Essex Elementary School with Finance Committee Chair Jeff Soulard. The generator is estimated to have at least ten years left of useful life. The Regional School District is willing to split the cost with Essex of approximately \$22,500 for the moving and installation of the generator. After some discussion, the Selectmen and Mr. Soulard agreed to share the installation costs with the District.

The Selectmen also discussed funding of the estimated environmental permitting fees for the proposed pocket parks with Mr. Soulard. A motion was made, seconded, and unanimously Voted to rescind the vote taken at the last Selectmen's meeting requesting line item transfers and an encumbrance to fund the fees. Selectman O'Donnell will work

with the consultants to redefine the scope of work within the amount of money recently approved at the Annual Town Meeting.

Mr. Soulard left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering June 5th, 2010 through June 18th, 2010 regarding the following items:

EYC Future Events: Mr. Zubricki said that the Essex PTO and the Shipbuilders have offered to take over some of the Youth Commission's activities after July 1st. Both the PTO and the Shipbuilders will join together to provide programs on school half-days from 12:00 to 3:00 p.m. The PTO will take over the Halloween Party and Santa's Breakfast as fundraisers for the 5th grade class trip. The Selectmen were in agreement.

Board of Public Works Appointment: Mr. Zubricki reported that he has spoken with Kim Drake, the Chair of the Planning Board, about supplying additional names for an appointment to fill the vacant position on the Board of Public Works. Ms. Drake has asked permission to have a request for persons interested in the position placed on the Town's website. The Selectmen had no objection with advertising for the position on the Town's website. Additionally, the Selectmen had asked Mr. Zubricki to find out if Mr. French was interested in either serving on the Planning Board or on the Board of Public Works. Mr. Zubricki said that Mr. French hasn't yet decided and will be attending a couple of Planning Board meetings in the near future.

Chief of Police Contract Consideration: Mr. Zubricki reminded the Selectmen that the Police Chief's contract will be expiring in one year and under the terms of that contract, the Selectmen are required to give the Chief a year's notice if they intend not to renew the contract. The Selectmen said that they expect to renew the contract.

The Selectmen asked Mr. Zubricki to send newly elected Selectman O'Donnell a copy of the Police Chief's goals and Mr. Zubricki's goals for her review.

Personnel Board Meeting: Mr. Zubricki said that there have been no additional requests from any personnel to carry over vacation time into the new fiscal year. There has been no response to various solicitations for additional members of the Personnel Board. The Selectmen have assumed the responsibilities of the Personnel Board, since there is only one member on that Board at present. The next Personnel Board meeting will take place sometime in September.

Main/Martin Parking Update: The State has responded to the Town's request for additional parking at the corner of Main Street and Martin Street. The State has proposed two options. The first option would be for the Town to take over that portion of the road. The second would be to return to the original design that was in place before the Town asked the State to change the plan to include a grassy area. The Selectmen did not like either of the options and asked Mr. Zubricki to forward a letter to Congressman Tierney requesting his assistance.

Northern Conomo Point Planning Update: There were about 60 people present at the public forum that was held on June 17th, 2010.

Regional Communication Center (RECC) Authorization: Mr. Zubricki reported that both the Police Chief and the Fire Chief have approved the agreement that was reviewed by Kopelman and Paige. The Sheriff's office would like each town to approve and sign a Memorandum of Understanding and an Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services. A motion was made, seconded, and unanimously Voted to sign two copies each of the MOU and the IMA.

Conomo Point Plan Update: Mr. Zubricki stated that the letter had been sent to the DEP announcing the anticipated sequence of events upon the expiration of the Conomo Point leases in 2011. The DEP has responded and has authorized an extension of time for properties south of Robbins Island Road. Chairman Randall had read the response letter at the public forum held on June 17th.

Quarterly Report: Mr. Zubricki presented the Quarterly Report for the Selectmen's review and approval. A motion was made, seconded, and unanimously Voted to approve and send the report.

Shellfish Regulations Follow-up: Mr. Zubricki said that the Town Clerk, the Shellfish Advisory Commission Chair, the Shellfish Constable, and the Shellfish Deputies will be present at the next Selectmen's meeting to discuss residency requirements, less stringent punishments, posting of the winter flats, posting of the rainfall areas, possible elimination of the winter flats, the one-year residency requirement and reciprocity with other towns, late fees for missing the filing deadline and the establishment of a required fee or labor in the clam flat reseeding project. The Selectmen were in agreement on the topics to be discussed.

Shellfish Address Inquiry: Mr. Zubricki said that letters had been sent to two commercial clambers requesting that they update their addresses. Only one person has not responded. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to contact the individual directly.

Successor Lockup Agreement: Mr. Zubricki said that the Police Chief has negotiated a six-month extension of the lock-up agreement with Manchester. The current agreement expires on June 30th, 2010. The new agreement provides for a \$1,000 fee plus \$150 per prisoner per day when Essex utilizes the facility. A motion was made, seconded, and unanimously Voted to sign the agreement. It is anticipated that the Manchester Selectmen will sign the agreement at their meeting tonight.

Paglia Park License Agreement: Mr. Zubricki reported that the Paglia heirs have agreed to the License Agreement which has been reviewed by Town Counsel. One of the stipulations of the agreement is that a sign reading "The Paglia Park in Memory of Eva

and Louis Paglia" be placed at the site. A motion was made, seconded, and unanimously Voted to sign the Paglia Park License Agreement.

Emergency Generator Update: Mr. Zubricki informed the Selectmen that the estimated yearly maintenance fee will be about \$500 and the Board agreed that was reasonable.

In other business, a motion was made, seconded, and unanimously Voted to approve the expenditure of \$814.00 to Foxhill Heating Service to pay for a tune up for both boilers in the Town Hall from the Luther Burnham Fund.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$78,966.99.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the June 1st, 2010, Selectmen's Open Meeting and the Selectmen's June 1st, 2010, Executive Sessions I and II. A motion was also made, seconded, and unanimously Voted to approve and sign the minutes for the June 7th, 2010, Selectmen's Open Meeting and the Selectmen's June 7th, 2010, Executive Session.

A motion was made, seconded, and unanimously Voted to approve a recommendation from Chief Silva to appoint Alex Edwards and Daniel Fialho to the position of Assistant Harbormaster.

A motion was made, seconded, and unanimously Voted to approve the re-appointment of James Rynkowski to the Conservation Commission for a term of 3 years.

A motion was made, seconded, and unanimously Voted to approve the following MGL Chapter 44 §33B transfers:

- From Cemetery Overtime to Snow & Ice Overtime in the amount of \$284.38.
- From Snow & Ice S&I Contractors to Snow & Ice Overtime in the amount of \$320.
- From Snow & Ice S&I Other Expense to Snow & Ice Overtime in the amount of \$5,562.66.
- From Town Accountant Audit to Tax Title Expense in the amount of \$810.00.
- From Town Accountant Software Support to Assessors-Assessment in the amount of \$800.00.

Mr. Zubricki reviewed a communication from the Massachusetts Executive Office of Public Safety and Security asking for the establishment of a zero tolerance policy for seat-belt noncompliance. Mr. Zubricki said that the Chief is not in favor of this policy, since he believes it is important to allow his officers to exercise their own discretion. The Selectmen decided to take no action on this matter at this time.

A motion was made, seconded, and unanimously Voted to approve a request from Chief Silva to carry over 5 days of vacation into FY11.

A motion was made, seconded, and unanimously Voted to retroactively approve signatory authority for former Chairman Jones for the 911 Grant.

Mr. Zubricki said that a member of the School Committee has requested to use the Grove Cottage on June 29, 2010, from 3:00 to 8:00 p.m. for a small reception. After some discussion, a motion was made, seconded, and unanimously Voted to approve the use of the Cottage on June 29th. The Police will be requested to unlock and relock, disarm and rearm the security alarm before and after the event. The users will be responsible for leaving the Cottage as they found it and for arranging for any furniture or amenities they may need during their use. The Selectmen said that they will consider allowing the Cottage to be used by small groups for meetings.

A motion was made, seconded, and unanimously Voted to approve the use of Centennial Grove by the First Presbyterian Church on Sunday, August 1, 2010 between the hours of 2:00 and 7:00 p.m.

The Selectmen reviewed and signed a letter of thanks to Mr. Harnish for the loan of a tent for the summer youth program.

A motion was made, seconded, and unanimously Voted to approve a Youth Commission imaging policy which all summer program employees will be required to read and sign.

Mr. Zubricki said that he will talk to the Town Clerk about opening the Town Clerk's office on Monday evenings. He also reported that there are two vacant positions on the Board of Registrars.

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

One-Day Wine and Malt Special License:

- George McCabe, North Shore Bartending Service, for use on Saturday, July 24, 2010, between the hours of 3:00 and 9:30 p.m. within the confines of the Essex Conference and Recreation Center at 1 Conomo Point Road.
- George McCabe, North Shore Bartending Service, for use on Saturday, June 26, 2010, between the hours of 3:00 and 9:30 p.m. within the confines of the Essex Conference and Recreation Center at 1 Conomo Point Road.
- Stephen B. Woodman, Woodman's Inc., for use on Tuesday, June 22, 2010, between the hours of 4:00 and 10:00 p.m., within the confines of the tented area at 119 Main Street.

All Alcohol Restaurant License:

- Sign the new license reflecting the new d/b/a for Greenbow Corporation as Shea's Riverside Restaurant & Bar.

The next Board of Selectmen's meeting will be held on Monday, July 12th, at 7:00 p.m. in the Senior Center.

At 10:07 p.m., citing the need to discuss the value of real property and pending litigation, 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 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 10:30 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: _____
Lisa O'Donnell