

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

July 26, 2010

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

Also Present: Treasurer/Tax Collector Virginia Boutchie, Town Clerk Christina Wright, Finance Committee Chairman Jeff Soulard, Long Term Planning Committee Member and Merchants' Group member Robert Coviello, Genevieve Guerin, Jim and Katrina Haskell, Margaret Hemeon, Diane Corrao, Sue Kane, Justine Kane, Lillian Muise, Dan Rice, Martha Mazzarino, Dan Ottenheimer, and several other members of the public.

At 7:00 p.m. the Chairman called the meeting to order. He announced that the meeting was being recorded and that the Board would hear Public Comment. There was no public comment.

Treasurer/Tax Collector Virginia Boutchie came before the Board to request that the Board approve debt service refunding for the DPW building and the water mains. A motion was made, seconded, and unanimously Voted to approve the ***Bond Anticipation Note*** in the amount of \$187,700.00, with total interest of \$2,246.14 for the Department of Public Works Building. A second motion was made, seconded, and unanimously Voted to approve a ***Permanent Note*** in the amount of \$161,000.00, plus total interest of \$1,926.63 for the Water Mains. The Selectmen and the Treasurer signed the documents and were witnessed and certified by the Town Clerk.

Mr. Zubricki reported that he has been in touch with Senator Tarr's office and the Governor's bill has not been passed yet. It is expected that it will be passed by the end of the week. The Senator has recommended that the Town submit another letter to the Governor with the revised wording concerning the late posting of the May 3rd, 2010 Annual Town Meeting. A motion was made, seconded, and unanimously Voted to authorize the Chairman's signature on a new ***letter to Governor Deval L. Patrick***.

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

Exploration of Parking at Village Corner: Mr. Zubricki said that the Town had contacted Congressman Tierney to enlist his help in changing the approved design for the corner at Martin Street and Main Street to include more parking spaces. Mr. Tierney's office has discussed the matter with the Federal Highway officials and the answer received (***Federal Highway Authority response dated July 22, 2010***) from the Congressman's office is the same as the earlier response from MassDOT: If they change the safety regulations for Essex, then they will have to change them for all the towns and they are not willing to do that. MassDOT has offered the Town two options for the space: either it is all paved with curbing and entrance to the parking spaces from the back or it is all green space with

curbing. The owner of the Village Restaurant has offered to agree to a plan that calls for half green space and some parking. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to seek approval from MassDOT and Mr. Ricci for the half green space/half parking space plan, otherwise the Selectmen have chosen to select the complete green space plan. Once agreement has been reached, Carolyn Britt can complete the design of the pocket park project.

A motion was made, seconded, and unanimously Voted to accept the recommendation of the Planning Board and appoint Bill French to the Planning Board to fill the vacancy left by Juergen Dietrichson. The Selectmen signed the appointment card.

Mr. Zubricki said that the Board of Public Works still has a vacancy and he is working with the Planning Board to add to the list of candidates for the position.

Paglia Park Environmental Permitting Process: Mr. Zubricki reported that the Conservation Agent has said that it is OK to mow the Paglia Park property, since there has been a history of mowing the property. Also, Mr. Coviello is free to organize a work party to remove overgrown weeds by the guard rails and hay bales. MassDOT will be informed of the park project. A motion was made, seconded, and unanimously Voted to obtain and erect a temporary sign on the property announcing the name of the park as specified in the license agreement. Once the Route 133 Reconstruction is over and improvements have been made to the park, a nicer, permanent sign will be installed. Mr. Zubricki said he would let the Paglia heirs know that the present sign will be temporary.

Martha Mazzarino, a lessee at Conomo Point, and Dan Ottenheimer from Mill River Consulting, a waste water engineering company, came before the Selectmen, who are also the Conomo Point Commissioners, to request permission to deal with waste water issues on the Conomo Point property. The Selectmen reminded Ms. Mazzarino that the leases are ending in 2011. Ms. Mazzarino said that she lives there year-round and that there appears to be a waste water problem which she would like to remedy. The Chairman said that the Board's approval in no way constitutes an express or implied extension of Ms. Mazzarino's lease beyond December 31, 2011, and also, that this approval in no way constitutes an express or implied alteration of the notice of lease expiration procedures sent to Ms. Mazzarino on or about July 8, 2010. Ms. Mazzarino said that she understood. A motion was made, seconded, and unanimously Voted to approve Ms. Mazzarino's request to make improvements to her septic system. Mill River Consulting will proceed to formulate a plan for the site which will, in turn, be and approved by the Board of Health and the DEP. Ms. Mazzarino and Mr. Ottenheimer left the meeting.

Seawall Life Expectancy Review and Future Boardwalk: Mr. Zubricki said that he had received a reply (*MassDOT letter of July 19, 2010*) to the letter that the Town sent to MassDOT voicing concerns about the expected longevity of the new seawall. MassDOT intends to proceed with the current design plans for the seawall. It was agreed by the Selectmen that another letter should be sent to MassDOT asking MassDOT to state their estimation of the service life of the new seawall. On another matter, MassDOT has

agreed to alter the construction of the seawall to provide extra strength and receptacles for the successful addition of brackets at a later date to accommodate a suspended boardwalk.

Consideration of Request for Night Work: So far, MassDOT has not opted to conduct any of the reconstruction of Route 133 during the night. The Selectmen asked Mr. Zubricki to contact the project's resident engineer to discuss the possibility of night work at least in the business areas of town.

Sue Kane and several interested residents came before the Selectmen to discuss the use of the Centennial Grove Cottage by the Summer Youth Program and residents. The Chairman said that a Centennial Grove Cottage Committee will be appointed to oversee management and use of the cottage. Margaret Hemeon, Lillian Muise, Justine Kane, Dan Rice and Diane Corrao all spoke in favor of the importance of allowing the summer youth program use of the cottage. Since the Annual Town Meeting only provided funding for the FY11 Summer Program, Mr. Zubricki said that the PTO and the Shipbuilders have volunteered to provide activities during the school year and to sponsor some of the most popular annual events. Currently, the Selectmen are responsible for the management of Centennial Grove and they do not have the authority to sell the Grove Cottage. Only a vote at Town Meeting can authorize a sale of the Cottage. The Chairman said that the Youth Director is scheduled to appear at the next Selectmen's meeting to give a report on the Summer Youth Program. The Selectmen thanked those present for their comments and the group left the meeting.

Mr. Zubricki continued with his Town Administrator's report.

Curb Replacement Specifications: Mr. Zubricki said that there was a miscalculation made by the State's consulting engineer between the design plan and the specifications for the amount of new curbing that would be needed for the project, but that MassDOT has agreed to fund the cost overrun for the additional curbing.

Letter Concerning Northern Conomo Point Planning Effort: Mr. Zubricki reviewed a *letter to the Selectmen from Paul Collins*, a spokesperson for some of the lessees at Conomo Point. The Selectmen asked Mr. Zubricki to write to Mr. Collins, thanking him for a very insightful letter, but stating that the contract with Taintor and Assoc. contains a very specific scope of services and that the Selectmen are going to allow Taintor to complete their contract. The Selectmen may, after completion and review of Taintor's work, seek additional clarification regarding certain points as suggested in Mr. Collins' letter. The Chairman asked Mr. Zubricki to bullet the key points in Mr. Collin's letter for future discussion.

Mr. Zubricki said that a representative from Blackboard Connect is preparing a proposal to be reviewed by the Selectmen. The company provides a service that is like a reverse 911 system to provide information to many people easily and quickly. The service could likely be funded at the Fall Special Town Meeting.

Centennial Grove Cottage Committee: The concept of creating a committee to research options for the cottage and manage its use was discussed. It was decided to create a Centennial Grove Advisory Committee that would make recommendations to the Selectmen regarding the future use of the cottage and the entire Grove property, as well as future improvements to the site. The Committee would also research the advantages/disadvantages of a sale of the cottage. The Selectmen would like the committee to be composed of approximately ten members as follows:

- 1 Board of Public Works representative
- 1 Conservation Commission member
- 1 Finance Committee member
- 1 Long Term Planning Committee member
- 1 Open Space Committee member
- 1 Playing Fields Committee member
- 1 Essex PTO officer
- 1 Essex Youth Commission former member
- 2 At-Large members

Mr. Zubricki will contact the committees about delegates to the new committee and will advertise on the Town's website for interested persons qualifying for the at-large and former EYC members.

Farm Stand and Other Signage: Mr. Zubricki reported that he had received complaints regarding two farm stands which had posted signs advertising their business on Town property. He said that he had talked to both owners and the Building Inspector and the signs have since been removed. Signs are permitted on the farm stands' property, but not on Town property.

Clamming Regulations and Protocols: Mr. Zubricki reviewed a *list of changes to the Shellfishing Regulations* that were proposed at the Selectmen's meeting on July 12th, 2010. The list includes more stringent proof of residency requirements, limiting recreational permits to only Essex residents or their extended family, elimination of the one-year residency requirement and reciprocity provisions, instituting a fee for late applications, and a seeding fee or seeding labor requirement. The Selectmen verified that they were in favor of the changes to the regulations as set forth on the list and Mr. Zubricki said that he will ask Town Counsel to review the changes. Concurrently, Mr. Zubricki will ask the Shellfish Advisory Commission for comment. The Selectmen will then vote the changes at a future meeting, after considering the comments offered by Town Counsel and the SFAC.

Mr. Zubricki said that the recently retired Town Clerk still comes to the Town Hall each week to wind the clock. The winding mechanism is reached by way of ascending a steep ladder into the tower of the Town Hall. Once in the tower, attention needs to be paid to avoid stepping in the wrong place and falling through. The Selectmen asked Mr. Zubricki to discuss the idea of automating the clock with the clock repairman. Funding for the automation may come from grant funding or the Luther Burnham Fund.

Safe Routes to School Infrastructure Grant: Mr. Zubricki reviewed a *proposal from MassDOT Safe Routes to School Infrastructure Program* regarding the creation of safe sidewalks at the intersection of Winthrop Street, Story Street and Western Avenue and at the driveway into the school on Western Avenue. The Selectmen were in favor of the proposal which will be 100% funded by the State. Mr. Zubricki said that he will ask the School, the Police Department, the Fire Department, and the Department of Public Works, before responding to MassDOT.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$619,194.26.

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

A motion was made, seconded, and unanimously Voted to ratify the Chairman's approval of a request from the Blue Knights to pass through town on motorcycles on Saturday, July 24, 2010.

A motion was made, seconded, and unanimously Voted to approve a request to pass through town during the 11th Annual Nelson's Ride on Sunday, August 22, 2010 to promote motorcycle safety and awareness and raise funds to help families of motorcyclists killed.

Another motion was made, seconded, and unanimously Voted to approve a request to pass through town during the 14th Annual Cycle for Life on Saturday, September 11th, 2010, to benefit the Children's Cancer Center at Floating Hospital for Children.

A motion was made, seconded, and unanimously Voted to approve an MGL Chapter 44 § 33B transfer of \$115.00 from Highway Storm Water Salary to Storm Water Comp Expense.

A motion was made, seconded, and unanimously Voted to approve a request by a Police Department employee to carryover 25 hours of vacation time into FY2011.

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

One-Day Wine & Malt License:

- Cynthia Schlaikjer, the Essex Historical Society & Shipbuilding Museum for use on Monday, September 6th, 2010, between the hours of 12:00 noon and 5:00 p.m. within the confines of the Shipyard of the Essex Shipbuilding Museum.

One-Day Entertainment License:

- Cynthia Schlaikjer, the Essex Historical Society & Shipbuilding Museum for use on Monday, September 6th, 2010, between the hours of 12:00 noon

and 5:00 p.m. within the confines of the Shipyard of the Essex Shipbuilding Museum.

The Essex Division of the Cape Ann Chamber of Commerce will meet on Thursday, July 29th at 8:00 a.m. at Essex River Cruises. Mr. Zubricki will attend.

The next Board of Selectmen's meeting will be held on Monday, August 9th, at 7:00 p.m. in the T.O.H.P. Burnham Library.

Mr. Zubricki said that Ruth Montgomery of Pond Street would like to come with her son to the August 23rd Board of Selectmen's meeting to discuss issues with her property. The Selectmen agreed to put her on the agenda for that meeting.

At 9:07 p.m., citing the need to discuss pending litigation regarding the Apple Street Nominee Trust and the value of property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He stated the discussion of these two topics in Open Session would have a detrimental effect on the Town's position and said that the Board would not be returning to Open Session. He invited Mr. Zubricki to attend the 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 9:35 p.m.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Documents used in this meeting are:

Bond Anticipation Note

Permanent Note

Letter to Governor Deval L. Patrick

Federal Highway Authority response dated July 22, 2010

MassDOT letter of July 19, 2010

Letter to the Selectmen from Paul Collins

List of changes to the Shellfishing Regulations

Proposal from MassDOT Safe Routes to School Infrastructure Program

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell