

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.

At 7:00 p.m., the Chairman called the meeting to order and announced that the meeting was being recorded. There was no Public Comment.

Tom McMann and Jane Schwerdtfeger came before the Selectmen to discuss the possibility of renting the Grove Cottage. They would like to be married at the cottage on Saturday, June 4, 2011, and are planning to invite about 60 guests to their wedding and catered reception. The Selectmen reviewed the rules and regulations for rental of the Centennial Grove facilities. A motion was made, seconded, and unanimously Voted to approve the request to rent the Grove Cottage for the McMann/Schwerdtfeger wedding. The couple agreed to call Mr. Zubricki to arrange a time to look inside the cottage before their wedding. Mr. McMann and Jane Schwerdtfeger thanked the Selectmen and left the meeting.

It was mentioned that a paper holder was needed at the Grove Cottage and Mr. Zubricki agreed to get one.

Mr. Zubricki presented his Town Administrator's Report for the period covering September 11<sup>th</sup>, 2010 through September 24<sup>th</sup>, 2010 regarding the following items:

Essex heritage Scenic Byway Update: Mr. Zubricki reported that the Scenic Byways Corridor Advisory Group Representative for Essex, Bill Holton, has informed him that the group will be holding a public hearing in Essex in the near future as part of their effort to secure Federal status. Mr. Holton would like one of the Selectman to make opening remarks at the hearing and express support of their project. Selectman Jones and Selectman O'Donnell agreed to attend and Mr. Zubricki said he would contact Mr. Holton to determine the date of the hearing.

Department Heads Meeting: Mr. Zubricki said that he had recently had an informal department head meeting in his office. One of the topics discussed was the budget for the next fiscal year, 2012. All budgets have been level funded for the past few years, with the exception of the school budget. It was the consensus of the group that there should be more control over the school budget and that the departments should be allowed to have more flexibility in their budgets.

Animal Control Officer and Animal Health Inspector Stipends: Mr. Zubricki reminded the Selectmen of the Personnel Board's decision to increase the annual stipends for the Animal Control Officer and the Animal Health Inspector, each, to \$3,500 per year. The Animal Control Officer has agreed to the increase as being reasonable. A motion was made, seconded, and unanimously Voted to ask the Town to vote for the increase at a future Town Meeting.

Centennial Grove Committee Charge: Mr. Zubricki reviewed a *draft of the charge to the newly formed Centennial Grove Committee*. All the members of the committee have been selected, except for the representative from the Long Term Planning Committee. Mr. Zubricki said that the last two candidates still need to be approved by the Selectmen and a motion was made, seconded, and unanimously Voted to appoint Paul Rullo from the Board of Public Works and Mark McKenna from the Finance Committee to the Grove Committee. The Selectmen asked Mr. Zubricki to inform the new members of their appointments and ask them to schedule their first meeting to discuss the content of the committee's charge and elect a chair. The new chair will be responsible for relaying the committee's comments back to the Selectmen.

Annual Heating Oil Quotations: Mr. Zubricki said that he had sent out requests for quotations for the Town's annual heating oil contract and that only Fox Hill has replied with a quotation of \$0.25 per gallon above the Journal of Commerce's Low Daily Boston Wholesale Price. A motion was made, seconded, and unanimously Voted to award the FY2011 season's contract to Fox Hill Heating Company. The Selectmen signed the *Fuel Oil Specifications Contract*.

Finance Committee FY12 Budget Planning and Outreach: Mr. Zubricki reported that he and Selectman O'Donnell had attended the Finance Committee's presentation last Thursday. Mr. Kurt Wise of the Massachusetts Budget and Policy Center was the featured speaker and commented on the general trend over the past 10 years in State revenue and aid to communities. Mr. Wise predicted that State funding over the next four to five years will continue to decline, creating more of a burden on communities. The Finance Committee has announced that they are investigating new ways of increasing the Town's revenue. One of the possibilities is a meals tax.

The Chairman said that he has attended financial presentations by Economist Ed Moskowicz sponsored by the Cape Ann Chamber of Commerce and asked that Mr. Zubricki forward his name to the Finance Committee as a possible resource for information.

Signage on Town Property: Mr. Zubricki said that he has received another complaint regarding business signage on Southern Avenue in the vicinity of Laurel Lane. Mr. Zubricki has looked at the Assessors' maps and determined that all the surrounding land in the road area belongs to the Town. The Selectmen asked Mr. Zubricki to obtain a copy of the deed for the business property in question to see if the property has been granted a right of way over the Town's property.

Quarterly Report: A motion was made, seconded, and unanimously Voted to approve and send out the *Quarterly Report*.

Seaport Bond Bill Boardwalk Funding: Mr. Zubricki, Selectman O'Donnell, and Dr. William Hamilton from Salem State will be going to Boston on Friday, to meet with Seaport Professionals. They will meet again a week later in Fairhaven for another

discussion with the Seaport Advisory Council which is considering funding the Town's boardwalk project.

PTO Halloween Event, Centennial Grove: Mr. Zubricki said that the PTO has asked for permission to use Centennial Grove for a Halloween celebration for children on Saturday, October 30<sup>th</sup>, from 4:00 to 9:00 p.m. Games and refreshments are planned, as well as a tour of three "haunted houses" (the pavilion, the beach barn, and the concession stand). The event will be well supervised by parents and police and will use EYC-owned floodlights and the Police Department's portable light tower. There is some money in the EYC budget that can be used for supplies and a motion was made, seconded, and unanimously Voted to provide liability insurance for the event through the Town's insurance provider.

In other business, a motion was made, seconded, and unanimously Voted to approve the expenditure of \$135.00 from the Luther Burnham Fund to Ramie Reader for replacement of light fixtures in the Library. Another motion was made, seconded, and unanimously Voted to approve the expenditure of \$729.50 from the Luther Burnham Fund to Whitmarsh Lock & Safe Co. for repair of the front door to the Town Hall.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$159,984.27, and further, to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the September 13<sup>th</sup>, 2010, Selectmen's Open Meeting and the Selectmen's September 13<sup>th</sup>, 2010, Executive Session.

Juliet Walker from Taintor Associates and one of her associates, Carolyn Britt from Community Investment Associates, and John Bediz from the Conomo Point Planning Committee joined the meeting.

Juliet Walker presented an overview of their ***report on redevelopment scenarios at Conomo Point***. Their plan explores three options which may be implemented all at once or phased in over some period of time and also contains an assessment of fiscal impact on the Town, depending on which option that is chosen. Options 2 and 3 propose a sale of all of the leased land on Robbins Island. The Selectmen thanked Taintor Associates for their report and said that they would review it for future comment. Taintor Associates will host a public forum on October 14<sup>th</sup> to discuss their report. The group and Mr. Bediz left the meeting.

Mr. Zubricki resumed the presentation of his Town Administrator's report.

Draft November 15, 2010 Special Town Meeting Warrant: Mr. Zubricki reviewed the ***list of potential items to be included in the Warrant*** for the coming Special Town

Meeting. The Selectmen agreed that the Demolition Delay Bylaw should be voted at the Annual Town Meeting, rather than at the Special Town Meeting. They asked Mr. Zubricki to get more information regarding the Fire Department's request for a new pick-up truck and a ladder truck and the Council On Aging's request for a paid COA van driver. The Selectmen decided to hold the Special Town Meeting in the gymnasium at the Essex Elementary School and asked Mr. Zubricki to arrange to have Essex Radio provide the sound system.

A motion was made, seconded, and unanimously Voted to approve a request from Carl and Mildred Darrow to add their daughter's name to their lease for the property at 4 Robbins Island Road (Map 19, Lot 58).

A motion was made, seconded, and unanimously Voted to approve a ***GASB 45 proposal from Primoris Benefit Advisors*** to perform a triennial update for FY 2011, 2012, and 2013. The Chairman signed the document which had been certified by the Town Accountant.

A motion was made, seconded, and unanimously Voted to ratify the Chairman's signature on an ***Application for Waiver of Household Hazardous Waste Collection Requirements*** as part of a State-wide effort to collect out-dated medications and to safely dispose of them on Saturday, September 25<sup>th</sup>, 2010.

A motion was made, seconded, and unanimously Voted to approve a request from North Shore United Way to erect a thermometer sign on the library-side of the Town Hall.

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

Auction Permit:

- Robert E. Landry, L.A. Landry Antiques, for use on Tuesday, October 19, 2010, between the hours of 10:00 a.m. and 9:00 p.m., within the confines of 125 Main Street.

One-Day Wine & Malt License:

- Joan B. Houghton, Woodman's Inc., for use on Saturday, October 9<sup>th</sup>, 2010, between the hours of 12:00 noon and 9:00 p.m. within the confines of Woodman's Tented Area at 121 Main Street.

Mr. Zubricki said that the practice in the past has been to announce before going into Executive Session, whether or not the Board would be returning to Open Session. Since the Board can only adjourn the meeting in Open Session, the Board always has to return to it. The wording in past Selectmen's minutes have always contained the announcement that the Board would not be returning to Open Session and then later the statement that the Board did indeed return to Open Session. Going forward, the announcement will now include a phrase stating that the Board will only be returning to Open Session to adjourn the meeting.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will meet on Tuesday, September 28<sup>th</sup>, 2010, at 8:00 a.m. at Periwinkles Restaurant.

After 25 years of service to the Town, Nancy Muniz, the Water Department Clerk, has decided to retire. There will be a reception at the Village Restaurant on Wednesday, September 29<sup>th</sup> from 4 p.m. to 6 p.m. Light refreshments will be served.

The next Board of Selectmen's meeting will be held on Monday, October 4<sup>th</sup>, at 7:00 p.m. in the T.O.H.P. Burnham Library.

The Selectmen will attend a joint meeting with the School Committee and the Finance Committee on Wednesday, October 13<sup>th</sup>, 2010, at 7:30 p.m. in the Manchester Essex Regional Middle High School.

There will be a Conomo Point informational meeting sponsored by Taintor & Associates on Thursday, October 14, 2010, at 7:00 p.m. in the cafetorium at the Essex Elementary School.

The Annual Essex Clamfest will be held on Saturday, October 23<sup>rd</sup>, 2010.

Mr. Zubricki reported that there are 9 gold discount movie tickets and 63 silver discount movie tickets left over from the Youth Summer Program. The Selectmen asked Mr. Zubricki to find out if the PTO would be interested in giving the tickets as prizes during their Halloween event.

At 8:39 p.m., the Chairman entertained a motion to move to Executive Session to discuss the value of real property at Conomo Point, collective bargaining, and pending litigation. The Chairman stated that discussing these topics in Open Session would have a detrimental effect on the Town's negotiating, bargaining, and litigating strategies. He invited Mr. Zubricki to attend the Executive Session and said that the Board would be returning to Open 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.

Senator Bruce Tarr and Conomo Point Planning Committee Chairman Mark Lynch joined the Selectmen.

Senator Tarr said that he had met recently with a group of renters from Conomo Point and would like to offer his services and the legal resources of his office to the Selectmen to provide assistance in resolving the Conomo Point situation when the leases end in 2011 with the Department of Environmental Protection, the Town, and the tenants. He suggested that the Selectmen, with his assistance, contact the Inspector General and ask for guidance and assistance in generating any special legislation that may be necessary in

relation to Chapter 30b. Senator Tarr estimated that it will take about 8 weeks to accomplish any special legislation once it was initiated. It is his idea to start working on it as soon as possible in order to make sure that it is completed in a timely manner. One idea would be to require any Special Legislation to be ratified and adopted by the Town at a future Town Meeting. It was agreed by everyone that the tenants should work with a professional consultant to formulate and suggest to the Town a viable solution to the wastewater problem at the Point that would meet DEP requirements.

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

Documents used during this meeting include the following:

*Draft of the charge to the newly formed Centennial Grove Committee*  
*Fuel Oil Specifications Contract*  
*Quarterly Report*  
*Report on redevelopment scenarios at Conomo Point*  
*List of potential items to be included in the Warrant*  
*GASB 45 proposal from Primoris Benefit Advisors*  
*Application for Waiver of Household Hazardous Waste Collection Requirements*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell