

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

**October 4<sup>th</sup>, 2010**

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Librarian Deborah French, Library Assistant April Wanner, and Treasurer/Tax Collector Virginia Boutchie.

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

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$617,996.74.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the September 27<sup>th</sup>, 2010, Selectmen's Open Meeting and the Selectmen's September 27<sup>th</sup>, 2010, Executive Session.

A motion was made, seconded, and unanimously Voted to move \$5,400 of interest on the Luther T. Burnham Trust Fund into the Luther T. Burnham Town Hall Repair account.

Mr. Zubricki said that the Library is considering using photographs of children enjoying some of the Library programs on the library website, Facebook, and other types of promotional material. Librarian French said that she intended to ask permission to post the photos from the parents. After some discussion, a motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to amend the ***Parental Release Form for Photos and Images*** that is signed by the parents by adding a disclaimer that the Town will not be responsible or liable if another entity copies and uses the pictures for another purpose and to have the final draft reviewed by Town Counsel. Deborah French and April Wanner left the meeting.

The Selectmen reviewed a ***letter from Maralee Ruhl of Haverhill***. Ms. Ruhl is desperately seeking assistance with affordable housing for herself and her family. The Selectmen asked Mr. Zubricki to forward her letter to Mr. Utenis at the Essex Housing Authority.

Treasurer/Collector Boutchie came before the Selectmen to request permission to work with a municipal software vendor to develop new software to be used by the Town for real estate, personal property, betterments, tax deferrals, tax title and taxes in litigation. The Town is already using software developed by this vendor for Motor Vehicle and Boat Excise and is extremely pleased with its performance. In exchange for Ms. Boutchie's assistance, the vendor has offered to waive the purchase of the license to use the software and will only charge the same annual maintenance fee that the Town is currently paying to another vendor for use of software that has not performed well. Ms.

Boutchie is prepared to maintain parallel systems until such time as she is sure that the new software is working well. She presented *letters of support for the idea from the Assessors and the Treasurer/Tax Collector's Office*. A motion was made, seconded, and unanimously Voted to approve on a test basis, the provision of the Town's Revenue Sense data to the vendor. A contract may be awarded once the new software is working correctly. Ms. Boutchie thanked the Selectmen and left the meeting.

Mr. Zubricki said he had received a *communication from a resident* drawing attention to a possible conflict between Massachusetts General Law and the Town's newly revised Shellfishing Regulations. The Selectmen asked Mr. Zubricki to clarify the matter with Town Counsel.

Mr. Zubricki presented his Town Administrator's Report for the period covering September 25<sup>th</sup>, 2010 through October 1<sup>st</sup>, 2010, regarding the following items:

Centennial Grove Committee Organization: Mr. Zubricki reported that the newly formed committee has decided to change the location of their first meeting from the Grove Cottage to the Fire Station. He said that the Cottage will soon be closed up for the winter and that there will be no running water there until it is turned on again in the spring. Also, the Cottage needs to have a new septic system. The Selectmen said that they will allow the Cottage to be used for Grove Committee meetings, as long as the Cottage is not already closed for the winter. It was agreed that the Cottage would not be an appropriate place for the Planning Board to meet, since there is no furniture in the building, there is no heat or water, the building is not readily accessible by the public and is in a somewhat remote, unlit area.

AFSCME and EPBA Successor Agreements: Mr. Zubricki said that he had no information to report at this time.

Part-Time DPW Specialist (Clerical) Position Description: Mr. Zubricki presented a *Job Description for a Part Time DPW Specialist (Clerical)*. The DPW Superintendent took the previously approved description for a part time DPW Specialist and amended it to describe the employment of a person on a part-time basis for up to 19 hours per week, with no benefits, to help with office duties. The DPW Superintendent plans to add part-time amended mini-position descriptions from time to time to allow for the hiring of persons to perform other special duties on a part-time basis. A motion was made, seconded, and unanimously Voted to approve the new job description for a Part Time DPW Specialist (Clerical). Mr. Zubricki noted that the position is already included in the wage and salary scale and has a budget. It was suggested that the job description be posted in surrounding towns where there may be a person or persons employed who would like extra hours.

Paid Senior Van Drivers: Mr. Zubricki said that Manchester has three part-time Council on Aging van drivers. The Selectmen asked Mr. Zubricki to find out if Manchester might

be interested in sharing their part-time drivers with Essex when this matter is reviewed during the FY12 budgeting process.

Location of Business Signs, Laurel Lane: Mr. Zubricki said that there had been a complaint about "unauthorized" signage on Town land at the intersection of Laurel Lane and Southern Avenue. The Assessor's Office was unable to provide Mr. Zubricki with the deed for this Town-owned land. The deeds for the properties surrounding the Town-owned land do not contain a right-of-way over the Town land. Mr. Zubricki said that in order to continue to look for the deed for the Town-owned land, the Town will have to hire the professional services of someone to do it. The Selectmen were not inclined to take further action on this matter.

Finance Chairman Jeff Soulard joined the meeting.

Cape Ann Chamber of Commerce Essex Division Meeting: Mr. Zubricki has been contacting various groups in Town to see if they would be willing to assume sponsorship of certain annual holiday events for the youth. So far, a group of volunteers has agreed to organize the Halloween event at Centennial Grove, the Shipbuilding Museum has chosen Santa's Parade, the Essex Elementary 5<sup>th</sup> grade class will sponsor Santa's breakfast, and another group of volunteers will sponsor the Memory Tree. Mr. Zubricki is still looking for a sponsor for the Turkey Hunt, carolers downtown, and the Easter Egg Hunt and said that he has contacted the Manchester Essex Rotary Club to ask if that group would be interested in sponsoring one of the unclaimed events. The Shipbuilding Museum may also offer a multi-week Lego Club. Mr. Zubricki reminded the Selectmen that they had agreed to ask the Town's insurance carrier for a special rider to cover liability insurance for the Halloween event, if necessary. Children attending the Halloween event will be attending with their parents. Jeff Soulard commented that the Essex Shipbuilders is working with the PTO to plan activities for early release days.

Mr. Zubricki said that the Merchants' Group has asked if their customers could park at Town Landing and in the Town Hall Parking Lot during the Route 133 Reconstruction period. Town Landing parking is usually reserved for clambers and other Essex residents. It was suggested that the Shipbuilding Museum parking lot might be available. The Selectmen agreed to consider the matter next year when the construction is expected to start in the Periwinkles-area of Town.

The owner of the Village Restaurant is still discussing the design of the area at the corner of Main Street and Martin Street with MassDOT. The Town Planning Consultant will be unable to complete her work until the configuration of that area has been decided. The Selectmen asked Mr. Zubricki to work with the Consultant to identify a timeline under which the Restaurant owner must act in order to complete planning in a timely fashion.

Snow and Ice Removal: Mr. Zubricki reported that members of the Board of Public Works and the Superintendent will be at the November 1<sup>st</sup> Board of Selectmen's meeting to discuss the recent advisory from Kopelman and Paige, P.C. regarding liability for

removal of snow and ice. It may be necessary to hire a contractor to take responsibility for removal of ice and snow from the Town buildings.

Seaport Professionals Presentation: Mr. Zubricki said that he and Selectman O'Donnell and Salem State officials had gone to Boston last Friday to meet with Seaport Professionals to discuss the Town's application for Seaport funding for a feasibility study for a boardwalk on the causeway. Their presentation was successful and the Professionals have now agreed that it is a very worthy, exciting project and have recommended it to the Seaport Council in Fairhaven for approval. Mr. Zubricki will be going to Fairhaven this Thursday to discuss the matter with the Council.

Revised Draft Special Town Meeting Warrant: Mr. Zubricki reviewed each of the articles in the ***draft warrant***. The warrant will be finalized and signed at the next Board of Selectmen's meeting on October 18<sup>th</sup>.

Finance Committee Chair Jeff Soulard and the Selectmen discussed different areas of the Town's budget where cost savings may be realized through regionalization and sharing of services, such as youth activities, Council on Aging van drivers, emergency center operations, DPW equipment, and part-time personnel. The Chairman asked Mr. Zubricki to contact Town Administrator Wayne Melville from Manchester and discuss with him the possibility of sharing youth services.

At 8:55 p.m., the Chairman entertained a motion to move to Executive Session to discuss the value of real property at Conomo Point and pending litigation. The Chairman stated that discussing these topics in Open Session would have a detrimental effect on the Town's negotiating and litigating strategies. He invited Mr. Zubricki and Mr. Soulard 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 10:00 p.m. Mr. Soulard had previously left the meeting.

The Selectmen announced that they plan to discuss strategy for the future of Conomo Point in Open Session at their next meeting and at future meetings, to the extent possible. They said that they intend to pursue selling all of the leased land at Conomo Point and/or a combination of sale/lease. They agreed to place an article on the warrant for the November Special Town Meeting seeking to ask the State Legislature for special legislation that would exempt a sale or lease of Town-owned property at Conomo Point from the requirements of Chapter 30b of the Massachusetts General Laws.

The Selectmen asked Mr. Zubricki to ask Taintor & Associates to include a financial discussion of the effect of a sale of all of the leased property at northern Conomo Point in their report.

The Selectmen asked that a white board be found for use at future meetings.

The Selectmen were reminded that there will be a joint meeting with the School Committee and the Finance Committees from both towns 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, beginning at 7:00 p.m. in the cafetorium at the Essex Elementary School.

The next Board of Selectmen's meeting will be held on Monday, October 18<sup>th</sup>, at 7:00 p.m. in the Senior Center.

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

There will be a Special Town Meeting, beginning at 7:30 p.m., at the Essex Elementary School on Monday, November 15, 2010.

The Essex Heritage Scenic Byway Committee will hold a public informational forum on Tuesday, November 16<sup>th</sup>, 2010 in the cafetorium at the Essex Elementary School, beginning at 7:00 p.m.

There being no further business 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:

*Parental Release Form for Photos and Images*

*Letter from Maralee Ruhl of Haverhill*

*Letters of support from the Assessors and the Treasurer/Tax Collector's Office*

*Communication from a resident*

*Job Description for a Part Time DPW Specialist (Clerical)*

*Draft Warrant*

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

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