

**Selectmen's Minutes
Senior Center**

October 18th, 2010

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

Also Present: Karen Bernier, Town Treasurer/Collector Virginia Boutchie, Council on Aging Chair Robert Cameron, Police Officer Ryan Davis, Board of Public Works Chair Scott DeWitt, Planning Board Chair Kim Drake, Police Officer Alex Edwards, Board of Public Works member Brian Feener, DPW Superintendent Paul Goodwin, Rebecca Jones and daughter, Eian Lewiecki, Town Moderator Rolf Madsen, Zoning Board of Appeals Chair Margaret Nelson, Zoning Appeals Board member Ed Perkins, Board of Public Works member Paul Rullo, Police Chief Peter Silva, Finance Committee Chairman Jeff Soulard, Town Accountant Roxanne Tieri, Essex Historical Commission Chair and Board of Assessors' member Kurt Wilhelm, Town Clerk Christina Wright, and Conomo Point tenants Paul Collins, Steve Cuthbertson, Alfred DeScenza, and Judd Pratt.

The Chairman called the meeting to order at 7:00 p.m. on the second floor of the Senior Center on Pickering Street and announced that the meeting was being recorded and that the Board would hear Public Comment. No one voiced any comments.

Mr. Zubricki presented his Town Administrator's Report for the period covering October 2nd, 2010, through October 15th, 2010, regarding the following items:

Regionalization of Summer Youth Program: Mr. Zubricki reported that he had spoken with Manchester Town Administrator Wayne Melville regarding sharing the Summer Youth Program. In order to also provide services to Essex, Manchester would have to hire additional staff. Manchester said that they will keep the matter under consideration, but at present they don't see any advantages to sharing services. There are two options left if the Town wants to provide a summer program: Essex may either hire a summer staff or contract with a professional to provide the program. The Selectmen asked Mr. Zubricki to investigate both options.

Future Planning for Centennial Grove Docks: Mr. Zubricki said that there used to be two docks at Centennial Grove. Only one was put out this past season. The other dock is beyond repair and will have to be disposed of. The one that was used this past season is now also beyond repairing. The Selectmen asked Mr. Zubricki to find out the cost of a new maintenance-free dock and place an additional article on this November's Special Town Meeting Warrant to cover the cost of the new dock.

In other business, a motion was made, seconded, and unanimously Voted to approve the expenditure of \$875 from the Luther Burnham Fund to Academy Carpet Cleaners for carpet cleaning on the first floor of the Town Hall.

A motion was made, seconded, and unanimously Voted to ratify the expenditure of \$43.95 from the Luther Burnham Fund to the Building Center for a repair to the Town Hall bathroom.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$67,568.25.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the October 4th, 2010, Selectmen's Open Meeting, the Selectmen's October 4th, 2010, Executive Session, and the Selectmen's Open Meeting on October 13th, 2010.

Conomo Point Planning: Mr. Zubricki said that Taintor and Associates had held the last of their public forums this past week and they expect to finalize their report by October 29th. The Selectmen asked that the final report contain numbers based on 100% of land values and 70% of land values. The Selectmen had no other comments.

Mr. Zubricki said that the Planning Board will be discussing the proposed subdivision of Conomo Point at their meeting on November 17th and have invited the Selectmen to participate. The Selectmen agreed to attend the meeting.

Mr. Zubricki reported that he and Chairman Randall will be meeting with Senator Tarr and the Inspector General this Thursday to discuss Conomo Point and seek their advice and guidance concerning special legislation seeking exemption from Chapter 30b of the General Laws dealing with a sale or leasing of municipal land. After this meeting, the article on the Special Town Meeting Warrant seeking Chapter 30b exemption will be finalized based on the Inspector General's and Town Counsel's advice.

Construction Complaint: Mr. Zubricki said that a resident has complained about construction on Cogswell Court. The Conservation Commission and the Building Inspector have been notified of the complaint. One of the two sites mentioned in the complaint is land owned by the Essex Conservation Trust and no-one seems to know if that group is still in existence. There may be one member of the Essex Conservation Trust still around and the Selectmen asked Mr. Zubricki to contact that member regarding ownership of the land in question.

Seaport Advisory Council Funding Meeting: Mr. Zubricki said that the Seaport Advisory Council has voted to award the Town \$155,000 to pay for a feasibility study to be performed by Salem State regarding a proposed boardwalk on the causeway. The Council will be sending a package that will outline the procedure to be followed now that the grant has been awarded.

Police Chief Peter Silva said that on Saturday, August 28th, of this year, a gentleman had pulled his boat into a slip downtown and jumped off the boat to tie it up. However, the boat was still in gear and in reverse. It started to move away from the dock and out into

the river channel. The gentleman tried to pull the boat back to the dock, but the boat pulled him off the dock. The man was hanging onto the bow of the boat with his feet dragging in the water and shouting that he didn't know how to swim. Karen Bernier was at the marina and immediately called 911 to request an ambulance and help. Jeffrey Jones and George Lemirese were in a boat and proceeded to position their boat to block the path of the unmanned boat. Eventually, Mr. Jones was able to jump aboard the other boat and steer it to the edge of the river so that the man could fall onto the marsh. Chief Silva presented Karen Bernier and Jeff Jones each with a framed letter of commendation recognizing their part in the heroic rescue. Everyone applauded. Mr. Lemirese was not present to receive his commendation, and Mr. Jones said that he would make sure Mr. Lemirese received it. Karen Bernier, Margaret Nelson, Eian Lewiecki, Rebecca Jones and her daughter, Officer Davis, and Officer Edwards left the meeting.

Town Counsel Gregg Corbo gave a power point presentation regarding retention of public records and the Public Records Law. The Law permits a town or city to charge 20 cents per page for copies and 50 cents per page for computer printouts, in addition to an hourly charge for the time it takes the lowest salaried person capable of compiling the data. Once copies of public documents are requested, the city or town has 10 business days to produce the copies. It is important to get the fees for copying before the work is begun or the requester is given the copies. Any record that comes into the Town offices is considered a public record, as well as all emails. In order to dispose of public records, permission must be granted by the Supervisor of Public Records on a case by case basis. The Supervisor maintains a list of required retention times according to the type of document. Most records need to be retained for at least 7 years. A question and answer period followed the presentation and Attorney Corbo distributed a ***One-page synopsis and fact sheet of the Public Records Law.***

Robert Cameron, Ed Perkins, Paul Rullo, Scott DeWitt, Brian Feener, Paul Goodwin, Roxanne Tieri, and Virginia Boutchie left the meeting.

The Selectmen discussed their intention to seek special legislation to exempt the Town from Chapter 30b regulations regarding the Town property at Conomo Point with Town Counsel. Mr. Zubricki said that Senator Tarr has offered to help in any way that he can and will be meeting with Chairman Randall, Mr. Zubricki, and the Inspector General this Wednesday. Town Counsel was in favor of seeking advice and guidance from the Inspector General and agreed to revise as necessary the Conomo Point article for the Special Town Meeting Warrant based on the advice given by the Inspector General.

Attorney Corbo and Rolf Madsen left the meeting.

Planning Board Chair Kim Drake said that the Planning Board has received a joint grant and their Board has been discussing how the grant will be utilized since it is shared with Ipswich and other towns. The Board has also been asked to look at an old request for an easement, now that certain conditions have been met by the property owners. Most of the

members on the Board have been replaced since the original request was made, so it will have to be reviewed again in depth.

Finance Committee Chair Jeff Soulard reported on FinCom's recent meeting with the School Committee and the Manchester FinCom. They are continuing to examine various areas of the proposed FY12 school budget and they will be making some hard decisions in the future in an effort to bring the budget under control. All other departments have been level funded for the past several years, yet the school budget continues to grow every year by 5% or more.

Police Chief Peter Silva presented two different 911 Grants. The *State 911 Department Public Safety Answering Point and Regional Emergency Communications Center Support and Incentive Grant* is in the amount of \$13,138 and the *State 911 Department Training Grant* is in the amount of \$6,000. The Selectmen reviewed the documents and a motion was made, seconded, and unanimously Voted to approve the applications for submittal. Chairman Randall signed the applications and Town Clerk Christina Wright witnessed his signature.

A motion was made, seconded, and unanimously Voted to approve and sign the State Election Warrant.

Kim Drake, Kurt Wilhelm, Christina Wright, Pete Silva, Paul Collins, Alfred DeScenza, and Jeffrey Soulard left the meeting.

A motion was made, seconded, and unanimously Voted to grant a request from Tom Guertner, the manager of Periwinkles restaurant, to close for a 10-day period for cleaning and repairs starting November 8 through November 18th, 2010.

A motion was made, seconded, and unanimously Voted to ratify the Licensing Clerk's signature on a One-Day Wine and Malt License for the Essex Historical Society & Shipbuilding Museum for use on Friday, October 15th, 2010, between the hours of 7:00 and 11:00 p.m. within the confines of the Waterline Center at 66 Main Street.

A motion was made, seconded, and unanimously Voted to grant the following licenses as they appeared on the Agenda:

One-Day Wine and Malt License:

- Robert Hastings, Cape Ann Chamber of Commerce, for use on Saturday, October 23rd, 2010, between the hours of 11:00 a.m. and 5:00 p.m. within the confines of the Clamfest at Memorial Park.

Fuel Storage License:

- Approve an amendment to Charles E. Holden, Holden Essex Realty Trust's license to include storage of 49,000 gallons propane gas in trucks and tanks awaiting reuse.

The Selectmen reviewed the resignation of Nancy Dudley and a motion was made, seconded, and unanimously Voted to accept her resignation as the Essex Representative to the Cable Renewal Committee.

A motion was made, seconded, and unanimously Voted to sign the *Agreement By and Between the Town of Essex and the University of Massachusetts*, a vaccine billing contract to provide training materials and other services to the Board of Health.

Mr. Zubricki reported that a resident has suggested asking Suzie Offenberger, the owner of a parking lot across the street from the former Riverside Restaurant, if she would allow the lot to be used for public parking during the Route 133 reconstruction. The Selectmen asked Mr. Zubricki to discuss the matter with Mrs. Offenberger.

Selectman Jones suggested that a conversation should be held with the Mass Highway people about alternative methods of routing traffic next year when the reconstruction is scheduled to begin in earnest. He said that 30 minute delays are not acceptable and that it may be necessary to route non-truck thru-traffic on Apple Street. The Selectmen asked Mr. Zubricki to continue conversations with Michael Cannatta, the resident engineer, about any and all alternatives, including night work.

Judd Pratt and Steve Cuthbertson asked the Selectmen for more information on the type of waste water study that they wanted the tenants at Conomo Point to commission. Mr. Zubricki explained that part of the transition period when the leases end at Conomo Point will be to provide the Department of Environmental Protection with an acceptable wastewater plan for the area. Mr. Zubricki said that the Selectmen will be meeting with DEP officials and State Officials to discuss different aspects of the transition and that it would be premature at this time to initiate the study. He advised waiting until more information is received from the DEP.

Judd Pratt and Steve Cuthbertson thanked the Selectmen and left the meeting.

The Selectmen reviewed a letter from Tom Ellsworth pointing out a survey that a Boston paper had done showing that the Town of Essex has one of highest ratios of police to residents in the State.

A motion was made, seconded, and unanimously Voted to grant a request from Peggy Duff from the First Universalist Church of Essex to hold the Church's annual lantern walk and camp fire at Centennial Grove and to waive the rental fee on Saturday, November 6th, 2010, between the hours of 4:30 and 9:00 p.m. The Fire Department and the Police will be informed of the event.

Mr. Zubricki said that it has been brought to our attention that Emmons & Martin Antiques appears to be operating their business at 2 Martin Street without a license. A certified letter to Emmons & Martin was returned to the Selectmen's office unclaimed.

The Selectmen agreed that Mr. Zubricki should call Nelson Emmons and find out if he knows how to contact the people at Emmons & Martin. Under the Town Bylaws, the Town is allowed to charge \$50.00 for each offense.

It has also been brought to the attention of the Selectmen's Office that The Red Barrel has a sign out that advertises musical entertainment, but they have no entertainment license. A certified letter was sent to the Red Barrel and accepted. However, there has been no response from the owner. Mr. Zubricki said that he will continue to monitor the situation to see if the sign is removed.

The Selectmen were reminded that the Annual Essex Clamfest will be held on Saturday, October 23rd, 2010, in Memorial Park.

The Selectmen will meet with the Finance Committee for the Finance Committee's second public informational meeting on Thursday, October 28th, 2010, at 7:30 p.m. in the Essex Elementary School.

The next Board of Selectmen's meeting will be held on Monday, November 1st, 2010 at 7:00 p.m. in the T.O.H.P. Burnham Library.

A Special Town Meeting will be held, beginning at 7:30 p.m., at the Essex Elementary School on Monday, November 15, 2010. Prior to that the Selectmen will be meeting at 6:30 p.m. in the Teacher's Lounge.

There will be a joint meeting of the School Committee, both Finance Committees, and both Boards of Selectmen on Wednesday, December 1st, 2010 at 7:30 p.m. to discuss the school budget for FY12 at the MERMH School.

Final Special Town Meeting Warrant: Mr. Zubricki reviewed each of the proposed articles on the *Draft of the Warrant for Special Town Meeting*. After some discussion, a motion was made, seconded, and unanimously Voted to include the articles as they appear on the draft dated October 15, 2010, with the exception of article 16 and the addition of an article to fund the purchase of a maintenance-free dock for Centennial Grove. A motion was made, seconded, and unanimously Voted to amend the draft of article 16, based on the Wednesday, October 20th meeting with Senator Bruce Tarr and the Inspector General and to include the amended article in the warrant after final review by Town Counsel. A motion was made, seconded, and unanimously Voted to close the warrant. A motion was made, seconded, and unanimously Voted to approve the warrant. A motion was made, seconded, and unanimously Voted to sign the finalized Special Town Meeting Warrant containing the new dock purchase article and the amended article 16 outside of a Board of Selectmen's meeting as soon as it becomes available.

At 10:06 p.m., the Chairman entertained a motion to move to Executive Session to discuss collective bargaining and pending litigation. He stated that discussing collective

bargaining and pending litigation in Open Session would have a detrimental effect on both the Town's bargaining position and the Town's litigation strategy. The Chairman stated that the Board would only be returning to Open Session to adjourn the meeting and invited Town Administrator Brendhan Zubricki to attend the Executive Session. The motion was moved and seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:20 p.m. There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Documents used during this meeting include the following:

One-page synopsis and fact sheet of the Public Records Law
State 911 Department Public Safety Answering Point and Regional Emergency
Communications Center Support and Incentive Grant
State 911 Department Training Grant
Agreement By and Between the Town of Essex and the University of
Massachusetts
Draft of the Warrant for Special Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell