

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

November 29th, 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, Police Chief Peter Silva, Conomo Point Planning Committee Chair Mark Lynch, Finance Committee Chair Jeff Soulard, Judd Pratt, Bill Liberti, and Sarah and Michael Garcia.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library. He announced that the meeting was being recorded and said that the Board would hear Public Comment.

Mr. and Mrs. Garcia of 127 Apple Street introduced themselves and said that they were shocked to learn that criminal charges have been filed against the children who defaced the newly replaced Main Street sidewalk. The Garcias said that the children are basically good children and that the Town's reaction was disproportionate to the offense. Mrs. Garcia said that they are working parents and their schedule will not permit them to provide transportation to the juvenile diversion program or community service sites. The Garcias asked the Selectmen to reconsider the position taken by the Town and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering November 13th, 2010 through November 24th, 2010:

Purchase of New Computer Systems: Mr. Zubricki reported that the new computers are ready to be ordered and that he has some money left over from the appropriation that will be used to buy system support software and upgrade printers where necessary. The order for the computers is \$29,836.81 and a motion was made, seconded, and unanimously Voted to approve the order for the new computers in the amount of \$29,836.81.

HIPAA Declarations and Policies: Mr. Zubricki said that Town Counsel has finished reviewing the draft of the Town's revised HIPAA Policy and has recommended a few changes which include changing the status of the Town to a HIPAA Hybrid Entity. After a brief discussion, a motion was made, seconded, and unanimously Voted to designate the Town as a HIPAA Hybrid Entity. A second motion was made, seconded, and unanimously Voted to adopt a new HIPAA Privacy Policy, to adopt a new HIPAA Security Policy, and to adopt a new HIPAA Notice of Privacy Practices based on the changes recommended by Town Counsel, as well as approving future HIPAA training for certain individuals.

Reverse 911 System: Mr. Zubricki reported that he and the Fire Department and the Police Department have been researching reverse 911 systems and have chosen the Code Red System as being most appropriate for the Town. The Code Red System is used by all the other Cape Ann communities. The system will cost \$4510 per year and is based on the Town's total population count. Mr. Zubricki and Town Counsel are now working to draft a contract with Code Red. A motion was made, seconded, and unanimously Voted to sign the new contract outside of a Board of Selectmen's meeting as soon as it is approved by Town Counsel and signed by Code Red. The cost for the first year was recently approved at the November Special Town Meeting and the cost for succeeding years will be incorporated into the annual Selectmen's budget.

Town Building Feasibility Study: Mr. Zubricki presented the *Agreement for Professional Services between the Town and Reinhardt Associates, Inc.* for the feasibility study of existing and proposed Town buildings. There has been no change to the scope of services that was originally contemplated and discussed last May. A motion was made, seconded, and unanimously Voted to approve signature of the contract.

Centennial Grove Fishing Dock: Mr. Zubricki reported that a couple of private citizens have offered their services to build a new fishing dock at Centennial Grove out of wood. After some discussion, the Selectmen were in agreement that they preferred that the dock be a purchased, maintenance-free dock. Mr. Zubricki said he would thank the citizens for their offer and inform them that the Selectmen have decided to pursue a maintenance-free dock.

Downtown Parking Lot Discussion: Mr. Zubricki said that he has spoken with the owner of the vacant lot that is across the street from the vacant Riverside restaurant to see if they would be interested in licensing the vacant lot to the Town to use for parking during the Route 133 reconstruction project. The owner has responded by offering to either sell or lease the lot to the Town on a long-term basis. The Selectmen asked Mr. Zubricki to check with the Building Inspector regarding the zoning bylaws since the only parking for the vacant restaurant is the vacant lot. It was also mentioned that there is currently no extra money in the Town's budget that could be used to either buy the property or lease it.

At 7:32, a motion was made and seconded to move to Executive Session to discuss pending litigation. The Chairman said that discussing the matter in Open Session would be detrimental to the Town's litigating strategy and invited Chief Peter Silva and the Town Administrator to attend. He said that the Board would be returning to Open Session. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:12 p.m.

The Selectmen reviewed the work plan that has been established for the Shellfish Constable and agreed that it is what they want the Constable to follow. Mr. Zubricki said that there had been an incident on the clam flats over the weekend and that the stakes delineating the winter flats have been moved. Certain people were also alleged to be digging on the closed winter flats and there were reports that others have also been digging on the closed flats. Mr. Zubricki agreed to discuss the matter with Deputy Shellfish Constable Knovak to determine whether or not a hearing will be necessary. Shellfish Constable Thistlewood is temporarily out for a few days with a back injury.

Petition for Special Legislation: The Selectmen reviewed ***Town Counsel's letter to Senator Tarr and Representative Ferrante*** requesting special legislation regarding exemption from Chapter 30b for Conomo Point. A motion was made, seconded, and unanimously Voted to approve and sign the letter which will be sent with a certified copy of the Special Town Meeting vote approving the request.

Southern Conomo Point Subdivision Planning Meeting: Mr. Zubricki reviewed ***Chairman Randall's notes*** from the joint meeting with the Planning Board on November 17th to discuss subdivision of Conomo Point. Mr. Zubricki also reviewed the changes to the ***Conomo Point Procedures Calendar***. The Selectmen were reminded that they are required to provide the tenants at Conomo Point written communication of the final procedures for the transition of the leases by December 31st, 2010. After some discussion, the Selectmen asked Mr. Zubricki to include a note in the final procedures materials indicating that the Selectmen are considering the potential for new leases and/or sales north of Robbins Island Road. The Selectmen also asked Mr. Zubricki to put the Calendar on the Town's website.

Mr. Zubricki said that the Selectmen can apply for a subdivision without Town Meeting approval.

It was agreed that a representative from the Planning Board, from the Finance Committee, and from the Conomo Point tenants should attend the Selectmen's meetings during the discussions about Conomo Point. The Selectmen will set aside the time from 7:30 to 8:30 p.m. for discussions regarding the Point.

Chairman Randall said that he would like to utilize a system called mind mapping to gather and organize all the documents and issues regarding the transitioning of the Point. The Chairman said that he would provide the Town Administrator with a link to a free mind mapping program that can be distributed to the various stakeholders and downloaded.

Conomo Point Planning Committee Chairman Mark Lynch said that his committee will be meeting on Thursday to discuss the committee's continuing role in the transition process.

Discussion regarding Conomo Point was concluded and Judd Pratt, Bill Liberti, Jeff Soulard, Peter Silva, and Mark Lynch left the meeting.

Request for FY12 Capital Project Budget Update: Mr. Zubricki reviewed his revised draft of the *5-10 Year Capital/Personnel Plan for FY12*.

In other business, a motion was made, seconded, and unanimously Voted to confirm designation of Conomo Point Planning Committee members as Special Municipal Employees. The list of special employees will be reviewed and possibly amended again at the next Selectmen's meeting.

A motion was made, seconded, and unanimously Voted to ratify the payment of Ramie Reader as being exempt from Section 20 of Chapter 268A of the General Laws.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$646,958.16.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the November 15th, 2010, Selectmen's Open Meeting, the Selectmen's November 12th, 2010, Open Meeting, and the Selectmen's November 12th, 2010, Executive Session.

The Town will be applying for a Massachusetts Downtown Initiative Grant at the recommendation of Carolyn Britt, the planning consultant hired by the Town. Selectman O'Donnell had drafted a *letter of support* from the Selectmen to be included in the grant application package. A motion was made, seconded, and unanimously Voted to approve and sign the letter. A motion was also made, seconded, and unanimously Voted to authorize Mr. Zubricki to file the application electronically on behalf of the Board.

Mr. Zubricki said that the Long Term Planning Committee will be meeting with Carolyn Britt on December 8th to discuss her design for the proposed pocket parks and has invited the Board of Selectmen and the Open Space Committee to attend the discussion. The Selectmen will be posted for the meeting on December 8th.

Mr. Zubricki reviewed a *letter from the State* regarding potential members for a new commission for the study of matters concerning the women of Essex county. The new commission will be called the Massachusetts Commission on the Status of Women. The Selectmen asked Mr. Zubricki to ask Susan Coviello if she would be interested in serving on the commission or knew of someone else who might serve.

After reviewing a letter from David Brown, owner and manager of Shea's Riverside Restaurant, a motion was made, seconded, and unanimously Voted to approve his request to close for repairs and renovations from January 3rd to February 9th, 2011.

The Selectmen considered a request from David Brown of Shea's Riverside Restaurant, to hold a cribbage tournament each Tuesday from 6:45 to 10:00 p.m., starting in December 2010 and throughout 2011. After some discussion, the Selectmen agreed to take the matter under consideration pending further investigation of State laws to be discussed again at their next meeting on December 13th, 2010.

A motion was made, seconded, and unanimously Voted to approve a One-Day Auction Permit for Robert E. Landry, L.A. Landry Antiques, for use on Tuesday, December 7th, 2010, between the hours of 4:00 and 9:00 p.m. within the confines of 125 Main Street.

The Selectmen are scheduled for a joint meeting with the Finance Committees of Manchester and Essex and the School Committee at MERMHS, Room B106, on Wednesday, December 1st, starting at 7:30 p.m.

The Essex Division of the Chamber of Commerce will hold their Holiday Reception and clamfest awards on Thursday, December 9th at the Windward Grille from 5:00 to 7:00 p.m.

The next Selectmen's meeting will take place on Monday, December 13th, 2010, in the T.O.H.P. Burnham Library.

The Cape Chamber of Commerce will have a Holiday Reception on Thursday, December 16th from 4:00 to 6:00 p.m. at the Chamber of Commerce, 33 Commercial Street.

Mr. Zubricki said that he and Selectman O'Donnell will be meeting with the Chamber of Commerce's Task Force to discuss the status of the Route 133 Reconstruction Project on November 30th, 2010.

Mr. Zubricki said that Mary Hickey of the Essex Division of the Chamber of Commerce has informed him that the 5th Grade Class has taken over the organization of Santa's Breakfast as a fundraiser. Funding for breakfast expenses will be reimbursed from proceeds from the event.

The Selectmen decided to take no action regarding a complaint that the Police Department's electronic signboard was being used to promote non-Town sponsored events like the Annual Turkey Trot.

At 10:00 p.m., citing the need to discuss pending litigation, the Chairman entertained a motion to move to Executive Session. He said that discussing the matter in Open Session would be detrimental to the Town's litigating strategy. He stated that the Board would only be returning to Open Session to adjourn the meeting and invited Mr. Zubricki to attend. 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 10:07 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:

Agreement for Professional Services between the Town and Reinhardt Associates, Inc.

Town Counsel's letter to Senator Tarr and Representative Ferrante

Chairman Randall's notes

Conomo Point Procedures Calendar

5-10 Year Capital/Personnel Plan for FY12

Letter of support

Letter from the State

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell